# 1AC

### Framing

#### The standard is maximizing expected well-being – Prefer

#### [1] Actor specificity – state actors can only use util – outweighs since different actors have different obligations.

#### A – Aggregation – all policies benefit some and hurts others – only util can resolve these cuz it gives a clear weighing mechanism

#### B – Collectivism – States are composed of many actors who inevitably disagree about intent means they can only use consequentialism because they don’t have to agree

#### C – Bureaucrats aren’t philosophers – policymakers do not have experience with dense frameworks so they don’t understand how to apply them to specific instances but they do understand that pain is bad and pleasure is good because it’s intrinsic to existing.

#### [2] Extinction first –

#### a. Wager – if there is any chance of goodness existing, we ought to preserve our existence to maximize it.

#### b. Sequencing – if their framework is true, people dying is bad because it means those people can’t use their framework

#### c. Repugnance – if their framework cannot explain why people dying is bad – you should reject it because it cannot disavow of atrocities. You shouldn’t vote for a framework that can’t say the holocaust was a bad thing.

#### d. Performativity – us having a moral debate proves moral uncertainty because it means we are not certain about which framework is true - means we should preserve our ability to find the true framework

### Case

**Adv 1 is Elections**

#### Most prisoners lose their right to vote now – they are demanding it back with strikes

Pilkington ’18

Pilkington, Ed. “US Inmates Mark End of Prison Strike with Push to Regain Voting Rights.” The Guardian, Guardian News and Media, 9 Sept. 2018, [https://www.theguardian.com/us-news/2018/sep/09/us-prison-strike-latest-demands-voting-rights. //](https://www.theguardian.com/us-news/2018/sep/09/us-prison-strike-latest-demands-voting-rights.%20//) Phoenix

Inmates within America’s overflowing prisons are marking the end of a 19-day national prison strike on Sunday with a new push to regain the vote for up to 6 million Americans who have been stripped of their democratic rights.

The strike was formally brought to a close on the anniversary of the 1971 uprising at [Attica prison](https://www.theguardian.com/commentisfree/2018/may/19/prison-abolition-america-impossible-inevitable) in upstate New York. Though details of the protest have been sketchy since it was [launched](https://www.theguardian.com/us-news/2018/aug/20/prison-labor-protest-america-jailhouse-lawyers-speak) on 21 August, hunger strikes, boycotts of facilities and refusal to carry out work duties have been [reported in many states](https://www.theguardian.com/us-news/2018/aug/23/prison-strike-us-canada-forced-labor-protest-activism), from Florida and South Carolina to Washington.

Now that the strike has ended, organizers hope its momentum can be sustained as they attempt to fulfill their demands including the restoration of the vote. Not only does the US have the world’s largest incarcerated population – [2.3 million](https://www.prisonpolicy.org/reports/pie2018.html) are behind bars – it also harbors at state level some of the harshest felony disenfranchisement laws in the world.

According to the Brennan Center for Justice, [34 states bar citizens from voting](http://www.brennancenter.org/criminal-disenfranchisement-laws-across-united-states) based on past convictions. Kentucky, Florida and Iowa cast anyone with a felony out of the democratic process for life.

Prisoners are beginning to coalesce around the push to regain the vote as a means of forwarding the cause of prison reform. The effort is led by Jailhouse Lawyers Speak, a loose network of imprisoned women and men who were at the forefront of the national prison strike.

When the [strike was launched](https://www.theguardian.com/us-news/2018/aug/20/prison-labor-protest-america-jailhouse-lawyers-speak), its organisers put out [10 demands](https://incarceratedworkers.org/campaigns/prison-strike-2018). The 10th was that “voting rights of all confined citizens … must be counted. Representation is demanded. All voices count.”

#### Refranchising felons locks-in democratic leads in key swing states

Lopez ‘20

Lopez, German. “The State of Ex-Felons' Voting Rights, Explained.” Vox, Vox, 18 Sept. 2020, [https://www.vox.com/voting-rights/21440014/prisoner-felon-voting-rights-2020-election. //](https://www.vox.com/voting-rights/21440014/prisoner-felon-voting-rights-2020-election.%20//) Phoenix

In 2019, Sen. Sanders, whose home state of Vermont lets people vote from within prison, made the issue a part of his platform in the presidential primary. He argued that voting is a right that should never be taken away from anyone in a democracy. And that means people, no matter how terrible they prove to be, should keep their right to vote.

“Even if Trump’s former campaign manager and personal lawyer end up in jail, they should still be able to vote — regardless of who they cast their vote for,” he [wrote in USA Today](https://www.usatoday.com/story/opinion/2019/04/30/bernie-sanders-felons-deserve-vote-participate-democracy-suppression-trump-column/3621258002/). He later added, “In my view, the [crooks on Wall Street](https://www.theguardian.com/business/2012/may/20/wall-street-role-financial-crisis) who caused the great recession of 2008 that hurt millions of Americans are not ‘good’ people. But they have the right to vote, and it should never be taken away.”

