## 1

### 1NC—OFF

#### Interpretation: topical affirmatives must defend recognizing an unconditional right to strike. To clarify, unconditional recognition cannot be contingent on a subset of workers or government.

#### Violation— Plan’s a regulation of a right to strike but they don’t defend a net increase– they only defend a subset of workers—that means they fiat a restriction, not a net increase, since it just establishes conditions where the right is absolute.

#### The US legal dictionary defines unconditional as,

Us Legal, Inc., "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

“Unconditional” necessitates the absence of narrowing restrictions.

US Legal ‘ND (US Legal; dictionary of legal terms of art; US Legal; “Unconditional Law and Legal Definition”; https://definitions.uslegal.com/u/unconditional/; Accessed: 10-30-2021; AU)

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.

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

Jensen ’18 (Eric; co-director of the Stanford Rule of Law Program, in collaboration with USAID, The Asia Foundation, and Stanford Law School; April 2018; “Introduction to the Laws of Timor-Leste”; Stanford Law School; <https://law.stanford.edu/wp-content/uploads/2018/04/Timor-Leste-Constitutional-Rights.pdf>; Accessed: 10-30-2021; AU)

If individuals want to defend their rights at work, the Constitution gives them the right form trade unions and to strike. Individuals are free to join and participate in professional associations that are peaceful. This includes trade unions. Individuals in trade unions have a right to organize their unions independent of the government or their employers. Trade unions should be free and independent, and individuals have the right to set the unions’ internal structure freely. Independent trade unions are important to allow individuals to organize with other workers to collectively defend their interests and their rights. It is important that they are independent so that they reflect the individuals’ interests and not the employer’s or the government’s interests. Individuals have the right to strike. If they feel that their employer is not respecting their rights or interests, employees can refuse to work in protest. The Constitution creates a duty that during a strike, the employer still has to maintain equipment and provide for safety. Individuals’ right to strike is **limited by the law**. The Constitution states that the right to strike is **conditional** on the strike being **compliant** with legal regulations that the government creates. This means that the **government can pass laws** that limit **when and how** individuals can exercise their right to strike. The right to strike is important to give individuals the power to defend their labor rights.

#### Precision first—anything else justifies the aff arbitrarily jettisoning words in the resolution which decks predictable limits.

#### Voting issue for limits and ground. There are infinite working conditions they could spec in the plan which means their interp is always semantically incorrect since the right to strike is conditional in all other instances. Stable ground --- a complete unconditional recognition is key to circumvention, Politics DAs, and CP competition. Making recognition probabilistic allows the aff to shift late in the debate to no link core positions.

#### Drop the debater – their abusive advocacy skewed the debate from the start

#### Comes before 1AR theory – NC abuse is responsive to them not being topical

#### Topicality is a voting issue that should be evaluated through competing interpretations – it tells the negative what they do and do not have to prepare for.

#### No RVIs 1) its illogical you don’t win by proving that you’re fair 2) encourages theory baiting where good theory debaters bait the RVI to win

## 2

### 1NC-OFF

#### Interpretation: A worker is an employee that works under a contract for employment.

**Quest n.d.** [(Quest, based in Leicestershire, but covering the whole of the UK, is a specialist and training solutions, delivering bespoke professional services with resounding results. With over two decades of experience, Quest make it their responsibility to fully understand your specific needs before personalising a tailored solution to ensure that your HR, Health and Safety and training solution complements your business plan and achieves your goals.) “Employees & Workers: The Difference Between a Worker and an Employee” Quest. N.d.] AW

A worker is defined as either an employee working under a Contract for Employment or someone who works under a contract other than a Contract of Employment and is offering his personal service in return for remuneration to the employer who is not his/her client or customer. These contracts are commonly called Contracts for Services and such workers are often referred to as non-employee workers.

#### Workers are employees or individuals with an independently established trade

Kuykendall & Vierra 10/21 [(Dale R., a Principal in the Sacramento, California, office of Jackson Lewis P.C. His practice focuses on advising and counseling employers in the hiring, supervision and termination of employees.) (Sierra, an Associate in the Sacramento, California, office of Jackson Lewis P.C. She represents management in civil litigation and administrative proceedings involving employment law matters, including discrimination, harassment, retaliation, wrongful termination, benefits, and a wide range of wage and hour issues. She litigates in federal and state courts, including class and representative actions, and represents employers in administrative proceedings. She also provides preventive advice and counsel on best practices.) “AB 5 Past and Present – What You Need to Know,” The National Law Review, 10/21/21. <https://www.natlawreview.com/article/ab-5-past-and-present-what-you-need-to-know>] Recut Aanya

At the end of 2020, it seemed the legislature, the courts, and even California voters wanted to move away from the independent contractor test codified in Assembly Bill 5 (AB 5). However, during 2021, the pendulum seems to have swung back in favor of AB 5 and its guidelines on classifying workers as employees versus independent contractors.

In 2019, the Legislature passed AB 5 to add Section 2750.3 to the Labor Code, adopting and expanding the common law “ABC Test” to define “employee” not just for purposes of the Wage Orders, but also for purposes of the Labor Code and the Unemployment Insurance Code.

Under the AB 5-enhanced version of the ABC Test, a worker is presumed to be an employee, unless the hiring entity can establish that:

(A) The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact;

(B) The person performs work that is outside the usual course of the hiring entity’s business; and

(C) The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed.

A worker cannot be classified as an independent contractor under the ABC Test unless all three factors are met, or unless one of the exemptions established by AB 5 is satisfied.

**Workers receive wages, are paid employees, and are under jurisdiction of the law. Stewart 06** Collins Dictionary of Law, W.J. Stewart, 2006, "worker," https://legal-dictionary.thefreedictionary.com/worker, 12-11-2021//Aanya

 the beneficiary of much modern legislation, sometimes in capacity as an employee under a contract of employment but also under separate regimes such as the wages legislation. In the law of the [EUROPEAN COMMUNITIES](https://legal-dictionary.thefreedictionary.com/European+Commission+on+Human+Rights), the worker is the subject of many legal provisions. See [FREE MOVEMENT OF PERSONS](https://legal-dictionary.thefreedictionary.com/free+movement+of+persons).

**Consensus within international law. Thomson-Reuters ND** "Worker," Thomson-Reuters Practical Law, https://uk.practicallaw.thomsonreuters.com/6-200-3640?transitionType=Default&contextData=(sc.Default), 12-11-2021//Aanya

Section 230(3), ERA 1996 defines a worker as an individual who has entered into or works under (a) a contract of employment or (b) any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertakes to do or perform personally any work or services for another party to the contract whose status is not by virtue of the contract that of a client or customer of any profession or business undertaking carried on by the individual.

#### Violation: Prisoners don’t have employment contracts—they’re working as a form of punishment.

Zatz 13 [(Noah, Professor of Law at UCLA) “Employment Without Contract? Prison Laborers as Statutory Employees” Paper presented at the annual meeting of the The Law and Society Association 2013-12-16] AT

Paid labor by prisoners is an increasingly important part of incarceration in the U.S. Prison laborers repeatedly have sought legal redress for violations of labor & employment laws, including minimum wage and antidiscrimination protections. Courts then have had to decide whether these protections apply to this form of work, and they have struggled to square the existence of an exchange of labor and economic benefits with an impulse to distinguish a distinctly non-economic field of punishment from a fundamentally economic employment relationship. For the most part, prison laborers have been denied "employee" status on the ground that they do not work in a labor market organized through free contract. This identification of statutory employment rights with individual employment contracts is ironic because, in other contexts, labor & employment statutes often are understood as repudiating contractual orderings. This paper explores how legal classification as "employment" serves not simply as the basis for a regulatory intervention in the labor market but also as a means of constituting and bounding "the market" as a distinct social field.

#### **Courts agree**

Wu & Brady 20 [(Cindy & Prue, Legal Interns at Corporate Accountability Lab.) “IF PRISON WORKERS ARE ESSENTIAL, WE SHOULD TREAT THEM LIKE IT: PRISON LABOR IN THE US, PART I,” Corperate Accountability Lab, 8/5/20. <https://corpaccountabilitylab.org/calblog/2020/8/5/if-prison-workers-are-essential-we-should-treat-them-like-it-prison-labor-in-the-us-part-i>] Recut Aanya  
Besides being excluded from minimum wage laws, prison laborers also lack important worker protections. Federal courts have held that prison laborers are not “employees” under the meaning of the Fair Labor Standards Act, which establishes wage and overtime pay standards. The guarantees of the National Labor Relations Act also do not extend to incarcerated workers, effectively barring them from unionizing.

#### Prisoners laborers can be forced to work without remediation

McGrew & Hanks 17 [(Annie, a special assistant for Economic Policy at the Center for American Progress.) (Angela, the Associate Director for Workforce Development Policy on the Economic Policy team at the Center for American Progress.) “It’s Time to Stop Using Inmates for Free Labor,” Talk Poverty, 10/20/17. <https://talkpoverty.org/2017/10/20/want-prison-feel-less-like-slavery-pay-inmates-work/>] Recut Aanya

Inmates are exempt from the Fair Labor Standards Act, which requires that workers are paid at least the federal minimum wage. That makes it completely legal for states to exploit inmates for free or cheap labor. More than half of the 1.5 million people in state and federal prisons work while incarcerated, and the vast majority only make a few cents per hour.

