# 1NC

## 1

#### Interp: If the affirmative defends anything other than “States ought to ban lethal autonomous weapons” then they must provide a counter-solvency advocate for their specific advocacy in the 1AC. (To clarify, you must have an author that states we should not do your aff, insofar as the aff is not a whole res phil aff)

#### Violation

#### Prefer

#### 1. Limits – there are infinite things you could defend outside the exact text of the resolution which pushes you to the limits of contestable arguments, even if your interp of the topic is better, the only way to verify if it’s substantively fair is proof of counter-arguments. Nobody knows your aff better than you, so if you can’t find an answer, I can’t be expected to. Our interp narrows out trivially true advocacies since counter-solvency advocates ensure equal division of ground for both sides.

#### 2. Research – Forces the aff to go to the other side of the library and contest their own view points, as well as encouraging in depth-research about their own position. Having one also encourages more in-depth answers since I can find responses. Key to education since we definitionally learn more about positions when we contest our own.

#### NC theory first

#### 1] AC Abuse was self afflicted

#### 2] Negating is harder – automatically err negative to rectify side bias and in round difficulty

#### 3] Resolvability –debates become irresolvable unless you adjudicate earlier theory first

#### 4] Self defense – 1AR abuse stories incoherent you get to leverage the AC against the NC

#### 5] Skew- overcovering and undercovering parts of the 1AC is inevitable give leeway

#### eval theory debate after 2NR, 1-1 speech and solves all of the reasons why affirming is harder since there is no 2AR judge psychology and it flips the 7-6 time skew on the 2NR

## 2

#### Reading Curry is black fem-phobic – I’m gonna attach a shit ton of screen-shots and insert sections of curry’s work.

#### He scapegoats Black women as the ones who wanted Black men to be the patriarch – in response to Black hypermasculinity, Curry would blame Black women.

Curry 17 — Tommy J. Curry, Professor of Philosophy at Texas A&M University, holds a Ph.D. in Philosophy from Southern Illinois University, 2017 (“Conclusion: Not MAN but Not Some Nothing,” *The Man-Not: Race, Class, Genre, and the Dilemmas of Black Manhood*, Published by Temple University Press, ISBN 9781439914878, p. kindle 4854-4996)

Intersectionality and Hegemonic Masculinity

While contemporary intersectionality theorists argue that the theory can and, in fact, does apply to Black males, there has been no critical interrogation of the role dominance theory plays in explaining or defining heterosexual Black male behavior under intersectionality. For example, Frank Rudy Cooper’s “Against Bipolar Black Masculinity: Intersectionality, Assimilation, Identity Performance, and Hierarchy” asserts that the analysis of Black male bipolarity (the oscillation between the Good Black and Bad Black male image) “is an intersectional phenomenon because it is the product of the combination of narratives about [B]lackness in general and narratives about [B]lack masculinity in particular.”36 At the same time, however, he asserts that heterosexual Black men, good and bad, are seduced “into taking pleasure in the present hierarchies”37 Despite their material location, in prison or in the boardroom, “heterosexual [B]lack men are taught to emulate the economically-empowered heterosexual white men who set the norms in this culture.”38 Using Michael Kimmel’s essay “Masculinity as Homophobia,” Cooper interprets Raewyn Connell’s theory of hegemonic masculinity to conclude:

The predominant account of normative United States masculinity describes it as fundamentally based on a fear of being associated with denigrated others. To be a full man, one must distinguish oneself from femininity. One accomplishes that by distancing himself from the qualities associated with women and from women themselves. Instead, one treats women as possessions to be displayed as evidence of one’s manhood. Similarly, one must distance oneself from gay men. This is the attempted repudiation of the presence of feminine qualities in men.39

Kimmel cites Connell’s Gender and Power to explain hegemonic masculinity as “the image of masculinity of those men who hold power.” 40 According to Kimmel, “We equate manhood with being strong, successful, capable, reliable, in control.”41 In fact, it is these definitions of manhood that are used to “maintain the power that some men have over other men and that men have over women.” As discussed previously, these notions simply do not apply to racially subordinated males who are targeted by white patriarchy. As decades of data have suggested, Black men and boys simply do not see masculinity either as the ideal for which one should strive or as synonymous with Black manhood.