This led to some Democratic opposition. Former South Bend, Indiana, Mayor Pete Buttigieg led the charge, [arguing](https://www.cnn.com/politics/live-news/cnn-town-halls-sanders-buttigieg-harris-warren-klobuchar/h_9d846c08904a7c6806c3446d2e1d209d), “I do believe that when you are out, when you have served your sentence, then part of being restored to society is that you are part of the political life of this nation again — and one of the things that needs to be restored is your right to vote. … But part of the punishment when you’re convicted of a crime and you’re incarcerated is you lose certain rights, you lose your freedom. And I think during that period it does not make sense to have an exception for the right to vote.”

More conservative politicians, particularly Republicans, have resisted even more moderate efforts to restore people’s right to vote after they’ve completed their sentences. That’s occurred in Florida, where state legislators and Gov. Ron DeSantis (R) [passed a law](https://www.vox.com/policy-and-politics/2019/5/3/18528564/amendment-4-florida-felon-voting-rights-fees) to force ex-felons to pay back court fees, fines, and restitution, or get an exemption from a judge, before they can vote. Activists have called this a poll tax, invoking Jim Crow restrictions on voting, but the courts are still deciding the issue.

Just as there’s significant debate within the Democratic Party about the issue, there are some exceptions to the Republican opposition. Iowa’s Republican governor, Kim Reynolds, in August [restored voting rights](https://governor.iowa.gov/press-release/gov-reynolds-signs-executive-order-to-restore-voting-rights-of-felons-who-have) for people who’ve completed their felony sentences, with exceptions for homicide offenses. “The right to vote is the cornerstone of society and the free republic in which we live,” Reynolds said in a statement. “When someone serves their sentence, they should have their right to vote restored automatically.”

Part of this is a genuine philosophical question: Can someone at some point do something so terrible that they lose their right to vote? For Sanders, and many activists, the answer is no. For others, the answer is yes, though views on just how terrible the act has to be before that right is lost, and how long the right is lost for, varies from person to person.

But for Republicans, there are also clear political motivations. While the evidence on this topic is far from perfect, there’s some research indicating that restoring the right to vote for those with felony records could have a political impact. Experts Marc Meredith at the University of Pennsylvania and Michael Morse at Yale [wrote for Vox](https://www.vox.com/the-big-idea/2018/11/2/18049510/felon-voting-rights-amendment-4-florida):

Had all ex-felons been eligible to vote in Florida in 2016, we estimate that this would have generated about 102,000 additional votes for Democrats and about 54,000 additional votes for Republicans, with about an additional 40,000 votes that could be cast on behalf of either party.

That added up to about 48,000 votes on net for Democrats. In a state where recent Senate and gubernatorial races came down to as little as 10,000 to 30,000 votes, that could swing the whole thing.

It’s for similar reasons that Republicans have repeatedly resisted other efforts to expand voting rights in the US, particularly if they benefit minority voters who are more likely to vote for Democrats. Some Republicans have outright admitted to their political motivations. As [William Wan reported for the Washington Post](https://www.washingtonpost.com/politics/courts_law/inside-the-republican-creation-of-the-north-carolina-voting-bill-dubbed-the-monster-law/2016/09/01/79162398-6adf-11e6-8225-fbb8a6fc65bc_story.html), regarding a Republican-backed law in North Carolina:

Longtime Republican consultant Carter Wrenn, a fixture in North Carolina politics, said the GOP’s voter fraud argument is nothing more than an excuse.

“Of course it’s political. Why else would you do it?” he said, explaining that Republicans, like any political party, want to protect their majority. While GOP lawmakers might have passed the law to suppress some voters, Wrenn said, that does not mean it was racist.

“Look, if African Americans voted overwhelmingly Republican, they would have kept early voting right where it was,” Wrenn said. “It wasn’t about discriminating against African Americans. They just ended up in the middle of it because they vote Democrat.”

#### **A Republican win in 2022 shuts out climate action for decades**

Silverman 8/24 (Ellie Silverman; 8/24/21; The Washington Post; *“Climate activists fear this is the last chance to pass meaningful legislation”*; accessed 8/27/21; <https://www.washingtonpost.com/dc-md-va/2021/08/24/climate-biden-congress-protest/>; Ellie Silverman covers protest movements, activism and local news. At The Post, she has also covered local crime and courts. She has previously reported on retail, breaking news and general assignment stories for the Philadelphia Inquirer, her hometown paper. She graduated from the University of Maryland, where she reported for the Diamondback) HB