#### The tag of 1AC Davis proves the violation—they’ve characterized prison labor as equivalent to slavery

#### Lex reads green. And current conditions for prison workers fuel the PIC.

**1AC Sainato** Sainato Michael [Writer on Civil Rights issues for the Miami Times] “Companies claim there’s a labor shortage. Their solution? Prisoners.” The Guardian, 2021. <https://www.theguardian.com/us-news/2021/jul/20/companies-claim-theres-a-labor-shortage-their-solution-prisoners> MB//Recut Aanya

Some employers around the US are responding to perceived worker shortages in their industries by pursuing cheap sources of labor, such as people currently or formerly in prison. During a recent industry conference, a Waste Management Services executive discussed hiring immigrants to fill commercial driver’s license positions, and other executives suggested using prison or work release programs to address perceived labor shortages in the sanitation, waste and recycling industry. Campaigners say the move would be exploitative and reflects a refusal to simply raise wages to attract employees. “The talk about immigrant labor, prison labor, it’s all about exploitation, nothing else,” said Chuck Stiles, director of the Teamsters solid waste and recycling division, which represents about 32,000 workers in the private waste industry. “There is no driver shortage. There is a huge wage and benefits shortage that these waste companies refuse to give up anything on the bottom line.” Stiles said several prison work release programs targeted by the waste industry fail to provide decent wages and benefits in an industry where workers face significant safety risks, poor weather conditions, long hours and scarce time off for holidays. Employers and industry groups have claimed labor shortages were stifling recovery from the Covid-19 pandemic, with the US Chamber of Commerce and Republican governors blaming unemployment benefits. Some 26 states have canceled federal extended unemployment benefits early, though economists have noted the available jobs recovery data shows there is no economy-wide labor shortage. That hasn’t stopped employers and business groups from using perceived labor shortages as a pretext to seek out cheap labor sources; employers are hiring teenagers to fill open jobs, automating some job roles to avoid raising wages, lobbying Congress to double the cap on work immigration visas and expanding the use of prison labor. The restaurant industry in Michigan, Texas, Ohio and Delaware recently announced a prison work release program for the food service and hospitality industry. In April, Russell Stover candy production facilities in Iola and Abilene, Kansas, began using prison labor through the Topeka correctional facility in response to staffing issues disrupting production lines. About 150 prisoners work at the plant, making $14 an hour with no benefits or paid time off, while other workers start at higher wages with benefits and paid time off. Kansas also deducts 25% of prisoners’ pay for room and board, and another 5% goes toward a victim’s fund. The prisoners also must pay for gas for the nearly two-hour bus ride to and from the plant. Brandilynn Parks, president of the Kansas Coalition for Sentence and Prison Reform, said these programs can be beneficial for prisoners, but often are a way for employers and the prison system to take advantage of a vulnerable population, while driving down wages and taking jobs from other workers in the community. She noted many private companies that hire prison workers will not employ them after they are released and will not hire job applicants with criminal records. She added that these programs perpetuate mass incarceration. “Whenever we have private industries coming into the Kansas department of corrections, they sign a contract guaranteeing a certain number of people will be working there,” said Parks. “That means there has to be a certain number of people incarcerated, so we’re not working to lower the prison population, but instead building the prison industrial complex as a working machine where people become numbers – and we need a certain amount of numbers to keep them employed to uphold the contracts.” Parks argued employers refusing to pay living wages is the primary factor driving perceived labor shortages, and that the expansion of prison workforce programs are not good faith efforts to solve the problem. Hiring people “who are at their lowest in life and then throwing them crumbs is despicable,” Parks said. “The contract guaranteeing this amount of people makes it difficult to release people because they’re making the department of corrections money. So the DOC and private industry wins and they try to make it appear as though the incarcerated win, when really they’re being taken advantage of.” Even before the pandemic, the construction industry targeted prison labor sources amid what employers have claimed is a severe construction labor shortage that has only worsened under Covid-19. Construction is also one of the industries where significant numbers of formerly incarcerated people find work. In New York City, construction industry employers recruit recently released prisoners who must seek and maintain employment as a condition of their release from prison. Thousands of workers in New York City are siphoned from prison into low-paying construction jobs with no benefits, no health insurance and unsafe working conditions. These job sites, known as “body shops”, use subcontractors so that employers can offload risk insurance liability. The practice has been spreading, but the New York city council is considering legislation to regulate these employers. “Throughout the pandemic, body shop laborers left their homes and took trains and buses to crowded job sites, building the NYC skyline. They did this without health insurance, without an economic safety net and with the constant threat of re-imprisonment if they refused to continue to work,’’ said Chaz Rynkiewicz, vice-president and director of organizing for Construction and General Building Laborers Local 79. “While other workers were called heroes for working during the pandemic, body shop workers are told that their criminal justice history sentences them to a lifetime of hard labor with negligible reward.”

#### Standards:

#### 1] Limits— Allowing Affs about workers without contracts justifies affs like slavery, child labor, human trafficking, and indentured servants— a] incentivizes running to the margins in order to cut fringe affs— that destroys iterative content mastery which is key to education. B] explodes neg prep burdens to prep for hundreds of affs due to different circumstances that result in forced labor.

#### Limits—there are hundreds of affs under their interp— they allow for any instance of forced labor in any of these countries.

ILO No Date [(International Labor Organization, The only tripartite U.N. agency, since 1919 the ILO brings together governments, employers and workers of 187 member States , to set labour standards, develop policies and devise programmes promoting decent work for all women and men.) “Statistics on forced labour, modern slavery and human trafficking,” ILO, No Date, <https://www.ilo.org/global/topics/forced-labour/policy-areas/statistics/lang--en/index.htm>] Recut Aanya

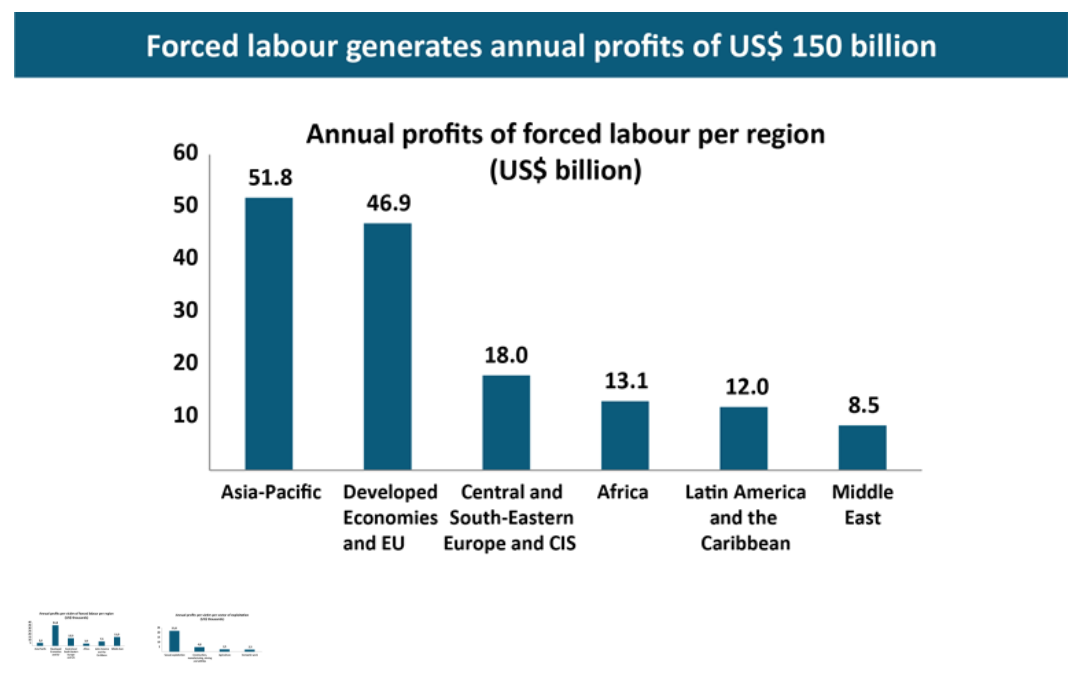
Global estimates on forced labour



Global estimates 2012: Results and Methodology

Summary of the ILO 2012 Global Estimate of Forced Labour

Profit estimates of forced labour



Profit estimates 2014: The Economics of Forced Labour

Profits and Poverty: The Economics of Forced Labour - Executive Summary

ICLS and forced labour

The 19th ICLS (International Conference of Labour Statisticians) in 2013, adopted the Resolution II concerning further work on statistics of forced labour recommending that the Office set up a working group with the aim of sharing best practices on forced labour surveys in order to encourage further such surveys in more countries. The working group should engage ILO constituents and other experts in discussing and developing international guidelines to harmonize concepts, elaborate statistical definitions, standard lists of criteria and survey tools on forced labour, and to inform the 20th International Conference of Labour Statisticians on the progress made.

Based on this decision, the ILO has initiated the "ILO Data Initiative on Modern Slavery ", a global research programme to take stock of national and international initiatives measuring forced labour, human trafficking and slavery, to discuss strengths and limitations of existing methodologies and build a consensus on concepts, statistical definitions and standard list of criteria, survey tools and estimation methodologies which could be used to develop surveys in the future.

