NEGATIVE: Seat Belts (Back Seat Primary Enforcement)

By “Coach Vance” Trefethen

Affirmative plan has the federal government take away highway funding from states unless they make mandatory seat belts for back-seat passengers into a "primary" enforcement law. Under current law, seat belt use is mandatory but police will only ticket someone after the car has been stopped for some other offense (thus, it's a "secondary" offense). Making it a primary offense means police could pull over and stop a car solely for failure to wear back-seat seat belts. AFF''s theory is that this will increase enforcement of seat belts, leading to more seat belt use, leading to lives saved.

NEGATIVE: Seat Belts (Back Seat Primary Enforcement) 3

INHERENCY 3

1. Seat belt use already very high 3

Seat belt usage trend is increasing even among high-risk drivers 3

SOLVENCY 3

1. Studies claiming benefit from increased primary enforcement are flawed 3

Studies were done when there were other factors involved that were the real cause for the better results 3

Updated August 2017 study: Studies promoting "primary enforcement" are outdated. More recent studies take into account more factors and find NO increased effectiveness on death rates 4

2. Already tried & failed. Seat belt laws & enforcement have gone up recently… and so have motor vehicle deaths 4

National seat belt use rate is 87% and the trend is toward more states having "primary" enforcement laws 4

Motor vehicles deaths are up (shouldn't they have gone down after all that seat belt enforcement??) 4

3. Media campaigns 5

Link: AFF plan doesn't fiat nor fund any media campaigns 5

Impact: 4 percentage points of the increase in seat belt usage comes from media campaign effect 5

4. Compliance already maxed out – can't realistically be raised any higher 5

Link: Status Quo has 87% seat belt usage 5

Impact: After 80-90% compliance, you can't get it any higher through tougher enforcement 5

DISADVANTAGES 5

1. Loss of freedom 5

Link: Seat belt use or non-use harms no one but the individual 5

Link: People have a human right to be free of government coercion unless there is a public justification, and even if there is some justification, we have to count the cost of the coercion against the benefits 6

Impact: Cost of government coercion offsets the benefits of the plan 6

Impact: Totalitarian society. Using health care costs to justify banning certain behaviors creates totalitarian government 6

Impact: Freedom is worth the risk 7

2. Racism 7

Link: One of the reasons more states don't have primary enforcement now is the link to racial profiling 7

Link: NC Study finds direct link between seat belt laws and police (mis)treatment of blacks, promoting unconscious institutional racism 7

Link: N.C. and Harvard Studies independently prove police subject Blacks to greater scrutiny and harsher treatment, and it's not because they are committing more crimes 8

Link: More black drivers will be stopped under the AFF plan 8

Link: Florida Study finds differences in Blacks rate of seat belt use cannot explain why they get pulled over so much more often 9

Impact: People die 9

3. Loss of trust in police 9

Link: Plan results in more unwelcome citizen/police interactions and racism (cross apply DA-2) 9

Link: Plan aggravates police/minority relations 9

Link & Brink: Minority trust of police is already low and links to public willingness to cooperate with police (i.e., no cooperation if no trust) 9

Impact: Loss of public safety. Police/Community relations are key to public safety 10

Works Cited 11

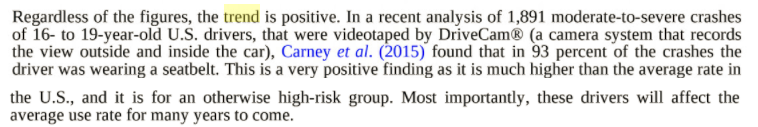
NEGATIVE: Seat Belts (Back Seat Primary Enforcement)

INHERENCY

1. Seat belt use already very high

Seat belt usage trend is increasing even among high-risk drivers

Dr. David Shinar 2017 (PhD; Ben Gurion University of the Negev, Israel) "Traffic Safety and Human Behavior" <https://books.google.com/books?id=1iUpDwAAQBAJ&pg=PT449&lpg=PT449&dq=trend+seat+belt+laws+states&source=bl&ots=VQ4DTIDLHy&sig=TkizfR3jvQ6bC_Kdlhw2ozyt6CY&hl=en&sa=X&ved=0ahUKEwjbxpu5v9PYAhVBleAKHTWbA2E4ChDoAQguMAE#v=onepage&q=trend%20seat%20belt%20laws%20states&f=false>