Cooper argues that heterosexual Black men seek to emulate this normative white masculinity, making them “feel compelled to prove their manhood through acts that distance them from marginalized others.” Perhaps most interesting, he maintains that intersectional disadvantage does not change the impulse of the heterosexual male. Despite their condition or circumstances, “heterosexual [B]lack men will seek to offset their feelings of powerlessness by subordinating others.”42 This explanation highlights the difference between the application of a theory and anthropological assumptions behind a theory. Cooper argues that intersectionality helps us understand the identity-level tensions and conflicts between Black men being designated as good or bad in a white-supremacist society, but behind the analysis of identity is an assumption about the nature of heterosexual Black men. Cooper’s claim does not emerge from any historical or empirical study of heterosexual Black males, but from the familiarity this narrative has among gender theorists—his repetition of the consensus concerning Black males held by his audience. Cooper only cites the anecdotal analysis bell hooks offers of Black males’ political aspirations after emancipation. While hooks admits that newly freed Black men and women were both struggling with the contradictions of gender in which Black women demanded that Black men protect and provide for them, it is only Black men, in their struggle to fulfill this role and be recognized as men, who are deemed patriarchs.43 Like Michele Wallace, hooks is unable to conceptualize (non-feminist-inspired) Black masculinities, especially after racial integration.44 She assumes that the history of Black gender relations can be told as one that conceptualizes Black womanhood as participating in sexism but is much less innocuous in its reproduction of patriarchy than Black males, while the political struggles of Black men are primarily mimetic and motivated by their desire to dominate others. Since hooks provides no citations to substantiate her interpretation of (heterosexual) Black men’s 150-year struggle for freedom in this country, the reader is expected to accept Cooper’s understanding of the Black male personality based solely on the authoritative force of bell hooks’s pronouncement. Regardless of their location, heterosexual Black men, because they are male, are thought always to aspire to the characteristics of white (bourgeois) masculinity. Even in those cases where the Black male is shown to be materially oppressed, Cooper asserts, Black males will subordinate others to compensate for the power they lack.

#### AND He argues that women have privilege in the court system, and they actively use and exploit it in assault cases.

Curry 17 — Tommy J. Curry, Professor of Philosophy at Texas A&M University, holds a Ph.D. in Philosophy from Southern Illinois University, 2017 (“Introduction: Toward a Genre Study of Black Male Death and Dying,” *The Man-Not: Race, Class, Genre, and the Dilemmas of Black Manhood*, Published by Temple University Press, ISBN 9781439914878, p. kindle 705-823)

Black Male Vulnerability as a Foundation: Evaluating the Political Economy of Black Male Erasures from Theory

Black male vulnerability is the term I use to capture the disadvantages that Black males endure compared with other groups; the erasure of Black males’ actual lived experience from theory; and the violence and death Black males suffer in society. The term is not meant simply to express the material disadvantages Black males face due to incarceration, unemployment, police brutality, homicide, domestic and sexual abuse throughout society, or their victimhood. The term is also meant to express the vulnerable condition—the sheer fungibility—of the Black male as a living terror able to be killed, raped, or dehumanized at any moment, given the disposition of those who encounter him. Black male vulnerability is an attempt to capture the Black male’s perpetual susceptibility to the will of others, how he has no resistance to the imposition of others’ fears and anxieties on him. Despite the contemporary intersectional, feminist, and liberal-progressive framings of gender hierarchies that maintain that Black men have some privilege based on their maleness, Black men and boys lag behind on practically every population indicator, from education and income to health and mortality.

Classrooms are hostile environments for young Black boys.105 They are often thought of as lazy, disruptive, and in need of the most discipline.106 Teachers routinely assert that Black boys are less intelligent than whites and Black girls and treat them less favorably as a result.107 Some scholars have even shown that parents have taken up the view that Black boys are less academically gifted than Black girls. These lower parental expectations for Black boys academically leads to not only less parental involvement in their education but also less reward or encouragement for their academic success.108 The negative experiences Black boys endure from kindergarten through twelfth grade have very real consequences for college and beyond. Since the dawn of the twenty-first century, Black men have received fewer than 40 percent of the associate, professional, and doctoral degrees awarded to Black Americans.109 The consequence of Black males earning fewer bachelor’s and doctoral degrees is reflected in the number of Black male professors at Title IV institutions throughout the country. According to the most recent report by the American Association of University Professors, there are roughly 48,000 Black male and about 70,000 Black female professors at Title IV colleges or universities in the United States.110 Black female professors outnumber Black male professors by a little more than 20,000. In contrast to the history of white Americans in higher education, Black men have always been outnumbered by their female counterparts in college enrollment and degree attainment. As the demographer Anne McDaniel explains, “The historical trend in college completion for [B]lacks is not marked by the reversal of a gender gap that once favored males, as it is for whites, but rather entails a longstanding female advantage.”111