#### 2] Ground— letting the aff pick the topic post-facto allows strategic affs to maximize their success by racing to the margins and affirming uncontroversial truisms which skews division of ground--all the neg can say is exploitation good— their interp skirts links to the Workforce DA, Business Confidence DA, Cap K because the workers Affs under their interp are about do not participate in the formal economy. We even lose access to the Kant and Contracts NC which all assume an injury to legally recognized contracts.

#### 3] TVA solves— read as an advantage to a US specific aff.

#### Cross apply Paradigm issues from above.

## 3

### 1NC—OFF

#### Both bills pass now and solve the climate – full-court PC press ensures Manchinema get on board, but new fights complicate the process

Mascaro 11/4 [Lisa, Congressional reporter for the Los Angeles Times “Biden's big bill on brink of House votes, but fighting drags”https://www.startribune.com/bidens-big-bill-on-brink-of-house-votes-but-fighting-drags/600112896/]

WASHINGTON — Democrats in the House appear on the verge of securing President Joe Biden's now-$1.85 trillion-and-growing domestic policy package alongside a companion $1 trillion infrastructure bill in what would be a dramatic political accomplishment — if they can push it to passage.

The House prepared late Thursday for votes now likely on Friday, and White House officials worked the phones to lock in support for the president's signature proposal. House passage of the big bill would be a crucial step, sending to the Senate Biden's ambitious effort to expand health care, child care and other social services for countless Americans and deliver the nation's biggest investment yet fighting climate change.

Alongside the slimmer roads-bridges-and-broadband package, it adds up to Biden's answer to his campaign promise to rebuild the country from the COVID-19 crisis and confront a changing economy.

But they're not there yet.

House Speaker Nancy Pelosi was working furiously Thursday and kept the House late to shore up the votes. The party has been here before, another politically messy day like many before that are being blamed for the Democrats' dismal showing in this week's elections. On and off Capitol Hill, party leaders declared it's time for Congress to deliver on Biden's agenda.

"We're going to pass both bills," Pelosi insisted at a midday press briefing.

Her strategy now seems focused on passing the most robust bill possible in her chamber and then leaving the Senate to adjust or strip out the portions its members won't agree to.

Half the size of Biden's initial $3.5 trillion package, the now sprawling 2,135-page bill has won over most of the progressive Democratic lawmakers, even though the bill is smaller than they wanted. But the chamber's more centrist and fiscally conservative Democrats continued to mount objections.

Overall the package remains more far-reaching than any other in decades. Republicans are fully opposed to Biden's bill, which is called the "Build Back Better Act" after the president's 2020 campaign slogan.

The big package would provide large numbers of Americans with assistance to pay for health care, raising children and caring for elderly people at home.

There would be lower prescription drug costs, limiting the price of insulin to $35 a dose, and Medicare for the first time would be able to negotiate with pharmaceutical companies for prices of some other drugs, a long-sought Democratic priority.

Medicare would have a new hearing aid benefit for older Americans, and those with Medicare Part D would see their out-of-pocket prescription drug costs capped at $2,000.

The package would provide some $555 billion in tax breaks encouraging cleaner energy and electric vehicles, the nation's largest commitment to tackling climate change.

With a flurry of late adjustments, the Democrats added key provisions in recent days — adding back a new paid family leave program, work permits for immigrants and changes to state and local tax deductions.

Much of package's cost would be covered with higher taxes on wealthier Americans, those earning more than $400,000 a year, and a 5% surtax would be added on those making over $10 million annually. Large corporations would face a new 15% minimum tax in an effort to stop big businesses from claiming so many deductions that they end up paying zero in taxes.

From the White House, "the president has been very clear, he wants to get this moving," said principal deputy press secretary Karine Jean-Pierre.

As night fell, Democratic leaders struggled to resolve a catalogue of remaining issues as lawmakers balanced the promise of Biden's sweeping vision with the realities of their home-district politics.

Biden has few votes to spare in the narrowly-divided House and none when the bill ultimately arrives for consideration in the evenly-split 50-50 Senate.

A group of five centrist Democratic lawmakers want a full budgetary assessment before they vote. Others from more Republican-leaning regions are objecting to a new state-and-local tax deduction that favors New York, California and other high-tax states. Another group wants changes to the immigration-related provisions.

In recent days, both the overall price tag and the revenue to pay for it have grown. A new White House assessment Thursday said revenue from the taxes on corporations and the wealthy and other changes are estimated to bring in $2.1 trillion over 10 years, according to a summary obtained by The Associated Press. That's up from what had been $1.9 trillion in earlier estimates.

Pelosi noted a similar assessment Thursday by the bipartisan Joint Committee on Taxation, and she echoed Biden's frequent comment that the overall package will be fully paid for.

But another model from the Wharton School at the University of Pennsylvania suggested a shortfall in revenue for covering the cost, breeding fresh doubts among some of the Democratic lawmakers.

Still, the Democrats in the House are anxious to finish up this week, eager to deliver on the president's agenda and, as some lawmakers prepare to depart for a global climate change summit in Scotland, show the U.S. taking the environmental issue seriously.

Democrats have been working to resolve their differences, particularly with holdout Sens. Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, who forced cutbacks to Biden's bill but championed the slimmer infrastructure package that had stalled amid deliberations.

#### Manchin’s broadly opposed to strike activity – plan causes a fight

Furman & Winant 10/17/21 [Jonah Furman is a labor movement organizer and writer for Labor Notes based in Maryland. Gabriel Winant is an assistant professor of history at the University of Chicago. He is the author of “The Next Shift: The Fall of Industry and the Rise of Health Care in Rust Belt America.” "The John Deere Strike Shows the Tight Labor Market Is Ready to Pop." https://theintercept.com/2021/10/17/john-deere-strike-labor-market/]

In terms of strike activity, the current private sector wave picks up where the teachers left off, after an interlude of relative inaction during the height of the pandemic. In 2020, moreover, teachers formed the first major group of workers to refuse to accept whatever terms the employer dictated for reopening the workplace. It is difficult to imagine teachers speaking out against returning to work in unsafe conditions as much as they did without the national wave of militant teachers’ strikes in the two preceding years. This resistance has now spread across the economy, in both organized and individual forms.

TODAY, WORKERS’ ECONOMIC resistance — whether through organized strikes or in the refusal of dangerous, underpaid, and unappealing jobs — is shaping the political agenda. Many of the policies in the Democrats’ $3.5 trillion budget proposal would pursue the same ends as workers’ actions but in the realm of social policy. Proposed subsidies for home health care and child care, the child tax credit, Medicaid expansion, and investments in housing and green energy would all indirectly support workers’ power. Either by increasing demand for labor further or by alleviating some of the grotesque social pressures that have forced employees to accept whatever terms employers offered them, the federal government would strengthen workers’ bargaining position. When Sen. Joe Manchin, D-W.Va., warns against becoming an “entitlement society,” what he is opposing is the shift in labor market power that such policy measures help secure.

#### The schedule is crowded and the Senate’s already working weekends---any further threats to unity kill the agenda

Carney 9/7 [JORDAIN CARNEY, "Democrats stare down nightmare September", 9/7/21, https://thehill.com/homenews/senate/570825-democrats-stare-down-nightmare-september?rl=1]

Democrats are staring down a nightmare September, a month jam-packed with deadlines and bruising fights over their top priorities.

The numerous legislative challenges in a condensed timeline will test Democratic unity and provide plenty of opportunities for Republicans to lay political traps just a year out from the 2022 midterm elections, where they are feeling increasingly bullish about their chances.

When lawmakers return to Washington, they’ll have to juggle averting a government shutdown in a matter of days with Democrats' self-imposed deadline for advancing an infrastructure and spending package that is at the center of President Biden’s economic and legislative agenda and sparking high-profile divisions.

That’s on top of a looming decision about the debt ceiling, a voting rights clash set to come to the Senate floor in mid-September, lingering Afghanistan fallout and, in the wake of a controversial Supreme Court decision, a heated fight over abortion.

“I think it’s a full agenda,” Sen. Dick Durbin (D-Ill.) told The Hill.

Sen. Tim Kaine (D-Va.) added that the Senate’s schedule would be “crowded” but that they were “getting used to working weekends and we’re going to continue to.”

Senators are scheduled to return to Washington on Monday, though they’ll only be in for three days that week because of Yom Kippur, the Jewish holiday. The House is set to return on Sept. 20

That leaves Democrats little time to finalize a massive $3.5 trillion spending package before key deadlines set by leadership in both chambers.

Senate Majority Leader Charles Schumer (D-N.Y.) has given his committees until Sept. 15 to finalize their parts of the spending package so that Democrats can then start negotiating the bill within the 50-member caucus.

And, as part of a days-long standoff, House moderates got a commitment to bring up the other piece of Biden’s package, a roughly $1 trillion Senate-passed infrastructure bill, for a vote by Sept. 27, just days after they return from a weeks-long summer break.

But Democrats are still trying to lock down how to pay for the package, bridge divisions on shoring up the Affordable Care Act and expanding Medicare, draft immigration reform language and iron out sections on climate change.

There are already high-profile warning signs amid simmering tensions between moderates and progressives — neither of whom Schumer or Speaker Nancy Pelosi (D-Calif.) can afford to lose if they are going to get the two bills to Biden’s desk.