There is a rising frustration among many of those organizers, who say they helped turn out the vote in 2020 but are not seeing climate pledges translate into meaningful changes. They are worried that the opportunity to push through ambitious climate legislation will soon be gone — and that they may not have another chance. “He said he was the climate president,” Peltier — an Anishinaabe citizen of the Turtle Mountain Band of Chippewa and a member of the Indigenous environmental justice organization Honor the Earth — said outside the White House on Monday. “Now he doesn’t care.” Many climate activists have described an escalating sense of urgency to implement the sweeping changes needed to slow Earth’s warming, highlighted by the recent landmark report from the Intergovernmental Panel on Climate Change. U.N. Secretary General António Guterres called the report a “code red for humanity.” The pace of emissions shows the planet is on track to warm more than two degrees Celsius above preindustrial levels, which could trigger irreversible damage, according to the IPCC report. The Greenland ice sheet could collapse, and sea levels could rise more than six feet. There will be more of the climate-fed fires of this summer, deadly heat waves and devastating floods. Natalie Mebane read the IPCC report and thought of how much ground the climate movement in this country lost under President Donald Trump, whose administration allowed more pollution and weakened protections for wildlife. She worries Republicans will regain power in the 2022 midterms and thinks the slim window from now until then may be the final opportunity to see climate priorities passed through Congress. If not, it could be years before Democrats are in control — wasted time that Mebane fears could cause permanent devastation. “If the Democrats lose a single seat in the Senate, it’s over,” said Mebane, the associate director of U.S. policy for 350.org, an international climate group. “These years that we have right now is the last time that we can even make an impact and influence on climate change before it becomes runaway climate change that we have zero control over.” Biden has tackled greenhouse-gas emissions by proposing new federal goals and mandates to begin shifting the country toward electric cars, rejoined the Paris climate accord and revoked a federal permit for the Keystone XL oil pipeline. But activists point out Biden is still supporting Line 3, a tar-sands oil-pipeline expansion project that will be able to carry 760,000 barrels a day from Canada across northern Minnesota and into Wisconsin. They have called for him to revoke the permit, as he did with Keystone XL, and have protested for months, including on construction sites, chaining themselves to equipment and risking arrest. The White House did not respond to a request for comment. Earlier this month, the Senate approved the $1.2 trillion infrastructure bill with funding to tackle climate change, but many activists said the legislation has fallen short of dramatically addressing goals as lofty as this crisis demands. That does not mean Democrats should pass just any climate legislation, activists say — it has to include the right policies. Compromising on climate, they said, is not good enough. Though the bipartisan infrastructure bill apportions billions of dollars toward funding new public transit and electric-car charging stations, measures that are meant to cut climate-warming emissions, environmental organizations say it does not go far enough. They want to see legislation supporting Biden’s stated goal of replacing 100 percent of lead pipes and the replacement of all diesel school buses with clean electric ones. “It’s hard to square the scale of the problem with the solutions being discussed,” said Lukas Ross, program manager for the Climate and Energy Justice program at Friends of the Earth, another environmental group. “This is not the moment to bargain away the store in the name of passing anything.” Climate groups are focusing on the passage of a second bill through budget reconciliation, a process that would allow Democrats to pass more dramatic climate legislation without Republican support. Democrats in Congress are hoping to work in a clean-energy standard that would compel power providers to shift to wind, solar and other low-emission sources of energy to achieve 80 percent clean electricity by the end of the decade.

#### **US climate action is key to world wide action**

Beeler 19 (Carolyn Beeler; 9/18/19; PRI; *“Top US leadership is 'missing ingredient' in climate change action”*; accessed 8/27/21; <https://www.pri.org/stories/2019-09-18/top-us-leadership-missing-ingredient-climate-change-action>; Carolyn Beeler leads environment coverage for The World. She reports and edits stories focused on the people and places most impacted by climate change, and what they're doing to address it. She has reported from all seven continents and won national and regional awards for her breaking news and in-depth feature reporting. Before joining The World, Carolyn helped pilot the weekly health and science show, The Pulse, at WHYY in Philadelphia, and reported from Berlin for a year as a Robert Bosch Foundation fellow. She studied journalism at Northwestern University and got her start in radio as a Kroc fellow at NPR.) HB