Similarly, the economist Rhonda Sharpe notes, “Since 2000, Black women earned twice as many associate’s, bachelor’s and master’s degrees as [B]lack men and nearly twice as many professional and doctorate degrees.”112 The growth of Black women in the university has allowed them, as a group, to attain tenure-track employment at rates comparable that of their non-Black counterparts over the past two decades,113 while Black males are still trying to gain sustainable access to colleges and universities at the baccalaureate level.114 This historical advantage of Black women in education, first remarked on by W.E.B. DuBois in 1927, brings attention to a stark race-sex inequality disregarded by many, if not most, scholars working on race and gender.115 If this gender gap in education continues, warns Wilma Henry, “by 2097, all of the baccalaureate degrees earned by African Americans will be bestowed on African American women.”116 The smaller number of Black males pursuing college as a first choice drives many into labor-intensive blue-collar occupations. While these jobs will offer some economic independence compared with those years spent in college, Black males in these blue-collar occupations rarely climb the economic ladder into the middle class. This lack of class mobility for Black males carries the risk of poverty and unemployment.

Incarceration has also had a devastating impact on Black males’ lifelong economic prospects. At the end of 2009, an estimated 841,000 Black men and 64,800 Black women were in state or federal prisons and local jails.117 According to the Bureau of Justice report on prisoners, “On December 31, 2014, [B]lack males had higher imprisonment rates than prisoners of other races or Hispanic origin within every age group.”118 The economists Derek Neal and Armin Rick found that “the growth of incarceration rates among [B]lack men in recent decades combined with the sharp drop in [B]lack employment rates during the Great Recession have left most [B]lack men in a position relative to white men that is really no better than the position they occupied only a few years after the Civil Rights Act of 1965.”119 The impact of incarceration is not simply rooted in the removal of these Black males from society. Incarceration also marks Black men for years after they are released, making employment and basic sustenance nearly impossible. Evelyn Patterson and Christopher Wildeman’s recent study “Mass Imprisonment and the Life Course Revisited” found that imprisonment has even more devastating effects on Black males’ economic condition and quality of life than previously thought, since incarceration robs Black males of disproportionately more years that they are capable of working. Patterson and Wildeman conclude, “The total amount of time [B]lack men on average spend marked—not in prison but an ex-prisoner and felon—is far larger (at 11.14 years, corresponding to roughly 27 percent of their working lives). . . . [T]his means that [B]lack men spend on average 31 percent—roughly one-third—of their working lives either locked in a state prison or struggling to overcome the negative outcomes that result from their marked status.”120 As Becky Pettit argues, “High rates of incarceration among [B]lack men—and [B]lack men with low levels of education in particular—have profound implications for accounts of their social standing and that of their children, families, and communities where they live prior to and following incarceration.”121 Incarceration, then, is more than simply an institution; it is a socially invigorated stigma that marks poor, uneducated Black males throughout their lives and is far too often related to their impending deaths. But what if society is so dangerous for Black men and boys that prison, despite its deleterious consequences, is preferable? Evelyn Patterson’s “Incarcerating Death: Mortality in U.S. State Correctional Facilities, 1985–1998,” points out that Black men are actually safer in prison than in American society. She writes, “For [B]lack males at every age, death rates were higher for the population outside of prison compared with their same-race counterparts in prison.”122 What are scholars to make of this paradoxical social reality?

Historically, the prison has been explained as an institution that deprives the criminal of freedom. Incarceration is thereby linked to slavery and America’s history of racism by the extent to which Black men are criminalized and then made into prisoners, but rarely do these analyses explore the sexual aspects of imprisonment. As with our notions of racism, and even American slavery, Black males are imagined only in terms of their confrontation with white male power, never in terms of their vulnerability to rape or sexual violence at the hands of white men and women. Regardless of race, we live in a culture that denies the vulnerability of men to rape generally. Rape, when it does happen to men, is thought to be perpetrated only by other men. Women are never thought of as rapists or as perpetrators of sexual violence. As Lara Stemple, Andrew Flores, and Ilan Meyer explain, “Stereotypes about women, which reflect gender and heterosexist biases, include the notion that women are nurturing, submissive help mates to men. The idea that women can be sexually manipulative, dominant, and even violent runs counter to these stereotypes. Yet studies have documented female perpetrated acts that span a wide spectrum of sexual abuse, which include even severe harms such as nonconsensual oral sex, vaginal and anal penetration with a finger or object, and intercourse.”123 Female perpetration of sexual violence does not occur in a vacuum. Female perpetrators are aware of the innocence attributed to femininity and consequently the protection being female offers them from being seen as perpetrators of sexual violence, especially in cases involving imprisoned Black males.

#### AND He Misgenders queer folx

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#### AND Says Black Trans folx are too small of a category to analyze the intersections between transness and violence

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#### And Elitist –

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#### AND Positions Black males as the Most oppressed in society – pathologizing the plights of black women

Text

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#### AND Silences Black Women

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#### That’s a reason to DTD: 1.] DTA makes it a no risk option – they can always read the argument and then go for it if a team doesn’t call them out but if they are they kick out of it. Only rejecting them sets a norm of violent authros to read. 2.] Risk of reading this author causes trauma to other debaters in the future is proof of why you should err on the side of dropping the team 3.] Even if they cited a different portion of curry, we shouldn’t let him gain academic hegemony that invisiblizes his violent tendencies.

