### 1nc- CP

#### The United States should support the conditional right to strike for prisoners and implement in all state and federal prisons

#### working program where prisoners can make minimum wage

#### mandatory rehabilitation programs

#### Fund school districts in all Federal prisons

#### Support Second Chance Pell Grants

#### Developing standardized, evidence-based programs to reduce recidivism. NB is strikes are conditional which means we limit unlawful strikes.

#### Solves Case- solves low wages ,cycles of recidivism, allows strikes, and job opportunities

The United States Department Of Justice Archives, "Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons,", <https://www.justice.gov/archives/prison-reform> (Loyola IB)

From day one, identifying an inmate’s individualized “criminogenic” needs.  BOP embraces a corrections philosophy that reentry preparation must begin on the first day of incarceration.  The first and most important step in reentry planning is obtaining information about an individual inmate’s risk of recidivating and programmatic needs that will inform development of an individualized reentry plan. Social science research indicates each inmate possesses his or her own "criminogenic factors,"[[1]](https://www.justice.gov/archives/prison-reform" \l "_ftn1" \o ") such as criminal history, substance abuse, and education level. By identifying these factors as soon as an inmate enters custody, the Bureau can ensure that the individual receives appropriate services and can monitor his or her progress throughout the term of incarceration.  In 2016, the Bureau retained an independent social science research organization, American Institutes of Research (AIR), to evaluate BOP’s existing criminogenic assessment tools and to propose improvements.   This evaluation, which will be completed in the fall of 2017, will increase the effectiveness of correctional programs by ensuring the right services are delivered to the right inmates, that these programs are aligned to the risk level and unique needs of each individual, and that all services are delivered at the intensity and frequency necessary to reduce the likelihood of recidivism.

Building a “school district” within the federal prison system. Research shows that inmates who participate in correctional education programs have 43 percent lower odds of returning to prison than those who do not, and that every dollar spent on prison education saves four to five dollars on the costs of re-incarceration.[[2]](https://www.justice.gov/archives/prison-reform#_ftn2)  With guidance from the [Bronner Group](https://www.justice.gov/dag/page/file/914026/download), an educational consulting firm, BOP is building a semi-autonomous school district within the federal prison system and will offer programs for adult literacy/basic skills, high school diplomas, post-secondary education, and expanded opportunities for individuals with learning disabilities.  In November 2016, the Bureau announced that it hired Amy Lopez, a veteran correctional educator, to serve as the first “superintendent” of the BOP school district.  Under the new system, each federal inmate will be assessed upon incarceration to determine his or her education level and determine the type and level of instruction needed.  That “individualized education plan” will follow the inmate through his or her time in BOP’s custody. 

Launching a tablet-based pilot program for inmate education. BOP is launching a pilot program to determine the feasibility of a “blended” education model that combines classroom instruction with online education (provided through tablets customized for the prison environment).   Similar pilots have been successfully launched in Ohio and California.  The pilot program will be rolled out at two prisons in early 2017 and will be expanded to additional sites in future years.  BOP is currently reviewing bids from vendors to provide the necessary hardware and software for the pilot program. 

Supporting the Second Chance Pell Pilot Program.  Second Chance Pell is a [pilot program](http://www.ed.gov/news/press-releases/12000-incarcerated-students-enroll-postsecondary-educational-and-training-programs-through-education-departments-new-second-chance-pell-pilot-program) announced by the Department of Education in July 2015 that will allow eligible incarcerated Americans to receive Pell Grants and pursue postsecondary education with the goal of helping them get jobs and support their families when they are released.  [Seven BOP facilities](https://www.bop.gov/resources/news/20160630_back_to_school.jsp) are participating in this program, which allows select colleges and universities to provide funding to cover tuition, required fees, books, and supplies for inmates seeking educational opportunities. 