World leaders will meet in New York next week for the United Nations Climate Summit, an event called by the Secretary-General to push for more and faster cuts to global greenhouse gas emissions. Notably missing at the summit: American leadership. Five years ago, a joint climate policy announcement from the US and China paved the way for the Paris climate accord to come to fruition after decades of failed attempts at an international climate pact. Then in June 2017, President Donald Trump announced that he would withdraw the US from the very same agreement his country had helped broker just a few years before. Under the rules of the accord, countries can announce the intention to leave, but must wait two years before being allowed to do so. Two years later, what impact has this policy whiplash had on the climate? Inside the US, that answer is relatively simple to quantify. Across the country, some 4,000 state and local governments, institutions and businesses have declared that, though the federal government intends to withdraw from the Paris climate agreement, they’re still on board with cutting emissions. One of those local governments is in Arlington, Massachusetts, where the town hall was illuminated green after Trump’s 2017 Paris withdrawal announcement. “We’ve come to the realization that if the federal government’s not going to do it, it’s going to fall to the local level,” said Adam Chapdelaine, Arlington’s town manager. “Somebody has to step up and be a leader.” Even before the Paris Agreement, the town has long worked to reduce its greenhouse gas emissions, from switching its street lights to LED bulbs to buying electric vehicles for its official fleet. Residents can opt-in to 100% renewable energy in their homes and the town is advocating for all-electric heating and cooling systems. Since the US federal government reversed its climate change policies, Arlington has gotten perhaps more ambitious: The town’s new high school is being designed to run on geothermal and solar energy and the whole town aims to go carbon-neutral by 2050. These state and local actions are being highlighted as “answering the global call to combat the climate crisis” by a coalition of sub-national actors formed by New York Mayor Michael Bloomberg and former California Gov. Jerry Brown. But these actions have only partly counteracted sweeping federal changes under the Trump administration. Trump has slashed regulations on emissions from power plants, air conditioners and refrigerators, and oil and gas drilling nationwide. He moved to revoke California’s ability to set its own strict vehicle emission rules on Wednesday, highlighting the limits of state-based action on climate change. So how does the emissions balance sheet tally up today, two years after the US backed away from the Paris agreement? Kate Larsen, a director at the independent research firm the Rhodium Group, said US carbon emissions are a few percentage points higher than they would have been if former President Barack Obama-era policies were in place. Projected forward five years, that gap will just grow. “Under the current set of Trump administration policies, the US is on track to achieve only about 14 to 17% emission reductions below 2005 levels in 2025,” Larsen said. That’s about half of the 26 to 28% emission reductions that the US promised in the climate accord. “[It's] a long way from the commitment that Obama reached in Paris,” Larsen said. Scientists say that to limit warming to 1.5 degrees Celsius and avoid the worst impacts of climate change, global emissions must be cut nearly in half by 2030. Inside the US, local action is partly, but not wholly, counteracting federal policies. The bigger question is how much global ambition to tackle the climate crisis will flag if the world’s largest historic emitter is no longer leading the push. Will countries, seeing the US doing less on climate change, do the same themselves? Under Obama, the US put its full diplomatic muscle into getting countries signed on to the Paris Agreement. “If you were a head of state from India, from China, or from anywhere and you were going to meet with the United States, you knew that you'd have to be prepared to speak about climate change and the Paris Agreement,” said Elan Strait, a former climate negotiator on the Paris Agreement who now works at the World Wildlife Foundation. By 2020, countries are requested to announce new carbon cuts as part of the Paris process. Those cuts have to be more ambitious if countries hope to meet the Paris Agreement goal of keeping warming “well below” 2 degrees Celsius and pursue efforts to limit warming to the scientist-recommended 1.5 degree Celsius. “I completely believe that the missing ingredient this time around is the United States leadership driving climate as a head-of-state agenda,” Strait said. Only when those 2020 climate pledges start rolling in will the international community start to see the full impact of the US climate policy reversal.

**Climate change causes extinction – ocean acidification, water and resource wars, econ collapse, and regional conflicts.**

Pachauri and Meyer 15 (Rajendra K. Pachauri Chairman of the IPCC, Leo Meyer Head, Technical Support Unit IPCC were the editors for this IPCC report, “Climate Change 2014 Synthesis Report” <http://epic.awi.de/37530/1/IPCC_AR5_SYR_Final.pdf> IPCC, 2014: Climate Change 2014: Synthesis Report. Contribution of Working Groups I, II and III to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, R.K. Pachauri and L.A. Meyer (eds.)]. IPCC, Geneva, Switzerland, 151 pp)