Sen. Joe Manchin (D-W.Va.) threw the latest wrench into the $3.5 trillion package when he called for a “pause” on the bill last week and warned that he likely couldn’t support the price tag. In a 50-50 Senate, and Republicans unified in opposition, Democrats can’t afford to lose Manchin.

#### Passage allows an unprecedented investment in combatting climate change

Morton 10/28 [Joseph Morton, "Democrats tout climate spending in reconciliation", 10/28/21, https://www.rollcall.com/2021/10/28/framework-includes-clean-energy-tax-credits-omits-methane-fee/]

“At the same time, substantial investments in electric vehicle charging stations and clean heavy-duty vehicles, like school buses, will serve the dual purpose of slashing our carbon emissions while helping American manufacturing stay globally competitive,” Pallone said.

Rep. Cindy Axne, D-Iowa, had pushed for funding to support biofuels infrastructure, complaining it was left out of the bipartisan infrastructure bill even as that measure delivered significant funding for electric vehicles.

The latest reconciliation package text includes $1 billion over 10 years in funding for the Agriculture Department to provide grants for expanding biofuel pump infrastructure, upgrade existing infrastructure and increase usage of higher blends of ethanol and biodiesel.

“Not only does the Build Back Better Act represent the largest investment in clean energy and combating climate change ever — it also confirms that my colleagues have listened to my central argument in our clean energy discussions: biofuels can and should be a part of our fight against climate change,” Axne said in a statement.

The White House framework released earlier in the day envisions that $320 billion would be delivered in the form of clean energy tax credits to accelerate the transition from coal and gas-fired power plants to renewable energy sources such as wind turbines and solar panels.

That includes incentives for both utilities and residents and support for additional transmission and storage capacity — areas where bottlenecks have hampered the development of renewable energy sources.

The framework includes incentives intended to cut the cost for Americans to put rooftop solar panels on their homes and make it easier to purchase electric vehicles. New EV tax credits would lower the cost of a vehicle by $12,500 for a middle-class family, according to the White House.

The framework calls for $105 billion for climate resiliency and addressing legacy pollution in communities.

For example, a new Clean Energy and Sustainability Accelerator that would invest in climate-related projects around the country would allocate 40 percent of those benefits to disadvantaged communities — part of a pledge the Biden administration has made to deliver climate spending to communities traditionally on the front lines of environmental damage.

It also would fund grants to support environmental justice in disadvantaged communities and create a new Civilian Climate Corps with more than 300,000 members working on conservation projects that could help mitigate climate change.

The framework includes $110 billion in spending and incentives to boost domestic supply chains supporting solar power and batteries. It also would fund grants, loans and tax credits aimed at moving steel, cement and aluminum industries toward decarbonization.

There’s also $20 billion for the government to purchase new technologies such as long-duration storage, small modular reactors and clean construction materials.

While the size of the package falls short of initial proposals, some Capitol Hill Democrats declined to say they were disappointed with the climate portion.

Sen. Christopher S. Murphy, D-Conn., said he didn’t want to undersell the framework, as it would represent the most significant spending on climate policy since he joined Congress.

The fact that climate makes up about one-third of the overall spending shows how much the issue has been elevated within the Democratic Party, he said, and negotiations over bolstering it aren’t finished.

“I think there's a number of things that we can still find consensus on that might not be in this agreement. So climate is something you’ve got to work on every single day,” Murphy said. “If we're not passing climate change legislation every year, then we're not doing our job. So this is just one admittedly very big piece of the overall policy puzzle.”

#### It causes extinction.

Dunlop 17. (Ian Dunlop chaired the Australian Coal Association in 1987-88, chaired the Australian Greenhouse Office Experts Group on Emissions Trading from 1998-2000 and was CEO of the Australian Institute of Company Directors from 1997-2001. He has a particular interest in the interaction of corporate governance, corporate responsibility and sustainability. An engineer by qualification, he holds an MA (Mechanical Sciences) degree from the University of Cambridge, he is a Fellow of the Australian Institute of Company Directors, the Australasian Institute of Mining and Metallurgy, and the Energy Institute (UK), and a Member of the Society of Petroleum Engineers of AIME (USA). He also chairs the Australian National Wildlife Collection Foundation. David Spratt is a Research Director for Breakthrough and co-author of Climate Code Red: The case for emergency action (Scribe 2008). His recent reports include Recount: It’s time to “Do the math” again; Climate Reality Check and Antarctic Tipping Points for a Multi-metre Sea-level Rise. A Failure of Imagination on Climate Risks. July 26, 2017. www.resilience.org/stories/2017-07-26/a-failure-of-imagination-on-climate-risks/)

Climate change is an existential risk that could abruptly end human civilisation because of a catastrophic “failure of imagination” by global leaders to understand and act on the science and evidence before them. At the London School of Economics in 2008, Queen Elizabeth questioned: “Why did no one foresee the timing, extent and severity of the Global Financial Crisis?” The British Academy answered a year later: “A psychology of denial gripped the financial and corporate world… [it was] the failure of the collective imagination of many bright people… to understand the risks to the system as a whole”. A “failure of imagination” has also been identified as one of the reasons for the breakdown in US intelligence around the 9/11 attacks in 2001. A similar failure is occurring with climate change today. The problem is widespread at the senior levels of government and global corporations. A 2016 report, Thinking the unthinkable, based on interviews with top leaders around the world, found that: “A proliferation of ‘unthinkable’ events… has revealed a new fragility at the highest levels of corporate and public service leaderships. Their ability to spot, identify and handle unexpected, non-normative events is… perilously inadequate at critical moments… Remarkably, there remains a deep reluctance, or what might be called ‘executive myopia’, to see and contemplate even the possibility that ‘unthinkables’ might happen, let alone how to handle them. Such failures are manifested in two ways in climate policy. At the political, bureaucratic and business level in underplaying the high-end risks and in failing to recognise that the existential risk of climate change is totally different from other risk categories. And at the research level in underestimating the rate of climate change impact and costs, along with an under-emphasis on, and poor communication of, those high-end risks. Existential risk An existential risk is an adverse outcome that would either annihilate intelligent life or permanently and drastically curtail its potential. For example, a big meteor impact, large-scale nuclear war, or sea levels 70 metres higher than today. Existential risks are not amenable to the reactive (learn from failure) approach of conventional risk management, and we cannot necessarily rely on the institutions, moral norms, or social attitudes developed from our experience with managing other sorts of risks. Because the consequences are so severe — perhaps the end of human global civilisation as we know it — researchers say that “even for an honest, truth-seeking, and well-intentioned investigator it is difficult to think and act rationally in regard to… existential risks”. Yet the evidence is clear that climate change already poses an existential risk to global economic and societal stability and to human civilisation that requires an emergency response. Temperature rises that are now in prospect could reduce the global human population by 80% or 90%. But this conversation is taboo, and the few who speak out are admonished as being overly alarmist. Prof. Kevin Anderson considers that “a 4°C future [relative to pre-industrial levels] is incompatible with an organized global community, is likely to be beyond ‘adaptation’, is devastating to the majority of ecosystems, and has a high probability of not being stable”. He says: “If you have got a population of nine billion by 2050 and you hit 4°C, 5°C or 6°C, you might have half a billion people surviving”. Asked at a 2011 conference in Melbourne about the difference between a 2°C world and a 4°C world, Prof. Hans Joachim Schellnhuber replied in two words: “Human civilisation”.

## 4

### 1NC—OFF

#### The role of the judge and ballot is to endorse the better debater -- anything else is arbitrary and self-serving and is poor scholarship in a competitive space—none of their evidence is specific to debate, just educational spaces in vacuum. Competition is inevitable – that should filter how you evaluate the rest of the flow. They need to win why their model of debate solves the impacts they’ve identified.

#### Analyzing extinction is good – it builds better policies to solve inequality – multiple warrants.

Mahnken & Junio ’13 (2013, Thomas, PhD, Jerome E. Levy Chair of Economic Geography and National Security at the U.S. Naval War College and a Visiting Scholar at the Philip Merrill Center for Strategic Studies at The Johns Hopkins University’s Paul H. Nitze School of Advanced International Studies, and Timothy, Predoctoral Fellow, Center for International Security and Cooperation, Stanford University, PhD in Political Science expected 2013, “Conceiving of Future War: The Promise of Scenario Analysis for International Relations,” International Studies Review Volume 15, Issue 3, pages 374–395, September 2013)