SOLVENCY

1. Studies claiming benefit from increased primary enforcement are flawed

Studies were done when there were other factors involved that were the real cause for the better results

Jenni Bergal 2017 (journalist) Public Broadcasting System " More states adopt ‘click it or ticket’ laws, but do they work?" 30 Apr 2017 <https://www.pbs.org/newshour/nation/click-it-or-ticket-seat-belt-laws>

A new study published in the American Journal of Preventive Medicine that analyzed data from 2000 to 2014 in states that upgraded from secondary to primary enforcement questions whether the tougher laws are still effective in reducing traffic deaths. “There’s no evidence that these laws are reducing fatalities,” said Sam Harper, an associate professor at McGill University who co-authored the study. Harper said earlier studies that showed primary enforcement laws saved lives were done when seat belt use was much lower, cars were less safe, road design wasn’t as good, and there were no speed cameras. Nowadays, he said, more people buckle up regardless of whether a state has primary or secondary enforcement laws.

Updated August 2017 study: Studies promoting "primary enforcement" are outdated. More recent studies take into account more factors and find NO increased effectiveness on death rates

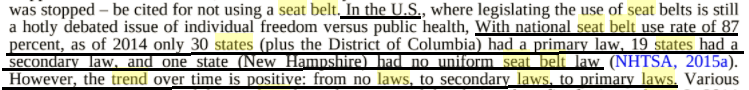
Dr. Sam Harper and Dr. Erin Strumpf 2017 (Both are PhDs working in Dept of Epidemiology, Biostatistics and Occupational Health, Institute for Health & Social Policy and the Dept of Economics, McGill Univ., Montreal, Canada) Aug 2017 Primary Enforcement of Mandatory Seat Belt Laws and Motor Vehicle Crash Deaths <http://www.ajpmonline.org/article/S0749-3797(17)30135-6/pdf>

Policies that allow directly citing motorists for seat belt non-use (primary enforcement) have been shown to reduce motor vehicle crash deaths relative to secondary enforcement, but the evidence base is dated and does not account for recent improvements in vehicle designs and road safety. The purpose of this study was to test whether recent upgrades to primary enforcement still reduce motor vehicle crash deaths.  
Methods  
In 2016, researchers used motor vehicle crash death data from the Fatal Analysis Reporting System for 2000–2014 and calculated rates using both person- and exposure-based denominators. Researchers used a difference-in-differences design to estimate the effect of primary enforcement on death rates, and estimated negative binomial regression models, controlling for age, substance use involvement, ﬁxed state characteristics, secular trends, state median household income, and other state-level trafﬁc safety policies.   
Results  
Models adjusted only for crash characteristics and state-level covariates models showed a protective effect of primary enforcement (rate ratio, 0.88, 95% CI=0.77, 0.98; rate difference, –1.47 deaths per 100,000 population, 95% CI= –2.75, –0.19). After adjustment for ﬁxed state characteristics and secular trends, there was no evidence of an effect of upgrading from secondary to primary enforcement in the whole population (rate ratio, 0.98, 95% CI=0.92, 1.04; rate difference, –0.22, 95% CI= –0.90, 0.46) or for any age group.  
Conclusions  
Upgrading to primary enforcement no longer appears protective for motor vehicle crash death rates.

2. Already tried & failed. Seat belt laws & enforcement have gone up recently… and so have motor vehicle deaths

National seat belt use rate is 87% and the trend is toward more states having "primary" enforcement laws

Dr. David Shinar 2017 (PhD; Ben Gurion University of the Negev, Israel) "Traffic Safety and Human Behavior" <https://books.google.com/books?id=1iUpDwAAQBAJ&pg=PT449&lpg=PT449&dq=trend+seat+belt+laws+states&source=bl&ots=VQ4DTIDLHy&sig=TkizfR3jvQ6bC_Kdlhw2ozyt6CY&hl=en&sa=X&ved=0ahUKEwjbxpu5v9PYAhVBleAKHTWbA2E4ChDoAQguMAE#v=onepage&q=trend%20seat%20belt%20laws%20states&f=false>



Motor vehicles deaths are up (shouldn't they have gone down after all that seat belt enforcement??)