SPM 2.3 Future risks and impacts caused by a changing climate Climate change will amplify existing risks and create new risks for natural and human systems. Risks are unevenly distributed and are generally greater for disadvantaged people and communities in countries at all levels of development. {2.3} Risk of climate-related impacts results from the interaction of climate-related hazards (including hazardous events and trends) with the vulnerability and exposure of human and natural systems, including their ability to adapt. Rising rates and magnitudes of warming and other changes in the climate system, accompanied by ocean acidification, increase the risk of severe, pervasive and in some cases irreversible detrimental impacts. Some risks are particularly relevant for individual regions (Figure SPM.8), while others are global. The overall risks of future climate change impacts can be reduced by limiting the rate and magnitude of climate change, including ocean acidification. The precise levels of climate change sufficient to trigger abrupt and irreversible change remain uncertain, but the risk associated with crossing such thresholds increases with rising temperature (medium confidence). For risk assessment, it is important to evaluate the widest possible range of impacts, including low-probability outcomes with large consequences. {1.5, 2.3, 2.4, 3.3, Box Introduction.1, Box 2.3, Box 2.4} A large fraction of species faces increased extinction risk due to climate change during and beyond the 21st century, especially as climate change interacts with other stressors (high confidence). Most plant species cannot naturally shift their geographical ranges sufficiently fast to keep up with current and high projected rates of climate change in most landscapes; most small mammals and freshwater molluscs will not be able to keep up at the rates projected under RCP4.5 and above in flat landscapes in this century (high confidence). Future risk is indicated to be high by the observation that natural global climate change at rates lower than current anthropogenic climate change caused significant ecosystem shifts and species extinctions during the past millions of years. Marine organisms will face progressively lower oxygen levels and high rates and magnitudes of ocean acidification (high confidence), with associated risks exacerbated by rising ocean temperature extremes (medium confidence). Coral reefs and polar ecosystems are highly vulnerable. Coastal systems and low-lying areas are at risk from sea level rise, which will continue for centuries even if the global mean temperature is stabilized (high confidence). {2.3, 2.4, Figure 2.5} Climate change is projected to undermine food security (Figure SPM.9). Due to projected climate change by the mid-21st century and beyond, global marine species redistribution and marine biodiversity reduction in sensitive regions will challenge the sustained provision of fisheries productivity and other ecosystem services (high confidence). For wheat, rice and maize in tropical and temperate regions, climate change without adaptation is projected to negatively impact production for local temperature increases of 2°C or more above late 20th century levels, although individual locations may benefit (medium confidence). Global temperature increases of ~4°C or more 13 above late 20th century levels, combined with increasing food demand, would pose large risks to food security globally(high confidence). Climate change is projected to reduce renewable surface water and groundwater resources in most dry subtropical regions (robust evidence, high agreement), intensifying competition for water among sectors (limited evidence, medium agreement). {2.3.1, 2.3.2} Until mid-century, projected climate change will impact human health mainly by exacerbating health problems that already exist (very high confidence). Throughout the 21st century, climate change is expected to lead to increases in ill-health in many regions and especially in developing countries with low income, as compared to a baseline without climate change (high confidence). By 2100 for RCP8.5, the combination of high temperature and humidity in some areas for parts of the year is expected to compromise common human activities, including growing food and working outdoors (high confidence). {2.3.2} In urban areas climate change is projected to increase risks for people, assets, economies and ecosystems, including risks from heat stress, storms and extreme precipitation, inland and coastal flooding, landslides, air pollution, drought, water scarcity, sea level rise and storm surges (very high confidence). These risks are amplified for those lacking essential infrastructure and services or living in exposed areas. {2.3.2} Rural areas are expected to experience major impacts on water availability and supply, food security, infrastructure and agricultural incomes, including shifts in the production areas of food and non-food crops around the world (high confidence). {2.3.2} Aggregate economic losses accelerate with increasing temperature (limited evidence, high agreement), but global economic impacts from climate change are currently difficult to estimate. From a poverty perspective, climate change impacts are projected to slow down economic growth, make poverty reduction more difficult, further erode food security and prolong existing and create new poverty traps, the latter particularly in urban areas and emerging hotspots of hunger (medium confidence). International dimensions such as trade and relations among states are also important for understanding the risks of climate change at regional scales. {2.3.2} Climate change is projected to increase displacement of people (medium evidence, high agreement). Populations that lack the resources for planned migration experience higher exposure to extreme weather events, particularly in developing countries with low income. Climate change can indirectlyincrease risks of violent conflicts by amplifying well-documented drivers of these conflicts such as poverty and economic shocks (medium confidence). {2.3.2} 2010 )

**Adv 2 Drug War**

#### The War on Drugs is still raging on – the 50th anniversary was last June

Lee 6/21

Lee, Nathaniel. “America Has Spent over a Trillion Dollars Fighting the War on Drugs. 50 Years Later, Drug Use in the U.S. Is Climbing Again.” CNBC, CNBC, 17 June 2021, [https://www.cnbc.com/2021/06/17/the-us-has-spent-over-a-trillion-dollars-fighting-war-on-drugs.html. //](https://www.cnbc.com/2021/06/17/the-us-has-spent-over-a-trillion-dollars-fighting-war-on-drugs.html.%20//) Phoenix - Brackets in original article

This June marks the 50th anniversary of the war on drugs, an ongoing campaign that has to a large extent reshaped American politics, society and the economy.

″[The goals of the war on drugs] were to literally eradicate all of the social, economic and health ills associated with drugs and drug abuse,” said Christopher Coyne, professor of economics at George Mason University. “It doesn’t get much more ambitious than that.”

Since 1971, America has spent over a trillion dollars enforcing its drug policy, according to research from the [University of Pennsylvania](https://ldi.upenn.edu/sumr-blog/government-spending-drug-control-are-priorities-right). Yet many observers, both liberal and conservative, say the war on drugs has not paid off.

The campaign, launched by President Richard Nixon, has spanned multiple administrations and led to the creation of a dedicated federal agency, the Drug Enforcement Administration.

Law enforcement was given an unprecedented level of authority with measures like mandatory sentencing and no-knock warrants, recently reevaluated after the [death of Breonna Taylor](https://www.nbcnews.com/news/us-news/breonna-taylor-police-shooting-what-we-know-about-kentucky-woman-n1207841), who was shot and killed by police in a botched drug raid.

“The drug war is a failed policy and the things that they said would happen — people would stop using drugs, communities would get back together, we’d be safe, they’d get drugs off the street — those things didn’t happen,” said Kassandra Frederique, executive director at the Drug Policy Alliance, a national nonprofit that works to end the war on drugs.