This article introduces political scientists to scenarios—future counterfactuals—and demonstrates their value in tandem with other methodologies and across a wide range of research questions. The authors describe best practices regarding the scenario method and argue that scenarios contribute to theory building and development, identifying new hypotheses, analyzing data-poor research topics, articulating “world views,” setting new research agendas, avoiding cognitive biases, and teaching. The article also establishes the low rate at which scenarios are used in the international relations subfield and situates scenarios in the broader context of political science methods. The conclusion offers two detailed examples of the effective use of scenarios. In his classic work on scenario and Duncan 1993; Leufkens, Haaijer-Ruskamp, Bakker, and Dukes 1994; Baker, Hulse, Gregory, White, Van Sickle, Berger, Dole, and Schumaker 2004; Sanderson, Scherbov, O'Neill, and Lutz 2004). Scenarios also are a common tool employed by the policymakers whom political scientists study. This article seeks to elevate the status of scenarios in political science by demonstrating their usefulness for theory building and pedagogy. Rather than constitute mere speculation regarding an unpredictable future, as critics might suggest, scenarios assist scholars with developing testable hypotheses, gathering data, and identifying a theory's upper and lower bounds. Additionally, scenarios are an effective way to teach students to apply theory to policy. In the pages below, a “best practices” guide is offered to advise scholars, practitioners, and students, and an argument is developed in favor of the use of scenarios. The article concludes with two examples of how political scientists have invoked the scenario method to improve the specifications of their theories, propose falsifiable hypotheses, and design new empirical research programs. Scenarios in the Discipline What do counterfactual narratives about the future look like? Scenarios may range in length from a few sentences to many pages. One of the most common uses of the scenario method, which will be referenced throughout this article, is to study the conditions under which high-consequence, low-probability events may occur. Perhaps the best example of this is nuclear warfare, a circumstance that has never resulted, but has captivated generations of political scientists. For an introductory illustration, let us consider a very simple scenario regarding how a first use of a nuclear weapon might occur: During the year 2023, the US military is ordered to launch air and sea patrols of the Taiwan Strait to aid in a crisis. These highly visible patrols disrupt trade off China's coast, and result in skyrocketing insurance rates for shipping companies. Several days into the contingency, which involves over ten thousand US military personnel, an intelligence estimate concludes that a Chinese conventional strike against US air patrols and naval assets is imminent. The United States conducts a preemptive strike against anti-air and anti-sea systems on the Chinese mainland. The US strike is far more successful than Chinese military leaders thought possible; a new source of intelligence to the United States—unknown to Chinese leadership—allowed the US military to severely degrade Chinese targeting and situational awareness capabilities. Many of the weapons that China relied on to dissuade escalatory US military action are now reduced to single-digit-percentage readiness. Estimates for repairs and replenishments are stated in terms of weeks, and China's confidence in readily available, but “dumber,” weapons is low due to the dispersion and mobility of US forces. Word of the successful US strike spreads among the Chinese and Taiwanese publics. The Chinese Government concludes that for the sake of preserving its domestic strength, and to signal resolve to the US and Taiwanese Governments while minimizing further economic disruption, it should escalate dramatically with the use of an extremely small-yield nuclear device against a stationary US military asset in the Pacific region. This short story reflects a future event that, while unlikely to occur and far too vague to be used for military planning, contains many dimensions of political science theory. These include the following: what leaders perceive as “limited,” “proportional,” or “escalatory” uses of force; the importance of private information about capabilities and commitment; audience costs in international politics; the relationship between military expediency and political objectives during war; and the role of compressed timelines for decision making, among others. The purpose of this article is to explain to scholars how such stories, and more rigorously developed narratives that specify variables of interest and draw on extant data, may improve the study of IR. An important starting point is to explain how future counterfactuals fit into the methodological canon of the discipline.

#### Reducing existential risk by even a tiny amount outweighs every other impact

Bostrom 11 — Nick Bostrom, Professor in the Faculty of Philosophy & Oxford Martin School, Director of the Future of Humanity Institute, and Director of the Programme on the Impacts of Future Technology at the University of Oxford, recipient of the 2009 Eugene R. Gannon Award for the Continued Pursuit of Human Advancement, holds a Ph.D. in Philosophy from the London School of Economics, 2011 (“The Concept of Existential Risk,” Draft of a Paper published on ExistentialRisk.com, Available Online at http://www.existentialrisk.com/concept.html, Accessed 07-04-2011)

Holding probability constant, risks become more serious as we move toward the upper-right region of figure 2. For any fixed probability, existential risks are thus more serious than other risk categories. But just how much more serious might not be intuitively obvious. One might think we could get a grip on how bad an existential catastrophe would be by considering some of the worst historical disasters we can think of—such as the two world wars, the Spanish flu pandemic, or the Holocaust—and then imagining something just a bit worse. Yet if we look at global population statistics over time, we find that these horrible events of the past century fail to register (figure 3). [Graphic Omitted] Figure 3: World population over the last century. Calamities such as the Spanish flu pandemic, the two world wars, and the Holocaust scarcely register. (If one stares hard at the graph, one can perhaps just barely make out a slight temporary reduction in the rate of growth of the world population during these events.) But even this reflection fails to bring out the seriousness of existential risk. What makes existential catastrophes especially bad is not that they would show up robustly on a plot like the one in figure 3, causing a precipitous drop in world population or average quality of life. Instead, their significance lies primarily in the fact that they would destroy the future. The philosopher Derek Parfit made a similar point with the following thought experiment: I believe that if we destroy mankind, as we now can, this outcome will be much worse than most people think. Compare three outcomes: (1) Peace. (2) A nuclear war that kills 99% of the world’s existing population. (3) A nuclear war that kills 100%. (2) would be worse than (1), and (3) would be worse than (2). Which is the greater of these two differences? Most people believe that the greater difference is between (1) and (2). I believe that the difference between (2) and (3) is very much greater. … The Earth will remain habitable for at least another billion years. Civilization began only a few thousand years ago. If we do not destroy mankind, these few thousand years may be only a tiny fraction of the whole of civilized human history. The difference between (2) and (3) may thus be the difference between this tiny fraction and all of the rest of this history. If we compare this possible history to a day, what has occurred so far is only a fraction of a second. (10: 453-454) To calculate the loss associated with an existential catastrophe, we must consider how much value would come to exist in its absence. It turns out that the ultimate potential for Earth-originating intelligent life is literally astronomical. One gets a large number even if one confines one’s consideration to the potential for biological human beings living on Earth. If we suppose with Parfit that our planet will remain habitable for at least another billion years, and we assume that at least one billion people could live on it sustainably, then the potential exist for at least 10^(18) human lives. These lives could also be considerably better than the average contemporary human life, which is so often marred by disease, poverty, injustice, and various biological limitations that could be partly overcome through continuing technological and moral progress. However, the relevant figure is not how many people could live on Earth but how many descendants we could have in total. One lower bound of the number of biological human life-years in the future accessible universe (based on current cosmological estimates) is 1034 years.[10] Another estimate, which assumes that future minds will be mainly implemented in computational hardware instead of biological neuronal wetware, produces a lower bound of 1054 human-brain-emulation subjective life-years (or 1071 basic computational operations).(4)[11] If we make the less conservative assumption that future civilizations could eventually press close to the absolute bounds of known physics (using some as yet unimagined technology), we get radically higher estimates of the amount of computation and memory storage that is achievable and thus of the number of years of subjective experience that could be realized.[12] Even if we use the most conservative of these estimates, which entirely ignores the possibility of space colonization and software minds, we find that the expected loss of an existential catastrophe is greater than the value of 10^(18) human lives. This implies that the expected value of reducing existential risk by a mere one millionth of one percentage point is at least ten times the value of a billion human lives. The more technologically comprehensive estimate of 1054 human-brain-emulation subjective life-years (or 1052 lives of ordinary length) makes the same point even more starkly. Even if we give this allegedly lower bound on the cumulative output potential of a technologically mature civilization a mere 1% chance of being correct, we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives. One might consequently argue that even the tiniest reduction of existential risk has an expected value greater than that of the definite provision of any “ordinary” good, such as the direct benefit of saving 1 billion lives. And, further, that the absolute value of the indirect effect of saving 1 billion lives on the total cumulative amount of existential risk—positive or negative—is almost certainly larger than the positive value of the direct benefit of such an action.[13]

## Case

#### Only complete abolition solves their impacts, which they are not—hold the line—incrementalism fails. Redress from the state only recreates their impacts and all their examples are individualized negotiation—no spillover to broader reform. 1AC Davis et al:

Davis, Angela. [Duke University Press], Shalyor, Cassandra. [Duke University Press] “Race, Gender, and the Prison Industrial Complex: California and Beyond” *Duke University Press,* 2001. <https://www.jstor.org/stable/40338793> JP //Recut Aanya

Advocates for women in prison are increasingly locating their efforts to ameliorate conditions of confinement within the frame of a broader resistance to the prison industrial complex. Human rights instruments are deployed to emphasize the systematic denial of human rights further exacerbated by the contemporary corporatization of punishment. However, the strategic goal of this work is not to create better prisons but rather to abolish prisons insofar as they function as a default solution for a vast range of social problems that need to be addressed by other institutions. It is within this context that the most far-reaching challenges are emerging to the racism that has been bolstered by the expansion of prisons. In California, for example, a number of groups work collaboratively to develop more radical approaches of working with and for women in prison. Justice Now is an organization that actively contests violence against women in prison and its connections to the prison industrial complex by training students, family members, and community members to provide direct services to women prisoners in California in conjunction with community-based education, media, and policy campaigns. The California Coalition for Women Prisoners organizes activist campaigns with and for women prisoners to raise awareness about inhumane conditions and advocate for positive changes. Legal Services for Prisoners with Children provides civil legal services to women prisoners, support to prisoner family members, and it also organizes in the communities from which prisoners come. California Prison Focus investigates and exposes human rights violations in California prisons, in particular those in Security Housing Units and supermax prisons. Critical Resistance (cr) builds national campaigns framed by analyses of the prison industrial complex that foreground the intersections of race, gender, and class. In the course of these campaigns, cr encourages people to envision social landscapes where ubiquitous state punishment will have been replaced by free education, health care, and drug rehabilitation, as well as affordable housing and jobs. While national campaigns are rapidly advancing in the U.S., the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance provides a major opportunity to learn from and share experiences with organizations in other parts of the world. Greater emphasis must be placed on the global reach of the prison industrial complex and the further proliferation of the gendered racism it encour- ages. It is especially important that the punishment industry be seen as a significant component of the developing global political economy. An overarching recommendation for action thus calls for international networking among organizations that acknowledge the link between prisons and racism and that locate the important work of providing serv- ices to imprisoned women within a strong anti-corporate and anti-racist framework.