National Safety Council 2017 ( non-profit safety research and advocacy group, chartered by Congress) 15 Feb 2017 "Motor Vehicle Deaths in 2016 Estimated to be Highest in Nine Years" <http://www.nsc.org/Connect/NSCNewsReleases/Lists/Posts/Post.aspx?ID=180>

For the first time in nearly a decade, preliminary 2016 data from the National Safety Council estimates that as many as 40,000 people died in motor vehicle crashes last year. That marks a 6% increase over 2015, and a 14% increase over 2014 – the most dramatic two-year escalation since 1964 – 53 years.

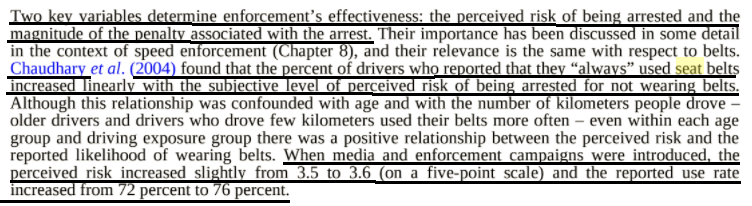
3. Media campaigns

Link: AFF plan doesn't fiat nor fund any media campaigns

Many of the states and studies cited by AFF that showed "increased seat belt use" had a media campaign to raise awareness. It wasn't just the change in law itself. But AFF isn't doing that…

Impact: 4 percentage points of the increase in seat belt usage comes from media campaign effect

Dr. David Shinar 2017 (PhD; Ben Gurion University of the Negev, Israel) "Traffic Safety and Human Behavior" <https://books.google.com/books?id=1iUpDwAAQBAJ&pg=PT449&lpg=PT449&dq=trend+seat+belt+laws+states&source=bl&ots=VQ4DTIDLHy&sig=TkizfR3jvQ6bC_Kdlhw2ozyt6CY&hl=en&sa=X&ved=0ahUKEwjbxpu5v9PYAhVBleAKHTWbA2E4ChDoAQguMAE#v=onepage&q=trend%20seat%20belt%20laws%20states&f=false>



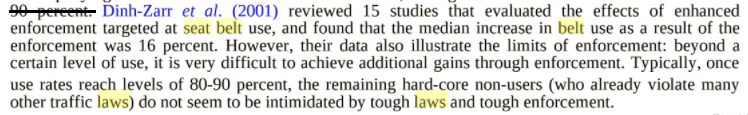
4. Compliance already maxed out – can't realistically be raised any higher

Link: Status Quo has 87% seat belt usage

Cross Apply first card under Inherency #2 above. Nationwide we have 87% seat belt use today.

Impact: After 80-90% compliance, you can't get it any higher through tougher enforcement

Dr. David Shinar 2017 (PhD; Ben Gurion University of the Negev, Israel) "Traffic Safety and Human Behavior" <https://books.google.com/books?id=1iUpDwAAQBAJ&pg=PT449&lpg=PT449&dq=trend+seat+belt+laws+states&source=bl&ots=VQ4DTIDLHy&sig=TkizfR3jvQ6bC_Kdlhw2ozyt6CY&hl=en&sa=X&ved=0ahUKEwjbxpu5v9PYAhVBleAKHTWbA2E4ChDoAQguMAE#v=onepage&q=trend%20seat%20belt%20laws%20states&f=false>



DISADVANTAGES

1. Loss of freedom

Link: Seat belt use or non-use harms no one but the individual

It's a personal choice and it causes no harm to anyone else if you choose not to use a seat belt.

Link: People have a human right to be free of government coercion unless there is a public justification, and even if there is some justification, we have to count the cost of the coercion against the benefits

Prof. Kevin Vallier 2017 (associate professor of philosophy at Bowling Green State University ) 3 Jan 2017 A Rawlsian Case for Libertarianism <https://www.libertarianism.org/publications/essays/rawlsian-case-libertarianism>