Encouraging inmates to develop marketable job skills. BOP is expanding opportunities for occupational training, with a focus on ensuring that inmates develop the job skills they need to find work after release from custody.  As part of this effort, BOP is working to revitalize [Federal Prison Industries](https://www.bop.gov/inmates/custody_and_care/unicor.jsp) (FPI), also known as UNICOR, the agency’s largest and most successful job training program.  Research shows that inmates who worked in prison industries were 24 percent less likely to recidivate and 14 percent more likely to be gainfully employed after release from custody than other inmates.  In 2016, the Bureau hired Gary Simpson, a former manufacturing and operations executive of a Fortune 100 company, to restore FPI’s viability and increase opportunities for inmates.

Developing standardized, evidence-based programs to reduce recidivism.   Research shows that recidivism risk can be effectively reduced through evidence-based programming that targets criminogenic needs, such as courses in cognitive behavioral therapy and other topics.  Inmate programming also makes prisons safer because inmates occupied in productive activities are less likely to engage in institutional misconduct.  As a result, BOP is expanding access to critical [National Programs](https://www.bop.gov/inmates/custody_and_care/docs/BOPNationalProgramCatalog.pdf), including BRAVE and STAGES, and developing new National Programs where programming gaps exist.  To achieve this goal, the Bureau will request additional appropriations to increase its staffing of critical positions, such as social workers, psychologists, and treatment specialists.  This year, the Bureau developed a standardized Release Preparation Program, required for all releasing inmates, that will be offered nationwide.  In addition, the Bureau is streamlining its many locally developed programs to focus on evidence-based programs with a proven track record of reducing recidivism.  As part of this process, the Bureau developed an “[Inmate Model Programs Catalog](https://www.justice.gov/archives/dag/page/file/914011/download),” which contains curriculum guides for about 50 “model” programs that Bureau facilities are encouraged to adopt nationwide.  In addition, the Bureau has developed a new computerized system to better track which facilities are implementing which model programs.  Finally, the Bureau is committed to increasing inmate enrollment in appropriate programs by improving its case management process and providing greater use of incentives.

Prioritizing mental health treatment for inmates.  BOP is working to overhaul its policies on the treatment and care of inmates with mental illness.  Among other changes, in May 2014, BOP [issued new internal guidance](https://www.bop.gov/policy/progstat/5310_16.pdf) prioritizing the use of cognitive behavioral therapy and other evidence-based treatment programs proved to be effective in correctional settings.  Since then, BOP also established a number of “secure mental health step-down units,” which provide housing and treatment for inmates with serious mental illness and a significant history of violence, and has launched a pilot program to provide dedicated mental health staff within restrictive housing units.  In addition, as part of the Bureau’s education reforms, the agency hired its first-ever school psychologist to assist in developing programs for inmates with special learning needs.

#### Perm doesn’t compete- the condition for striking are set below. Means the perm is severance.

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.

“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.

Things that we don’t defend and are considered unlawful that the Aff has to defend according to the NLRB

* Strikers physically blocking persons from entering or leaving a struck plant.
* Strikers threatening violence against no striking employees.
* Strikers attacking management representatives.
* Section 8(g)—Striking or Picketing a Health Care Institution Without Notice

[National Labor Relations Board](https://www.nlrb.gov/), https://www.nlrb.gov/

The Right to Strike

Section 7 of the [National Labor Relations Act](https://www.nlrb.gov/how-we-work/national-labor-relations-act) states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

It is clear from a reading of these two provisions that: the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right. See for example, restrictions on strikes in health care institutions (set forth below).

Lawful and unlawful strikes. The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.

It must be emphasized that the following is only a brief outline. A detailed analysis of the law concerning strikes, and application of the law to all the factual situations that can arise in connection with strikes, is beyond the scope of this material. Employees and employers who anticipate being involved in strike action should proceed cautiously and on the basis of competent advice.

Strikes for a lawful object.Employees who strike for a lawful object fall into two classes “economic strikers” and “unfair labor practice strikers.” Both classes continue as employees, but unfair labor practice strikers have greater rights of reinstatement to their jobs.