#### Prison strikes don’t work – at best they cause incremental, half-hearted reforms; at worst prisoners get punished for them.

Thompson ’16 (Christie; writer for the Marshall Project; 9-21-2016; “Do Prison Strikes Work?”; Marshall Project; https://www.themarshallproject.org/2016/09/21/do-prison-strikes-work; Accessed: 11-8-2021; AU)

On Sept. 9, prisoners across the country stopped showing up for their work assignments to protest what they call slave-like conditions for incarcerated workers. Inmates make pennies an hour keeping the prison running — such as cleaning and cooking — or providing cheap manufacturing for private businesses. Inmates involved in the protest are calling for higher wages, better working conditions and less severe punishment while on the job. The work stoppage was organized by inmates in multiple states and labor activists with the Industrial Workers of the World to coincide with the 45th anniversary of the Attica riot, which was preceded by a strike in the prison’s metal shop. Prisoners and labor organizers on the outside hoped it would be the largest prison strike in history. It’s hard to quantify exactly how many prisoners in how many states have participated, as prison officials and organizers give conflicting accounts of its scope. Activists claim inmates in at least 11 states are taking part. This strike is the latest in a long history of prisoners trying to use what little leverage they have — whether work stoppages or hunger strikes — to demand change from administrators. Some have been more successful **than others**. Here’s a look at five other prison strikes and **what came of them**: Post-WWII Labor Strikes University of Michigan professor Heather Ann Thompson’s history of labor movements in prison details how a series of work stoppages and sit-down protests took off in prisons across the U.S. in 1947. In little over a decade, hundreds of prisoners in Connecticut, New Jersey, New York, Wisconsin, Louisiana, Ohio, and Georgia stopped working to protest long hours, trifling pay, and grueling work environments. Prisoners in Georgia and Louisiana went even further and slit their heel tendons so they could not be forced to work. While the work stoppages **did not lead** to immediate **changes**, they inspired another era of prison protest in the ‘60’s and ‘70’s, which included the Attica work stoppage and eventual riot. Those movements achieved **slight pay raises** and improved safety precautions in some states and led to the creation of prisoner-led unions. 2010 Georgia Labor Strike In 2010, state prisoners across Georgia launched what many then called the largest prison work strike in U.S. history — though official numbers are difficult to confirm. At the protest’s height, organizers said thousands of inmates participated across at least six state prisons. Georgia inmates were paid nothing for their work, as dictated by state law, and were asking for better conditions and more access to programming. Not only were Georgia inmates not showing up to their job assignments — they refused to leave their cells at all until their demands were met. The strike **lasted six days**, and garnered coverage in news outlets like The New York Times. It ended when prisoners decided to leave their cells to go to the law library and try to sue for improvements instead. (It’s **unclear** what became of those efforts). **Prisoners in Georgia are still not paid for their labor**. 2011-2013 Pelican Bay Hunger Strike In 2011, 400 prisoners in California’s supermax prison started refusing their meals. Their numbers grew to 7,000 as they were joined by prisoners all over the state. The inmates had a list of five demands, including limits on solitary confinement and changes to how the prison determines gang membership. Their fast ended after three weeks when prison officials agreed to reconsider some of their solitary confinement policies. Inmates returned to hunger-striking later in 2011 and again in 2013 saying the **changes were too small and too slow**. But the protests did have a significant impact. After the initial strike, the chair of the California Assembly’s Public Safety Committee held a hearing on conditions at Pelican Bay. In 2012, the nonprofit Center for Constitutional Rights filed a class-action lawsuit against the state over its use of prolonged isolation. Todd Ashker, one of the strike’s organizers, was the lead plaintiff. The suit was settled in September 2015, addressing many of the strikers’ concerns about how people end up in solitary and how long they remain there. 2013 Guantanamo Hunger Strike Detainees at the U.S. military prison in Cuba began hunger-striking in March 2013 to fight against their indefinite detention and alleged mistreatment. At the strike’s peak in July that year, 106 men were refusing to eat and 45 were being force-fed through nasal tubes. The strike — for its duration, size, and the graphic nature of force-feeding — **outraged** the public and policymakers and increased pressure on President Obama to fulfill his promise of closing the controversial prison. Since the strike, Obama has lowered the number of men held at Guantanamo from over 2,000 to 61, but has yet to close the prison entirely. 2015-2016 Immigration Detention Center Hunger StrikesSince 2015, hunger strikes have begun at various immigration detention centers — prison-like facilities where immigrants are held while their deportation case is decided — throughout the U.S. Roughly 200 detainees at Eloy Detention Center in Arizona stopped eating in June 2015, in part to pressure an investigation into recent deaths at the facility. That fall, immigrants in detention in California, Alabama, Louisiana, and Texas also stopped eating to object to their indefinite detention and poor conditions. More recently, 22 mothers being held with their children in a family detention center in Pennsylvania went on a hunger strike this August. Their strike accompanied a series of handwritten letters they sent to immigration officials asking to be released from indefinite detention. The strike has continued off-and-on since then, with even their children threatening to refuse to attend classes in solidarity with their mothers. It’s too soon to tell what the impact of their protests might be.

#### No visibility – lack of public attention means strikes never generate sufficient pressure to spark change.

HLR ’19 (Harvard Law Review; 3-8-2019; “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”; Harvard Law Review; https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/; Accessed: 11-8-2021; AU)

But more broadly, the prison strikers sought to draw public attention to longstanding grievances over inhumane treatment within prisons across the country and to call for significant criminal justice reforms. The strikers, through the inmate organization Jailhouse Lawyers Speak, issued a list of ten national demands, calling for, among other things, improved prison conditions, better access to rehabilitation programs, voting rights for all current and former prisoners, and the “immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans.”4× Most critically, the strikers passionately called for the “immediate end to prison slavery”5× — the label that activists use to describe the exploitative labor practices within prisons of putting prisoners to work, sometimes compulsorily, for just “cents an hour or even for free.”6× Although **none of the strikers’ ten demands have yet been met**, the 2018 nationwide prison strike was still a remarkable event in its scope and coordination, as well as its ability to generate public support and attention. An estimated 150 different organizations endorsed the strike; citizens held numerous demonstrations outside of prisons in solidarity; and a range of national media publications provided detailed coverage of the protest’s motivations, objectives, tactics, and status as potentially the “largest prison strike in U.S. history.”7× Despite the 2018 prison strike’s apparent gravity, it is difficult to fully contextualize its significance because **surprisingly little attention** has been paid to prison strikes previously. For instance, just two years prior, in 2016, a similar nationwide prison strike was described as “[t]he **largest** prison strike . . . you [probably] **haven’t heard about**.”8× In light of this reality, this Note peers behind prison walls to improve our understanding of prison strikes — the end goal being to open the door to a broader discussion of why and how these strikes should receive legal protection. Part I briefly documents America’s history of prison strikes, showing that the 2018 nationwide strike is the latest in a long, important tradition of prisoners using the only real means available to them — collective actions against prison administrators — to protest labor conditions and other deeply held grievances. Part II then evaluates the legal framework governing prison strikes, demonstrating that such strikes likely do not receive sufficient protections under either the Constitution or federal and state statutes and therefore can be shut down by prison administrators without fear of judicial oversight. Part III, informed by the rich history of prison strikes, argues that their potential and demonstrated value demands, at the very least, consideration of the merits of protecting incarcerated individuals’ right to strike, and it contends that the First Amendment framework offers one potential avenue to allow prisoners to peacefully surface pressing problems in our carceral system and to collectively express their humanity and dignity.