We now turn to Gaus’s case for a right against legal coercion. For Gaus, rights of agency are among our most fundamental rights, and they include a right not to be coerced in the absence of a compelling justification. Libertarians might rejoice here, but not so fast: Gaus claims that reasonable people disagree about which forms of social order are most coercive, so some nonlibertarian views about the coerciveness of the market may present problems for libertarian property rights claims. Nonetheless, there are certain obvious core cases of coercion, such as the forms of coercion used by police, that all recognize as coercive. Legislation is also typically coercive. Gaus then argues that, insofar as we have a settled scheme of basic liberties (which include a right of private property), these rights set a baseline against which coercion must be justified. If the government proposes to use coercion to force you to wear a motorcycle helmet or evict you from your home and if you have a publicly justified right to make your own decisions with regard to those issues, then the right against legal coercion prohibits state action. Gaus also notes that publicly justified legislation, despite justifying the use of legal coercion, must be evaluated by counting its coerciveness as one of the reasons to oppose the law (even if those reasons are ultimately overridden). States are not exempt from this standard. Gaus stresses that the right against legal coercion is a right that coercion be prohibited in the absence of a public justification. Further, a law’s coerciveness continues to count against it even when the factors favoring the law are stronger.

Impact: Cost of government coercion offsets the benefits of the plan

Prof. Kevin Vallier 2017 (associate professor of philosophy at Bowling Green State University ) 3 Jan 2017 A Rawlsian Case for Libertarianism <https://www.libertarianism.org/publications/essays/rawlsian-case-libertarianism>

It should be plain that a right against legal coercion pushes public reason in an even more classically liberal direction. Not only is there a strong right against the state to not be coerced in the absence of a public justification, but also the cost of coercion must still figure into the justification of a law we think is, all things considered, publicly justified. Given the diverse, moderately idealized reasons of the public, the right against legal coercion will be a powerful one, including when it comes to the protection of private property rights.

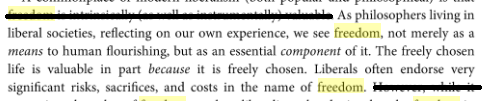
Impact: Totalitarian society. Using health care costs to justify banning certain behaviors creates totalitarian government

Jacob Sullum 1994. (Articles editor of National Review) Do Smokers Have Rights? The Science and Politics of Tobacco Nov/Dec 1994 <https://www.cato.org/policy-report/novemberdecember-1994/do-smokers-have-rights-science-politics-tobacco>

A major problem is that the government pays some people's medical bills, so the costs of medical care do not figure into a person's decision to smoke. Anti-smoking activists argue that because it provides public health insurance, the government is justified in taxing cigarettes or using other measures to discourage smoking. Since the government picks up the tab, it should be able to regulate behavior that generates the expense. If you follow the debates over motorcycle helmet laws or seatbelt laws or drug prohibition, you know that that sort of rationale is used for all kinds of things. It doesn't take more than a moment's reflection to see the totalitarian implications of that argument. If the government may regulate risky behavior to avoid future outlays under public health insurance, there is no end to the controls it may impose. I'm sure each and every one of you engages in behavior that could be thought to raise your risk of getting various kinds of diseases or injuries. And I'm sure that you wouldn't want to see your behavior either banned or taxed prohibitively.

Impact: Freedom is worth the risk

Dr. Tim Mulgan 2015 (PhD philosophy) PURPOSE IN THE UNIVERSE <https://books.google.com/books?id=eipUCgAAQBAJ&pg=PT257&lpg=PT257&dq=freedom+outweighs+lives&source=bl&ots=_aS_zgkiDU&sig=mfkfdmhoFFkj4Zt-FPAIB4m4MBo&hl=en&sa=X&ved=0ahUKEwiFlbO2iL3YAhVBTt8KHS78CCsQ6AEIQDAE#v=onepage&q=freedom%20outweighs%20lives&f=false>



2. Racism

Link: One of the reasons more states don't have primary enforcement now is the link to racial profiling

[Nathaniel C. Briggs](javascript:void(0);), MD, MSc, [David G. Schlundt](javascript:void(0);), PhD, [Robert S. Levine](javascript:void(0);), MD, [Irwin A. Goldzweig](javascript:void(0);), MS, [Nathan Stinson Jr](javascript:void(0);), MD, DrPH, [Rueben C. Warren](javascript:void(0);), DDS, DrPH 2006. Seat Belt Law Enforcement and Racial Disparities in Seat Belt Use , AMERICAN JOURNAL OF PREVENTIVE MEDICINE <http://www.ajpmonline.org/article/S0749-3797(06)00151-6/fulltext>

Unfortunately, primary legislation has met resistance in many states because of libertarian concerns about personal freedom and concerns among state legislators and their constituents about racial profiling, whereby law enforcement officers could selectively stop and cite minority motorists for seat belt law violations. Although there is a paucity of peer-reviewed literature addressing the occurrence of racial profiling, several reports indicate that blacks are more responsive to primary seat belt laws than whites because of a greater perceived risk of being ticketed.