Economic strikers defined. If the object of a strike is to obtain from the employer some economic concession such as higher wages, shorter hours, or better working conditions, the striking employees are called economic strikers. They retain their status as employees and cannot be discharged, but they can be replaced by their employer. If the employer has hired bona fide permanent replacements who are filling the jobs of the economic strikers when the strikers apply unconditionally to go back to work, the strikers are not entitled to reinstatement at that time. However, if the strikers do not obtain regular and substantially equivalent employment, they are entitled to be recalled to jobs for which they are qualified when openings in such jobs occur if they, or their bargaining representative, have made an unconditional request for their reinstatement.

Unfair labor practice strikers defined.Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged.

If the Board finds that economic strikers or unfair labor practice strikers who have made an unconditional request for reinstatement have been unlawfully denied reinstatement by their employer, the Board may award such strikers backpay starting at the time they should have been reinstated.

Strikes unlawful because of purpose. A strike may be unlawful because an object, or purpose, of the strike is unlawful. A strike in support of a union unfair labor practice, or one that would cause an employer to commit an unfair labor practice, may be a strike for an unlawful object. For example, it is an unfair labor practice for an employer to discharge an employee for failure to make certain lawful payments to the union when there is no union-security agreement in effect (Section 8(a)(3). A strike to compel an employer to do this would be a strike for an unlawful object and, therefore, an unlawful strike. Strikes of this nature will be discussed in connection with the various unfair labor practices in a later section of this guide.

Furthermore, Section 8(b)(4) of the Act prohibits strikes for certain objects even though the objects are not necessarily unlawful if achieved by other means. An example of this would be a strike to compel Employer A to cease doing business with Employer B. It is not unlawful for Employer A voluntarily to stop doing business with Employer B, nor is it unlawful for a union merely to request that it do so. It is, however, unlawful for the union to strike with an object of forcing the employer to do so. These points will be covered in more detail in the explanation of Section 8(b)(4). In any event, employees who participate in an unlawful strike may be discharged and are not entitled to reinstatement.

Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer. It should be noted that not all refusals to work are considered strikes and thus violations of no-strike provisions. A walkout because of conditions abnormally dangerous to health, such as a defective ventilation system in a spray-painting shop, has been held not to violate a no-strike provision.

Same—Strikes at end of contract period.Section 8(d) provides that when either party desires to terminate or change an existing contract, it must comply with certain conditions. If these requirements are not met, a strike to terminate or change a contract is unlawful and participating strikers lose their status as employees of the employer engaged in the labor dispute. If the strike was caused by the unfair labor practice of the employer, however, the strikers are classified as unfair labor practice strikers and their status is not affected by failure to follow the required procedure.

Strikes unlawful because of misconduct of strikers. Strikers who engage in serious misconduct in the course of a strike may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sitdown” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are:

Strikers physically blocking persons from entering or leaving a struck plant.

Strikers threatening violence against nonstriking employees.

Strikers attacking management representatives.

Section 8(g)—Striking or Picketing a Health Care Institution Without Notice. Section 8(g) prohibits a labor organization from engaging in a strike, picketing, or other concerted refusal to work at any health care institution without first giving at least 10 days’ notice in writing to the institution and the Federal Mediation and Conciliation Service.

For more information please see the  [Basic Guide to the National Labor Relations Act](https://www.nlrb.gov/sites/default/files/attachments/pages/node-235/basicguide.pdf).

### 1nc – A

#### Interpretation—the aff may not specify a just government

#### A is an generic indefinite singular. Cohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 <https://core.ac.uk/download/pdf/188590876.pdf>