## 3

#### Interpretation - the affirmative can only garner offense from the hypothetical implementation of a topical aff – hold the line, CX prove there’s no I-meet.

#### Resolved" requires a policy.

Merriam Webster '18 (Merriam Webster; 2018 Edition; Online dictionary and legal resource; Merriam Webster, "resolve," <https://www.merriam-webster.com/dictionary/resolve;> RP)  
: a legal or official determination especially: a legislative declaration

#### Debate is a game since we’re both here to win so procedural questions come first. The only role of the ballot and judge is to vote for whoever better debated the topic.

#### Vote neg – their interp explodes limits [ AA] and allows affs to monopolize the moral high ground. The lack of a stable mechanism lets them radically re-contextualize their aff and erase neg ground via perms. Impacts—

#### A] Fairness is good and prior – debate’s a game that requires effective competition and negation, which makes their offense inevitable, it internal link turns clash and engagement.

#### B] Cutting negs to every possible aff wrecks small schools, which has a disparate impact on under-resourced and minority debaters.

#### C] Can’t weigh the aff—it’s just as likely that they’re winning it because we weren’t able to effectively prepare to defeat it.

#### D] Inescapable – the AC conforms to every norm of debate – speed, speech times, ballots – proves they value playing the game and isolating T as the one bad rule is arbitrary.

#### E] Probability – ballots can’t shape our subjectivity or create broad political change but can rectify in-round skews.

#### Debate is imperfect, but only our interpretation can harness legal education to understand the law’s strategic reversibility paired with intellectual survival skills.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem **into manageable components**. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

## 4

#### 1] Interpretation: The affirmative must defend an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.

Merriam Webster ND, <https://www.merriam-webster.com/dictionary/unconditional> //sid

 not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

#### Unconditional

US Legal. Unconditional Law and Legal Definition. https://definitions.uslegal.com/u/unconditional/

Unconditional means without conditions; without restrictions; or absolute. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain.

#### 2] Violation – They only grant the Right to Strike to Teachers. That by definition is a condition since they condition the right to strike on a particular occupation.

#### 3] Standards –

#### a] Limits – there are endless conditions the aff can place on the right to strike – i.e based on occupation, national holidays, location of strike, etc. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.

#### b] Neg Ground – all of our ground is predicated on the debate between unconditional and conditional – shifting the debate to particular conditions eviscerates core Negative Arguments like Economic Perception or Investment Signaling which only happen as a result of a blanket right to strike.

#### 4] TVA – establish a right to strike and read prisons as an Advantage.

#### 5] Paradigm Issues –

#### Education is a voter since it is the only portable and durable skill that influences our subject formation. Fairness is a voter since a] debate is a game, competition equity matters proven by desire for wins, b] is worthless without rules and equal access.

#### Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability and deters future abuse through a loss and b] set better norms for debate since you are less likely to repeat a practice you can lose for

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear model of debate, [b] it creates a race to the top where we create the best possible norms for debate through offense [c] offense defense paradigm is the best method for evaluation since you can compare benefits under both interps easier.

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, if logic isn’t true then you should hack against them, b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

## 5

CP Text: Incarcerated workers ought to strike

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This year’s Prison Labor Strike was one of the most amazing mobilizations of liberatory politics in the past decade. It was the latest iteration in the most recent generation of prison rebellions, which has included labor strikes in Georgia prisons in 2010, the three Pelican Bay hunger strikes in California 2011-2013, and the direct predecessor of the latest action: the strike against prison slavery in 2016.

The authoritarian nature of prison bureaucracies prevents us from compiling a precise chronicle of what takes place behind the walls. However, according to the lead organization in the strike, the network of prisoners known as Jailhouse Lawyers Speak, actions occurred in 16 states and federal prisons. In addition, over 200 people went on strike in the Northwest Immigration Detention Center.

Amani Sawari, the official spokesperson for Jailhouse Lawyers Speak, emphasized that the mobilization took many forms. In some prisons, striking meant refusing work; in others it involved hunger strikes or refusing to spend money for commissary and phone services. Apart from actions inside prisons, Sawari reported that more than 200 community organizations across the country endorsed the strike. These supporters carried out dozens of solidarity actions, including call-in campaigns known as phone zaps, noise demonstrations, teach-ins, sit-ins and massive email campaigns.

#### Competes: intersectionality

#### NB: solvency deficit, perceptions and recognition aren’t enough