Link: NC Study finds direct link between seat belt laws and police (mis)treatment of blacks, promoting unconscious institutional racism

Nicole Flatow 2013 (Deputy Editor of ThinkProgress Justice) 30 Sept 2013 " North Carolina Police 3 Times More Likely To Arrest Blacks After Seat Belt Violation, Study Finds" <https://thinkprogress.org/north-carolina-police-3-times-more-likely-to-arrest-blacks-after-seat-belt-violation-study-finds-f9e67221e784/>

In Durham County, North Carolina, blacks are more than twice as likely as whites to be searched after a speeding stop, and the difference is even higher when they are stopped for a seat belt violation. Durham’s mayor is instituting an investigation into racial profiling by police, after a University of North Carolina Study released last year showed that blacks and Hispanics across the state are much more likely than whites to be searched pursuant to a traffic stop, and much more likely to later be arrested for similar offenses. The data, which N.C. Central University’s Scott Holmes called evidence that “as an empirical fact … we have a culture in our law enforcement for unconscious institutional racism,” comes as the Department of Justice is filing a lawsuit alleging the state’s new restrictive voting law is discriminatory and will disenfranchise minority voters.

Link: N.C. and Harvard Studies independently prove police subject Blacks to greater scrutiny and harsher treatment, and it's not because they are committing more crimes

Ron Bailey 2016 (journalist) 15 July 2016 "Black Dignity Matters" REASON magazine <http://reason.com/archives/2016/07/15/black-dignity-matters>

"So the increased reliance on probable cause to search blacks is not associated with more accurate assessments of the likelihood of blacks engaging in criminal behavior," the researchers write. They add, "The data make clear that with regard to consent and probable cause searches, an increased targeting of black males was completely unjustified by any corresponding increase in contraband hit rates." In other words, the greatly increased number of police searches of black male motorists has not resulted in finding any more drugs, illicit guns, or stolen property. The idea that police tend to treat black Americans more harshly than white Americans was further bolstered by a new study by the Harvard economist Roland Fryer, Jr., that assesses [racial differences in police use of force](http://www.nber.org/papers/w22399.pdf). Fryer analyzed what happened after black, white, and Hispanic citizens were stopped by police in ten cities. Fryer reports that with regard to non-lethal uses of force, such as being grabbed, pushed into a wall or onto the ground, or handcuffed, "blacks and Hispanics are more than fifty percent more likely to experience some form of force in interactions with police than whites." There was one notable exception to this pattern: Despite the vivid stream of video testimony of police shootings of black men, "blacks are 23.8 percent less likely to be shot by police, relative to whites." In any case, the North Carolina and Harvard studies strongly indicate that police do subject African Americans to greater unwarranted scrutiny and harsher treatment. "We can conclude that blacks in North Carolina appear to have good reasons to be mistrustful of the police, and that these trends appear to be growing over time," the North Carolina researchers warn.

Link: More black drivers will be stopped under the AFF plan

National Institute of Justice 2013. (an agency of the US Dept of Justice) Racial Profiling and Traffic Stops <https://www.nij.gov/topics/law-enforcement/legitimacy/pages/traffic-stops.aspx>

Research has verified that people of color are more often stopped than whites. Researchers have been working to figure out how much of this disparity is because of discrimination and how much is due to other factors, but untangling these other factors is challenging:  
**Differences in driving patterns.** The representation of minority drivers among those stopped could differ greatly from their representation in the residential census. Naturally those driving on the road, particularly major thoroughfares, could differ from those who live in the neighborhood. As a result, social scientists now disregard comparisons to the census for assessing racial bias.   
**Differences in exposure to the police.** If minority drivers tend to drive in communities where there are more police patrols then the police will be more likely to notice any infractions the black drivers commit. Having more intense police patrols in these areas could be a source of bias or it could simply be the police department's response to crime in the neighborhood.  
**Differences in offending**. Seatbelt usage is chronically lower among black drivers. https://www.nij.gov/topics/law-enforcement/legitimacy/pages/traffic-stops.aspx - note3 If a law enforcement agency aggressively enforces seatbelt violations, police will stop more black drivers.