\*IS generic = Indefinite Singulars

French, then, expresses the two types of reading differently. In English, on¶ the other hand, generic BPs are ambiguous between inductivist and normative¶ readings. But even in English there is one type of generic that can express only¶ one of these readings, and this is the IS generic. While BPs are ambiguous¶ between the inductivist and the rules and regulations readings, ISs are not. In¶ the supermarket scenario discussed above, only (44.b) is true:¶ (44) a. A banana sells for $.49/lb.¶ b. A banana sells for $1.00/lb.¶ The normative force of the generic IS has been noted before. Burton-Roberts¶ (1977) considers the following minimal pair:¶ (45) a. Gentlemen open doors for ladies.¶ b. A gentleman opens doors for ladies.¶ He notes that (45.b), but not (45.a), expresses what he calls “moral necessity.”7¶ Burton-Roberts observes that if Emile does not as a rule open doors for ladies, his mother could utter [(45.b)] and thereby successfully imply that Emile was not, or was¶ not being, a gentleman. Notice that, if she were to utter. . . [(45.a)] she¶ might achieve the same effect (that of getting Emile to open doors for¶ ladies) but would do so by different means. . . For [(45.a)] merely makes a¶ generalisation about gentlemen (p. 188).¶ Sentence (45.b), then, unlike (45.a), does not have a reading where it makes¶ a generalization about gentlemen; it is, rather, a statement about some social¶ norm. It is true just in case this norm is in effect, i.e. it is a member of a set of¶ socially accepted rules and regulations.¶ An IS that, in the null context, cannot be read generically, may receive a¶ generic reading in a context that makes it clear that a rule or a regulation is¶ referred to. For example, Greenberg (1998) notes that, out of the blue, (46.a)¶ and (46.b) do not have a generic reading:¶ (46) a. A Norwegian student whose name ends with ‘s’ or ‘j’ wears green¶ thick socks.¶ b. A tall, left-handed, brown haired neurologist in Hadassa hospital¶ earns more than $50,000 a year.¶ However, Greenberg points out that in the context of (47.a) and (47.b),¶ respectively, the generic readings of the IS subject are quite natural:¶ (47) a. You know, there are very interesting traditions in Norway, concerning the connection between name, profession, and clothing. For¶ example, a Norwegian student. . .¶ b. The new Hadassa manager has some very funny paying criteria. For¶ example, a left-handed. . .¶ Even IS sentences that were claimed above to lack a generic reading, such¶ as (3.b) and (4.b), may, in the appropriate context, receive such a reading:¶ (48) a. Sire, please don’t send her to the axe. Remember, a king is generous!¶ b. How dare you build me such a room? Don’t you know a room is¶ square?

#### Only our evidence speaks to how indefinite singulars are interpreted in the context of normative statements like the resolution. This means throw out aff counter-interpretations that are purely descriptive

#### Violation—they specified the US—we’ve inserted a list of other potentially just governments in the doc – there are at least 96 countries that could count as “just governments” as a democracy, with more depending on their definition and metric.

A close up of a map

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#### Vote neg:

#### 1] Precision –any deviation justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits—specifying a just government offers huge explosion in the topic since they get permutations of more than 50 just governments in the world depending on their definition of just government. Neg positions like the Economy DA, Advantage CPs, etc. are jettisoned when the aff specifies a country that we don’t have specific ev to.

**3] TVA solves – read the aff as advantage – most authors advocate for a change in a strike writ large**

#### 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—it’s your burden to be topical.

#### T before 1ar theory – normsetting – t norms specific to the topic but 1ar theory can be set anytime

#### 5] Paradigm Issues –

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

### 1nc- Workers

#### 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.

#### 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.

#### Standards:

#### 1] Limits— Allowing Affs about workers without contracts justifies the slavery, child labor, human trafficking, and indentured servants AC — incentives reading any aff about forced labor that negs don’t have prep on— a] incentivizes running to the margins in order to cut fringe affs— that destroys iterative content mastery which is key to education. B] explodes the negs prep burden to prep for hundreds amounts of affs due to different circumstances that result in forced labor.

#### There are hundreds of affs under their interp— they allow for any instance of forced labor in any of these countries— means that they explode limits.

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>] RR

Global estimates on forced labour

Map

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Global estimates 2012: Results and Methodology

Summary of the ILO 2012 Global Estimate of Forced Labour

Profit estimates of forced labour

Chart

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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— all the neg can say against the aff 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.