#### Multiple alt causes to recidivism – low wages are a drop in the bucket.

Tegeng et al. ’18 (Goche; professor in the Department of Psychology at Wollo University; 2018; “Exploring Factors Contributing to Recidivism: The Case of Dessie and Woldiya Correctional Centers”; Arts and Social Sciences Journal; https://www.hilarispublisher.com/open-access/exploring-factors-contributing-to-recidivism-the-case-of-dessie-and-woldiya-correctional-centers-2151-6200-1000384.pdf; Accessed: 11-8-2021; AU)

Recidivism is “one of the most fundamental concepts in criminal justice” and relevant in understanding the core functions of the criminal justice system such as incapacitation, deterrence, and rehabilitation [1]. Within criminal justice agencies, the level of recidivism is an important outcome variable that provides the basis for determining the extent to which an agency has been able to effectively intervene in the criminality of the offender populations it serves, identifying the needs for more effective programs, communicating the need for increased resources, and demonstrating accountability to the public and to legislators [2]. There are **many different plausible contributing factors** that might explain why released offenders could not successfully reenter the community. A notable number of studies examined the contributing factors to recidivism among released offenders. The **most plausible reasons** to explain the relatively high recidivism rate among released offenders were centered on the offenders’ **educational illiteracy**, **lack** of vocational **job skills**, lack of interpersonal skills, or **criminal history**. Besides, socio-economic factors such as gender, **age and employment status** influence the possibility of committing crimes after first conviction. In terms of gender, men are more likely to return to prison because of **criminal peer associations**, **carrying weapons**, alcohol abuse, and **aggressive feelings** [3]. According to United States Sentencing commission 24.3 and 13.7 percent of males and females were recidivates respectively in USA. **Age is** also another demographic **determinant factor** for recidivism. A study in USA shows that recidivism rates decline relatively consistently as age increases. So youths are more likely to offend than older people. Among all offenders under age 21, the recidivism rate is 35.5 percent, while offenders over age 50 have a recidivism rate of 9.5 percent (United States Sentencing commission, 2004). Therefore, incarceration, particularly at a young age, can lead to an accumulation of disadvantages over the life course, with future opportunities severely restricted [4]. On the other hand, the **absence of employment** is a consistent factor in recidivism and parole or probation violations, and **having a criminal history** limits employment opportunities and **depresses wages**. In New York State, labor statistics show that **89%** of formerly incarcerated people who violate the terms of their probation or parole are unemployed at the time of violation. Further research suggests that 1 year after release, up to 60% of former inmates are not employed. Nationally, according to a study by Bushway and Reuter [5], one in three incarcerated people reported being unemployed before entering state prison, and fewer than half had a job lined up before release. Moreover, family is **another main factor** in the formation of individual and social personally of the child. From the child’s point of view, parents are the most important and most valuable models of the universe. Prisoners’ recidivism rates are associated with the amount of contact they receive with their families [6]. Less care of family to their children [7] and lack of family involvement is **strongly related** to crime and incarceration rates. In line with this, studies in Australia revealed that, offenders with limited family support or attachment are more likely to reoffend. Alongside, drugs problem is one of the **main headline crime stories** of our times which leads to crime. The urge to commit crimes by drug addicts and alcoholics is **motivated** by the desire to support their habits. Much of these offenders’ behavior can be linked to substance abuse and addictions (UNODC, 2012). Because they tend to serve short-term sentences, their access to treatment and other programmers while in detention is quite limited and they remain at high risk of reoffending. The issue crime in general and recidivism in particular has attracted the interest of some researchers in Ethiopia. These studies were basically focused on criminal behavior; juvenile delinquency and the criminal justice system i.e. have tried to point out from legal perspectives. Yet the amount of researches and the knowledge obtained from those researches do not suffice to explain the extent and depth of the problem related to recidivism rather they try to highlight the issue from criminal behavior. Andargachew [8] in his book “The Crime Problem and Its Correction” found that Ethiopian prisons are suffered from over crowdedness, lack of sanitation, and insufficient amount and quality of food service. He has also focused the history of Ethiopian police force as well as the history of judicial system in Ethiopia. However, Andargachew failed address the issue of recidivism and lack of rehabilitation on repeat offenders. Daniel [9] also studied Crime incidences in Addis Ababa with an emphasis on the nature, spatial pattern, causes, consequences and possible remedies and showed different variables causing criminal behavior. But he too failed to identify the major causes of recidivism. Nayak [10] studies magnitude and impact Juvenile Delinquency in Gondar, explored that Juveniles who were from large sized /or disintegrated family commit delinquent act than smaller sized and healthy family. It has a greater impact on different levels like, individual, family, community and society at large. Yet, he also lacked from discussing recidivism. In addition to this, Meti [11] in his/her study in Addis Ababa tried analyze the influence of socio economic factors on crime with particular emphasis on the triggering factors that prompt criminal behavior is a timely endeavor. But he still refrained from explaining the factors contributing to recidivism. On top of that, methodologically, the aforementioned studies gave a huge emphasis on quantitative method in the understanding of crime and criminal behavior, for the sake of describing socio-economic and demographic characteristics of study participants’ vis-à-vis recidivism. On the contrary, in the present study attempt has made to incorporate qualitative method intensively due to the fact that lived experience of recidivists are more understandable through a detailed and rich data that could be collected by giving more attention to qualitative method.

#### Housing – local environments influence decision-making post-imprisonment.

Flores ’18 (Nayely; contributor to the Research Journal of Justice Studies and Forensic Science; 5-21-2018; “Contributing Factors to Mass Incarceration and Recidivism”; San Jose State University; https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1061&context=themis; Accessed: 11-8-2021; AU)

Neighborhood environmental context has been found to **influence** the **behavior** of those that reside in that neighborhood. The social organization of neighborhoods, specifically poor ones, have a **significant impact** on the level of crime and recidivism rate in that particular neighborhood. According to Kubrin and Stewart’s (2006) study, when offenders are released back into their neighborhoods, they seek resources **in their neighborhood** to successfully integrate back into society; however, when that is not present the probability of them returning to the criminal justice system is **significantly higher**. Moreover, when individuals in neighborhoods have high rates of crime, poverty, and high social disorganization, the risk of youth falling into the criminal justice system also increases. Harris’s (2010) study finds that Blacks who find themselves in these neighborhoods are at a higher risk to become incarcerated than whites. In addition, socioeconomic disparities between Blacks and whites make it more difficult for Blacks to access resources once they are in the criminal justice system, making them **susceptible to recidivism**. Typically, offenders return to their neighborhoods with little to no money, the clothes on their back, and no employment. When they are returning to a neighborhood that has those same characteristics (high unemployment, poverty, etc.), there is a **considerable likelihood** of reoffending (Stahler et al., 2013). Overall, many studies show a **significant relationship** between mass incarceration and neighborhood environment.

#### Illegal strike activity in the status quo solves the affirmative – the aff is an attempt to regulate the ongoing strike wave