Link: Florida Study finds differences in Blacks rate of seat belt use cannot explain why they get pulled over so much more often

Nusrat Choudhury 2016 (senior staff attorney with ACLU Racial Justice Program) 26 Jan 2016 New Evidence of Racial Profiling on Florida Roadways <https://www.aclu.org/blog/criminal-law-reform/new-evidence-racial-profiling-florida-roadways>

Although the 2014 study by the Florida Department of Transportation (FDOT) reported differences in seat belt use (and therefore non-use) in white and Black people observed in the study, it did not estimate rates of seat belt use or non-use for white and Black resident motorists across Florida. Nevertheless, even if we ignore the problems in translating the study results to race differences at the state level, there is a **less than 1 in 1,000 chance**that the racial disparity in seat belt non-use of those observed in the study (1.67) accounts for the statewide racial disparity in seat belt citations seen here (1.85 to 1.9), much less the larger racial disparities in local practices identified in the report — for example, 2.83 to 3.10 (Palm Beach County Sheriff’s Office), 3.88 to 4.22 (Escambia County Sheriff’s Office). This finding calls into question the argument that Black motorists were stopped and ticketed for seat belt offenses across Florida and by particular agencies at such high rates simply because they failed to obey seat belt requirements at higher rates.  As noted in pages 29-30 of the report, based on information available at this time, any differences in racial groups’ exposure to law enforcement cannot explain the observed racial disparities in citation rates.

Impact: People die

Nusrat Choudhury 2016 (senior staff attorney with ACLU Racial Justice Program) 26 Jan 2016 New Evidence of Racial Profiling on Florida Roadways <https://www.aclu.org/blog/criminal-law-reform/new-evidence-racial-profiling-florida-roadways>

Sam Dubose. Walter Scott. Sandra Bland. 2015 showed in terrible and vivid detail how even routine police traffic stops carry the risk of escalating to arrest or the use of force — even lethal force. Traffic stops are not simply innocuous encounters. They can be deadly, particularly for Black people. When evidence suggests that certain communities are targeted for traffic stops because of their race or ethnicity, we need to take heed.

3. Loss of trust in police

Link: Plan results in more unwelcome citizen/police interactions and racism (cross apply DA-2)

It has to, or else it has no impact. Police are going to be stopping more people more often and giving more citations to enforce primary back-seat belt laws.

Link: Plan aggravates police/minority relations

Cross apply evidence from DA-2 that showed seat belt laws create an excuse for police to stop minorities far more often than whites

Link & Brink: Minority trust of police is already low and links to public willingness to cooperate with police (i.e., no cooperation if no trust)

Prof. Tom R. Tyler 2005 (psychology, New York University) Policing in Black and White: Ethnic Group Differences in Trust and Confidence in the Police, POLICE QUARTERLY <http://journals.sagepub.com/doi/abs/10.1177/1098611104271105>

Public trust and confidence in the police is generally low, with minority group members especially mistrustful of the police. This study uses a sample of New Yorkers to examine, first, whether trust is related to public willingness to cooperate with the police. The results suggest that it is. Second, this study examines the relationship of police policies and practices to trust in the police. The study finds that trust is most strongly influenced by public judgments about the fairness of the procedures that the police follow when exercising their authority.

Impact: Loss of public safety. Police/Community relations are key to public safety

US Dept of Justice, Community Relations Service 2015. Importance of Police-Community Relationships and Resources for Further Reading <https://www.justice.gov/crs/file/836486/download>

Strong relationships of mutual trust between police agencies and the communities they serve are critical to maintaining public safety and effective policing. Police officials rely on the cooperation of community members to provide information about crime in their neighborhoods, and to work with the police to devise solutions to crime and disorder problems. Similarly community members’ willingness to trust the police depends on whether they believe that police actions reflect community values and incorporate the principles of procedural justice and legitimacy.

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