#### Prisoners are protesting racial inequality – a consequent of the War On Drugs

Tilli ’18

David Tilli | The Daily Collegian, et al. “The Largest Prison Strike in U.S. History Just Ended: Here's What Penn State Students Think.” The Daily Collegian, 13 Sept. 2018, [https://www.collegian.psu.edu/news/the-largest-prison-strike-in-u-s-history-just-ended-here-s-what-penn-state/article\_d531c156-b6e0-11e8-bab9-4f9e8eccbd0c.html. //](https://www.collegian.psu.edu/news/the-largest-prison-strike-in-u-s-history-just-ended-here-s-what-penn-state/article_d531c156-b6e0-11e8-bab9-4f9e8eccbd0c.html.%20//) Phoenix Brackets in original article other than changing “Blacks” to “Black people”

During the three-week period of Aug. 2-Sept. 9, prisoners in 17 states went on strike, refusing to eat or work in protest against America’s current penal system.

While Centre County’s own correctional facility didn’t participate in the nationwide strike, the issues highlighted by the movement have implications for the entire country.

Spearheaded by the Incarcerated Workers Organizing Committee — a subgroup of the wider Industrial Workers of the World — the strike called for an end to “prison slavery” and other forms of malpractice within the justice system.

To understand the reasoning behind such demands, a little background into the United States’ history with the criminal justice system is needed.

The 13th Amendment, which abolished chattel slavery, included a loophole that allowed either “slavery or involuntary servitude” to be used as punishment for those convicted of crimes. This provision, prison reformers argue, creates a labor environment as exploitative as few others.

The Marshall Project, a journalism nonprofit focusing on the U.S. criminal justice system, estimated that the average pay for prison laborers is 20 cents an hour. Since at least half of America’s prison population of 2.2 million inmates currently works, this arrangement creates a cheap and massive alternative to the traditional labor force.

Various companies have outsourced their labor contracts to prisons including Target, Starbucks, Victoria’s Secret and McDonald’s.

This latest wave of strikes reflects the Prisoners’ Rights Movement’s troubled history. The Committee chose Sept. 9 as the end date of the protest in honor of the infamous Attica Prison Riot of 1971 — an uprising that resulted in the death of 43 individuals including 33 inmates and 10 prison employees.

Another more recent source of inspiration for the prisoners came from the deadly riots in South Carolina’s Lee Correctional Facility in April, where seven inmates were killed.

Among the other demands of the strike includes an improvement in prison conditions, a decrease in mass incarceration and an end to racial disparities in the criminal justice system.

According to the Sentencing Project, America’s prison system has seen a 500 percent inmate increase in the last 40 years, with little evidence suggesting a correlation between the swelling prison population and decreases in crime rates.

Additionally, the NAACP found that, despite African Americans and whites using drugs at similar rates, the imprisonment rates for blacks [people] is six times those of whites.

#### Prisoners specifically want legalization and freedom from drug-related offenses

Nelson 3/21

Nelson, Steven. “On 4/20, Pot Prisoners Ask Biden to Honor Campaign Pledge and Free Them.” New York Post, New York Post, 20 Apr. 2021, https://nypost.com/2021/04/20/pot-prisoners-ask-biden-to-honor-campaign-pledge-and-free-them/. // Phoenix

WASHINGTON — As marijuana users celebrate 4/20 on Tuesday, jailed pot dealers are pleading with President Biden to honor his campaign promise to release “everyone” in prison for marijuana.

The White House is involved in initial talks about a new clemency initiative. But advocates want to keep up the pressure on Biden — noting he is directly responsible for jailing many drug dealers, including with the 1994 crime law he authored as a senator.

Biden recanted his “lock ’em up” stance and [said in 2019](https://www.nbcnews.com/politics/2020-election/read-democratic-debate-transcript-november-20-2019-n1088186): “I think we should decriminalize marijuana, period. And I think everyone – anyone who has a record – should be let out of jail, their records expunged, be completely zeroed out.”

Clemency advocates want to hold him to his word.

Corvain Cooper, 41, was jailed for life for marijuana under the “three strikes” rule in Biden’s 1994 crime law and told The Post, “No one should be serving a long prison sentence over marijuana when states and big corporations are making billions of dollars off of this plant.”

Former President Donald Trump in January released [Cooper and six other people](https://nypost.com/2021/01/20/trump-releases-pot-prisoners-jailed-under-bidens-1994-crime-bill/) with life sentences for marijuana — including wheelchair-bound Michael Pelletier, 65, who got a life sentence under Biden’s law for a third strike for smuggling Canadian pot into Maine.

Cooper said, “When the punishment doesn’t fit the crime, the president has to step in and fix that.”

[Ismael Lira](https://www.candoclemency.com/ismael-lira-life-for-pot/), 43, and [Pedro Moreno](https://www.candoclemency.com/pedro-moreno/), 61, are among the federal inmates still held with life sentences for pot. They both were convicted of distributing marijuana imported from Mexico.

“I believe President Biden truly sees the harm caused to the community of color, and I also believe President Biden will keep his promise to free all pot prisoners,” Lira said in an email from prison.

