### CP – Statutory Protections > Rights (0:30)

#### CP Text – we defend a statutory protection of workers to strike passed through legislature enforced by the Department of Labor in the United States of America

-We’ll defend an unconditional right to strike as defined by the affirmative in other just governments

#### Legal rights work through the courts and statutory protections work through legislature

Suzanne Fitzpatrick, School of the Built Environment, Heriot-Watt University, Edinburgh, Scotland, and Beth Watts, Centre for Housing Policy, University of York, England, HOMELESSNESS RESEARCH IN EUROPE, “The 'Right to Housing' for Homeless People,” pp. 105-122, Brussels: FEANTSA, 2010, accessed 2-5-2017: Google Scholar.

A key distinction must be drawn between legal or positive rights to housing on the one hand, and programmatic rights on the other. Legal rights are enforceable via domestic court systems at the behest of individual citizens, whereas a programmatic approach ‘binds the State and public authorities only to the development and implementation of social policies, rather than to the legal protection of individuals’ (Kenna and Uhry, 2006, p.1). Programmatic rights are thus important in so far as they ‘express goals which political actors… agree to pursue’ (Mabbett, 2005, p.98). In this vein, Bengtsson (2001, p.255) describes the right to housing as a ‘political marker of concern’, arguing that rights to housing can only be understood within specific national contexts, with legalistic rights implied by selective welfare regimes, and programmatic rights (which he terms a more social concept of rights) associated with more universalistic regimes. Interestingly, Bengtsson highlights that this interpretation of the right to housing reflects Marshall’s (1949) original (but often misunderstood) conception of social rights as obligations of the state to society as a whole, rather than as claims that must be met by the state in each individual case. It is important to note that programmatic rights to housing, although unenforceable by the individual citizen, can find legal expression, very often in constitutional provisions (Fitzpatrick and Stephens, 2007). For example, in a number of European countries, including Belgium, Finland, Portugal, Spain and Sweden, there is a ‘right’ to housing contained in the national constitution, although there are seldom legal mechanisms provided to enable homeless individuals to enforce that right. The Swedish constitution ‘includes the word “right” but this was never interpreted to mean that there was an enforceable right to housing for the individual citizen’ (Sahlin, 2005, p.15).

#### It competes – net benefits which will be read on case and different agent – the aff uses the court system, the neg uses legislature

### Th – Test Case Fiat (1:15)

#### Interpretation

#### The affirmative debater must not fiat a court case be created and/or ruled upon

#### The affirmative defines their position as a legal right. Legal rights work through the courts and statuatory rights work through legislature – crossapply the Fitzpatrick evidence from the CP

#### B is the violation – legal rights such as the affirmative necessitate the creation of a court case to establish the legal right

Ornstein et al 11( – Continuity of Government Commission made up of Norman J. Ornstein political scientist and resident scholar at the American Enterprise Institute, Thomas E. Mann Averell Harriman Chair and a senior fellow in Governance Studies at the Brookings Institution, John C. Fortier research fellow at AEI, and Jennifer K. Marsico AEI, 2011, “Preserving Our Institutions: The Third Report of the Continuity of Government Commission-The Supreme Court.” American Enterprise Institute, https://www.aei.org/wp-content/uploads/2011/10/Supreme-Court-Continuity.pdf)

First, in ordinary times the Court does not typically move on a quick timetable. And even more relevantto the issues we are discussing, it is not obvious that¶ the Court would need to act immediately in the¶ midst of a national security crisis.¶ For the presidency, the country needs an¶ immediate answer to the question of who is acting¶ as president after an attack. If the president is dead¶ or grievously wounded, there must be a successor¶ who can initiate immediate emergency actions in¶ dealing with the aftermath of a catastrophe or strike¶ back against foreign or domestic foes.¶ For the legislative branch, the Continuity of Government¶ Commission has argued the need for a¶ reconstituted, fully functioning, legitimate Congress¶ days after an attack. In the several days, weeks, and¶ months after 9/11, Congress authorized military¶ action in Afghanistan; appropriated funds for military,¶ homeland security, and rebuilding; created new¶ institutions and legal powers for transportation security;¶ and passed the Patriot Act. Congress does not need to act minutes after an attack, but a reconstituted¶ Congress is essential in the weeks and months¶ after an attack.¶ By contrast, an argument can be made that the¶ Supreme Court is not as necessary for immediate¶ action, even after an attack. The process of a typical court case reaching the Supreme Court is a long one.¶ Ordinarily, when the Supreme Court agrees to hear a¶ case, it is several months before oral arguments are made before the Court and several more months before the Court issues a decision. And this lengthy process does not include the course of cases in lower courts, which can add years to the time from when a¶ case is first filed until the Supreme Court renders a¶ judgment. Furthermore, many cases never reach the¶ Supreme Court but are decided with finality by other¶ federal courts. And even though there have often¶ been some who push for Court action in the midst of¶ an emergency, the Court has frequently decided¶ these sorts of cases years later after the emergency has¶ passed or receded. For example, a number of recent¶ and older cases dealing with military commissions¶ were decided years after initial detainment.

#### C. Standard

#### 1. Predictability-

#### We can’t predict agents outside the resolution that are necessary to bring the case to lower courts and up to the Supreme Court. This destroy any uniqueness for negative positions.

#### 2. Ground-

#### We can’t run specific links to test cases if they don’t specify what case they rule on. This would require fiat-ing the lower court ignore the current Rule of Law and then the appellate court doing the same and then fiat-ing again the SCOTUS grant cert and then their decision. This also assume that they would need to first fiat the existence of a case to push through the courts. This swamps the negative ground as the affirmative attempt to fiat through circumvention arguments and disadvantages.

#### 3. Limits-

#### There are enough cases currently in front of the court- there are an infinite number that could possibly work up to the supreme court. This is the internal link to education via clash.

#### D. Voter for fairness and education

#### Fairness is a voter- 1) metaconstraint to your ability to evaluate the rest of the round objectively because it skewed my strategy – 2) fairness is constitutive of a competitive activity such as debate

#### Education is a voter – it’s the only long term impact to debate

#### Competing interps to set the best norms through weighing standards- you cant be reasonably topical

#### Drop The Debater- there’s no argument to drop, it indicts the entire aff

#### No RVIs

#### Encourages being abusive to bait arguments

#### Illogical- you don’t win for being fair

#### Education- forces me to go all in on T in the 2nr, which kills the only portable impact to debate