**Olivier 10/28**

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Workers across the United States are finally saying they’ve had enough. Nineteen months into the pandemic, 24,000 of them are exercising the strongest tool they have: the power to withhold their labor. With the country already facing severe supply chain disruptions, these strikes have put added pressure on employers to improve wages and working conditions. At the John Deere factories in Iowa, Kansas, and Illinois, 10,000 employees represented by the United Auto Workers (UAW) went on strike after rejecting a proposed contract that included wage increases below inflation levels and the elimination of pensions for new employees. Other strikes include 2,000 [healthcare](https://www.cbsnews.com/news/mercy-hospital-nurses-strike-labor-shortage-2021/) workers at Buffalo’s Mercy Hospital; 1,800 telecom workers at California’s Frontier Communications; and 1,400 production workers at several Kellogg’s cereal plants. Thousands of additional workers have authorized strike votes. Earlier this month, an overwhelming majority of workers in the International Alliance of Theatrical Stage Employees (IATSE), which represents over 60,000 people in the film and TV industry, [voted in favor](https://iatse.net/by-a-nearly-unanimous-margin-iatse-members-in-tv-and-film-production-vote-to-authorize-a-nationwide-strike/) of a strike. A few days later, [24,000](https://www.washingtonpost.com/business/2021/10/11/24000-kaiser-permanente-workers-authorize-strike-over-pay-working-conditions/) Kaiser Permanente healthcare workers in California and Oregon followed suit. Harvard’s graduate student union, with roughly 2,000 members, also authorized a strike with a 92 percent vote. “Workers are fed up working through the pandemic under the conditions they’ve been working in,” says Joe Burns, a former union president and [author of](https://www.akpress.org/strikebackupdated.html) “Strike Back: Using the Militant Tactics of Labor’s Past to Reignite Public Sector Unionism Today.” The strike wave “also reflects that there’s a tight labor market.” “We’ve noticed a considerable uptick in the month of October,” says Johnnie Kallas, a PhD student at Cornell’s School of Industrial and Labor Relations (ILR) and Project Director for the ILR [Labor Action Tracker](https://striketracker.ilr.cornell.edu/about.html). The ILR has tracked 189 strikes this year. Of those, 42 are ongoing in October while 26 were initiated this month Kallas and his team have been collecting data on strikes and labor protests since late 2020; they officially launched the Labor Action Tracker on May Day of this year. “There’s a lack of adequate strike data across the United States, says Kallas. “We thought this was a really important gap to fill.” The Bureau of Labor Statistics (BLS), he explains, only keeps track of work stoppages involving 1,000 employees or more, and which last an entire shift. “As you can imagine, this leaves out the vast majority of labor activity,” Kallas says. Workers are demanding higher wages, adequate benefits like healthcare and pensions, improved safety and working conditions, especially concerning COVID-19, and reasonable working hours. The ILR Tracker has also been keeping tabs on “labor protests” —i.e., “collective action by a group of people as workers but without withdrawing their labor” —which aren’t recorded by BLS at all. The federal minimum wage has been stagnant at $7.25 an hour since 2009, even as inflation has increased by 28 percent since then. Meanwhile, over the past year consumers have seen a sharp increase in the cost of everyday goods such as bacon, gasoline, eggs, and toilet paper due to the pandemic. This means workers’ wages aren’t going nearly as far as they used to. For months, the media has been [reporting](https://www.reuters.com/business/no-end-sight-labor-shortages-us-companies-fight-high-costs-2021-10-26/) on a “labor shortage” that has purportedly left employers unable to fill jobs. Fast food restaurants have [posted signs](https://twitter.com/ABC15Patrick/status/1382415576006496264?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1382415576006496264%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.the-sun.com%2Fnews%2F2741287%2Fsonic-viral-sign-workers-dont-want-to-work%2F) that read: “We are short-staffed. Please be patient with the staff that did show up. No one wants to work anymore.” Small business owners and corporate CEOs alike have gone on cable news to complain about the hundreds of thousands of people who prefer to live on government assistance rather than find a job. But the truth, said Kallas, is that there’s [no shortage of labor](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Rather, employers can’t find people to work [for the wages they’re offering](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Saturation coverage of the labor shortage has come at the expense of amplifying the human cost of the government’s having cut unemployment benefits for 7.5 million workers on Labor Day, while an additional three million lost their weekly $300 pandemic unemployment assistance. Time magazine [called it](https://time.com/nextadvisor/in-the-news/unemployment-benefits-expire-in-september/) the “largest cutoff of unemployment benefits in history.” Just two weeks earlier, a [flurry](https://www.cnbc.com/2021/08/23/ending-unemployment-benefits-had-little-impact-on-jobs-study-says.html) of newly published [studies](https://www.nytimes.com/2021/08/20/business/economy/unemployment-benefits-economy-states.html) showed that states that chose to withdraw earlier from federal benefits did not succeed in pushing people back to work. Instead, they [hurt their own economies](https://www.businessinsider.com/cutting-off-unemployment-hurts-states-did-not-help-employment-research-2021-9) as households cut their spending to compensate for the lost benefits. In Wisconsin, instead of increasing benefits or raising the minimum wage, state legislators have decided to address the labor shortage by putting children to work. Last week, the state senate [approved a bill](https://www.businessinsider.com/labor-shortage-wisconsin-senate-jobs-work-teenagers-child-labor-hours-2021-10) that would allow 15 and 16-year-olds to work as late as 9 p.m. on school nights and 11 p.m. on days that aren’t followed by a school day. The only state legislator to speak out against the bill was Senator Bob Wirch, who [said that](https://wisconsinexaminer.com/2021/10/21/senate-votes-to-extend-work-hours-for-some-teens-under-16/) “kids should be doing their homework, being in school, instead of working more hours.” Despite these setbacks, the tight labor market has given workers considerable leverage. “Workers are more confident that they can strike and not be replaced,” says Burns. In places where non-union labor, or “scabs,” have been brought in to replace striking workers, there have been several incidents that underscore the importance of a union in creating a safe work environment. Jonah Furman, a labor activist who has been covering the John Deere strike closely, reported that poorly trained replacement workers brought in to a company facility were involved in a serious [tractor accident](https://labor411.org/411-blog/scab-crashes-tractor-on-day-1-of-john-deeres-replacement-of-striking-workers/) on the morning of their first day. A higher profile and more deadly incident occurred last week when the actor Alec Baldwin fatally shot cinematographer Halyna Hutchins with a prop gun that was supposed to contain only blank rounds. According to [several](https://www.insider.com/rust-camera-crew-walked-off-protest-hours-before-fatal-shooting-2021-10) [reports](https://www.motherjones.com/media/2021/10/rust-alec-baldwin-strike-labor-gun-iatse/) on the incident, the union camera crew quit their jobs and walked off the set earlier that day to protest abysmal safety standards—and were immediately replaced with inexperienced, non-union labor. “Corners were being cut — and they brought in nonunion people so they could continue shooting,” one crew member told the [LA Times](https://www.latimes.com/entertainment-arts/business/story/2021-10-22/alec-baldwin-rust-camera-crew-walked-off-set). Kallas says the incident “clearly demonstrates the importance of workplace safety and the significance of capturing both strikes and labor protests” when collecting data. “What’s becoming increasingly common are these walkouts and mass resignations,” he says. He mentioned a Burger King in Nebraska where the entire [staff walked out](https://globalnews.ca/news/8023338/burger-king-sign-quit-employees-lincoln-nebraska/#:~:text=Fed%2Dup%20Burger%20King%20staff,%E2%80%9CSorry%20for%20the%20inconvenience.%E2%80%9D) to protest poor working conditions that included a broken air conditioner in 90° F temperatures and staff shortages. They left a note on the door that said, “We all quit. Sorry for the inconvenience.” In another non-strike labor action, dozens of non-union school bus drivers in Charles County, Maryland [called in sick](https://www.wusa9.com/article/news/education/150-school-bus-routes-affected-friday-in-charles-county-after-rumoured-driver-sick-out-maryland/65-88bf184f-0cf1-4182-aa06-05e983188934) to protest their low wages and lack of benefits. Over 160 bus routes were affected by the action. Meanwhile, adjacent school districts that are critically short of bus drivers find themselves unable to attract new candidates because of the perceived risk associated with driving a bus crowded with children during the pandemic. In an [Opinion piece](https://www.theguardian.com/commentisfree/2021/oct/13/american-workers-general-strike-robert-reich) for The Guardian US, former Secretary of Labor Robert Reich suggested that the United States was in the grips of an unofficial general strike, with workers quitting their jobs “at the highest rate on record.” Why? Because they were “burned out,” fed up with “back-breaking or mind-numbing low-wage shit jobs.” The pandemic, asserted Reich, was “the last straw.” In July, an anonymous group [called for a](https://boldtv.com/cheyenner/2021/07/19/did-you-know-theres-going-to-be-a-general-strike-in-2021/) general strike on October 15, but the day came and went without much fanfare. “Traditionally, general strikes happen because workers actually want to go on strike, and not because someone declares it on Facebook or Twitter,” says Burns. Rosa Luxemburg, the German socialist and philosopher who rose to prominence at the beginning of the last century, believed general strikes were the tool to usher in social revolution after developing class consciousness through the patient building of worker organizations, such as unions. “That’s not happening today,” says Burns. The 24,000 striking workers today pale in comparison to the mass strikes of the early to mid-twentieth century, when workers shut down production by the hundreds of thousands. Some [4.6 million workers](http://www.rochesterlabor.org/strike/) went on strike in 1946, accounting for 10 percent of the workforce. Today things aren’t as simple. In August 1981, President Ronald Reagan fired over 11,000 air traffic controllers who went on strike after negotiations between the Federal Aviation Administration broke down. These workers were prohibited from ever working for the federal government again, creating a chilling effect among unions. Reagan’s action set the tone for labor relations for the next four decades, while his administration ushered in a new era of corporate dominance, known as neoliberalism. Today, corporations such as Amazon regularly [use threats](https://www.nytimes.com/2021/03/16/technology/amazon-unions-virginia.html), [intimidation tactics](https://nowthisnews.com/news/amazon-accused-of-intimidating-workers-after-warehouse-votes-to-not-unionize), and [surveillance](https://www.theguardian.com/commentisfree/2021/mar/02/mcdonalds-unions-workers-rights) against employees to prevent them from unionizing. “When workers engage in a true strike wave, politicians want to step in and regulate it and establish some procedures,” says Burns. The Taft-Hartley Act was passed one year after the [general strikes of 1946](https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/strike-wave-united-states), making wildcat strikes, secondary boycotts, and union donations to federal political campaigns illegal. The act also allowed states to pass right-to-work laws, severely limiting effective union organizing, and required union officers to sign affidavits pledging they were not communists. The Red Scare, initially sparked by the Russian Revolution of 1917, resulted in sustained attacks against organized labor, particularly the leftist Industrial Workers of the World, or “Wobblies.” By the end of the Second World War, with labor militancy intensifying and the power of the Soviet Union growing, the Red Scare had morphed into a reign of terror against an “internal enemy.” Reagan later used language from the Taft-Hartley Act that prohibited workers from striking against the government to declare the air traffic controllers’ strike illegal. Today, workers face serious legal barriers to organizing under a system of labor law that favors the employer. Over the years, these laws have restricted the scale with which strikes can be organized and the total number of workers who belong to unions. At the peak of organized labor in 1954, [34.8 percent of](https://www.pewresearch.org/fact-tank/2014/02/20/for-american-unions-membership-trails-far-behind-public-support/) American wage and salary workers belonged to a union; by 2020, that number was down [to](https://www.bls.gov/news.release/union2.nr0.htm#:~:text=The%20number%20of%20wage%20and,workers)%2C%20or%206.7%20percent.) 10.8 percent, a trend that has been closely linked to decreased wages over the last few decades. Against these grim numbers, legislation like the [Protecting the Right to Organize (PRO) Act](https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts) could make a huge difference to labor organizing. The PRO Act would allow workers to engage in secondary boycotts, restrict right-to-work laws, ban anti-union captive audience meetings and exact financial penalties against companies found to be in violation of the law. The bill is something President Joe Biden campaigned on during the 2020 presidential election and has pushed to include in his Build Back Better agenda. “I’m skeptical based on actual history that we’re gonna see a legislative fix to this problem,” says Burns. “**When workers are militant and engaged in activity, legislation will follow.** Not the other way around.” The strike wave we’re witnessing today speaks to a growing militancy against several decades of sustained corporate combat. It’s an uphill battle that no one union can win in isolation. With organized labor depleted and battle weary, the only path forward is to enlist other workers to fight by organizing new unions and activating those that already exist. Only by growing its numbers will labor enact the systemic change necessary to put working people on better footing. As labor activists have long proclaimed, “**there’s no such thing as an illegal strike, only an unsuccessful one.”**