#### The War on Drugs is the heart of mass incarceration and racial disparities

Pearl ‘18

Pearl, Betsy. “Ending the War on Drugs: By the Numbers.” Center for American Progress, 27 June 2018, https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/. // Phoenix

Every 25 seconds, someone in America is arrested for drug possession.[1](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-1) The number of Americans arrested for possession has tripled since 1980, reaching 1.3 million arrests per year in 2015—six times the number of arrests for drug sales.[2](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-2)

One-fifth of the incarcerated population—or 456,000 individuals—is serving time for a drug charge.[3](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-3) Another 1.15 million people are on probation and parole for drug-related offenses.[4](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-4)

Incarcerating people for drug-related offenses has been shown to have little impact on substance misuse rates.[5](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-5) Instead, incarceration is linked with increased mortality from overdose. In the first two weeks after their release from prison, individuals are almost 13 times more likely to die than the general population.[6](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-6) The leading cause of death among recently released individuals is overdose.[7](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-7) During that period, individuals are at a 129 percent greater risk of dying from an overdose than the general public.[8](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-8)

Incarceration has a negligible effect on public safety. Crime rates have trended downward since 1990, and researchers attribute 75 to 100 percent of these reductions to factors other than incarceration.[9](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-9)

Racial disparities

Black Americans are four times more likely to be arrested for marijuana charges than their white peers.[10](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-10) In fact, black Americans make up nearly 30 percent of all drug-related arrests, despite accounting for only 12.5 percent of all substance users.[11](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-11)

Black Americans are nearly six times more likely to be incarcerated for drug-related offenses than their white counterparts, despite equal substance usage rates.[12](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-12) Almost 80 percent of people serving time for a federal drug offense are black or Latino.[13](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-13) In state prisons, people of color make up 60 percent of those serving time for drug charges.[14](https://www.americanprogress.org/issues/criminal-justice/reports/2018/06/27/452819/ending-war-drugs-numbers/#fn-452819-14)

#### Plantext: The United States should to recognize an unconditional right to strike for persons incarcerated in any government facility.

Harvard Law Review ’19 1

Harvard Law Review MAR 8, 2019 “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”

<https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/> // Phoenix – Brackets in original article

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 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.

#### American Prisoners have no labor protections in the squo – Courts do not see them as employees

Kozlowska ‘16

Kozlowska, Hanna. “US Prisoners Are Going on Strike to Protest a Massive Forced Labor System.” Quartz, Quartz, 9 Sept. 2016, https://qz.com/777415/an-unprecedented-prison-strike-hopes-to-change-the-fate-of-the-900000-americans-trapped-in-an-exploitative-labor-system/. // Phoenix

Today, nearly 900,000 US prisoners work while incarcerated. The Bureau of Prisons, which oversees all federal inmates requires that all prisoners (barring medical reasons) work. State prisoners are in the same boat; according to Eric Fink, a professor at Elon Law school, in all or nearly all US states prisoners must work. If they refuse, they can be punished with solitary confinement, revoking visitation, or other measures.

Inmates receive very little pay for their labor—in federal prisons it ranges [from $0.12 to $0.40 an hour](https://www.bop.gov/inmates/custody_and_care/work_programs.jsp). In some states, like Texas, those held at state prisons receive zero compensation. The majority of inmates work on prison maintenance and upkeep—cleaning, cooking, etc.—but approximately 80,000 do work for the outside world. Sometimes these jobs are the result of government contracts; other times, prisoners end up doing work for private companies such as [Victoria’s Secret](https://www.washingtonpost.com/news/arts-and-entertainment/wp/2015/06/17/yes-prisoners-used-to-sew-lingerie-for-victorias-secret-just-like-in-orange-is-the-new-black-season-3/), [Whole Foods](http://www.npr.org/sections/thesalt/2015/09/30/444797169/whole-foods-says-it-will-stop-selling-foods-made-by-prisoners) or [Walmart.](http://www.motherjones.com/politics/2008/07/what-do-prisoners-make-victorias-secret)

Unlike other American workers, these prisoners are not protected by labor laws. They don’t have access to worker’s compensation, they get payed well below the minimum wage, and they cannot effectively form unions. Courts [have ruled](http://www.theatlantic.com/business/archive/2015/09/prison-labor-in-america/406177/)that because the relationship between prisons and inmates is not that of an employer and a worker, inmates don’t get these labor protections.

#### Repression massively hold strikes back – prison staff shut down facilities and interrogate prisoners now

Washington ’18

Washington, Robin. “A Former Warden's View on Prison Strikes.” The Marshall Project, The Marshall Project, 23 Aug. 2018, [https://www.themarshallproject.org/2018/08/22/a-former-warden-s-view-on-prison-strikes. //](https://www.themarshallproject.org/2018/08/22/a-former-warden-s-view-on-prison-strikes.%20//) Phoenix

Q: Have you experienced any strikes, hunger strikes, work strikes or other organized prisoner actions?

A: I’ve seen pretty much all of that over the course of 29 years. The most widespread strike that I ever saw that comes close to what I’m hearing about this week was in federal prisons in October of 1995. It was mostly African American inmates. They were protesting the vast disparity of sentencing laws between powder cocaine and crack cocaine.

It was the first and only time in history that (the federal prison system) announced a nationwide lockdown. The lockdown of a facility is something to be taken very, very seriously. It’s complicated and fraught with all kinds of problems. It’s not a decision to be made lightly.

I can promise you if these inmates do engage in some kind of systematic strikes that wardens will lock down the facilities.

Q: What have you experienced specifically?

In 1995, I worked at the Federal Correctional Institution, McKean, in Bradford, Pennsylvania. It started as a work strike. The first inmate called to duty is at 4 a.m. What we experienced on Oct. 24, 1995, was the inmate crew refused to go to work. There were some that wanted to but they didn’t because they feared retaliation. I have had others on a less severe scale. We had a very brief food strike at the (U.S. Penitentiary) in Lewisburg, Pennsylvania. It was small and isolated.

There are food strikes, work strikes, then all-out disturbances and/or riots, depending on the severity. You might have food service inmates who are upset about wages or the way they are being treated by staff. A work strike is the most common way — inappropriate, I might add — that inmates will demonstrate in an attempt to get the attention of the staff. Typically when it happens, the warden will lock down the facility until they have a chance to gauge what really is going on. They’ll gather intelligence, talk to informants, listen to telephone calls, until they can figure out what is going on out there. They may even reach out to certain inmate leaders. Usually, the next thing they do is remove the quote-unquote “agitators” from the general population and put them in isolation. Then they interview every single inmate so that nobody feels singled out.

Q: Does a strike ever work? From the inmate point of view?

In the short term, no. They don’t work because the ringleaders tend to get locked up, and after they are isolated they’re transferred to other facilities.

In the long term, they may be able to effect some change because they do get some media and political attention. In 1987 in Oakdale, Louisiana, and Atlanta, there were simultaneous riots. There was a specific cadre of Cuban inmates from the Mariel boatlift. Our government decided to repatriate them to Cuba. They did not want to go, so they raised hell in their facility. In the long term, their actions did lead to some changes.

#### Prison strikes work for opening up discussions

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Harvard Law Review MAR 8, 2019 “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”

<https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/> // Phoenix – Brackets in original article

From August 21, 2018, to September 9, 2018, incarcerated individuals across America orchestrated a daring and seemingly improbable coordinated protest: they went on strike. From California to North Carolina and in roughly fifteen other states, thousands of prisoners engaged in peaceful work stoppages, hunger strikes, sit-ins, and commissary boycotts. This nationwide strike emerged in part as a response to a deadly riot, kindled by poor living conditions and guard understaffing, at the Lee Correctional Institution in South Carolina in April 2018. 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.” Most critically, the strikers passionately called for the “immediate end to prison slavery” 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.”

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.”

#### The plan expands first amendment protections to prisoners – that allows for critical reform only possible through inmate leadership

Harvard Law Review ’19 3

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The right to strike within prisons may be conceptually viewed as a composite of three separate fundamental First Amendment freedoms: the freedom to peacefully associate, the freedom of speech, and the freedom to assemble and petition for redress of grievances. Each is considered in turn.

1. Association. — The right to peaceful association is one that captures the right of individuals to commune with others for the expression of ideas and for effective advocacy. Strikes, like prison unions, represent an important means of association for prisoners — allowing them to “lay claim to a social identity as ‘workers’ . . . and in doing so generate claims to respect and solidarity.” This identity and solidarity can, in turn, enable inmates to engage in productive and peaceful bargains with prison officials for better conditions, higher pay, and other reform desires.

Bargaining is, in many respects, already very common in prisons, “for the simple reason that [prison] administrators rarely have sufficient resources to gain complete conformity to all the rules.” However, such bargaining typically happens in an informal, ongoing, private process;  in their recurrent, day-to-day contact with inmates, prison administrators use their arsenal of tools to “negotiate” only with select inmate leaders, with the central goal of maintaining “short term surface order.” This informal bargaining is “dysfunctional” to the long-term stability of prison institutions and “the real needs of those incarcerated within” them — creating hierarchical relationships that breed mistrust and leave many inmates powerless and feeling aggrieved. As a result, inmates often feel that they have to resort to violence to protect themselves from exploitation, express their dissatisfaction, and obtain redress. Alternatively, peaceful, collective prison strikes avoid these harmful consequences by allowing for “open” and “formal” negotiations between all inmates and prison staff. Such transparent and legitimated bargaining benefits both inmates and prisons as a whole. By initiating peaceful protests such as work stoppages, all inmates are able “to solve problems, maximize gains, articulate goals, develop alternative strategies, and deal with [administrators] without resorting to force or violence.” And by permitting peaceful strikes, prison administrators “provide inmates with a channel for airing grievances and gaining official response . . . giv[ing] the institution a kind of safety-valve for peaceful, rather than violent, change” — avoiding potentially expensive and time-consuming litigation and even helping rehabilitate inmates, all while deemphasizing hierarchical structures in prisons that harm institutional order.

2. Speech. — A prison strike also represents a critical way by which inmates can express themselves. First, as alluded to above, a strike allows inmates to claim and communicate an identity — as more than just marginalized, ignored convicts with little to no self-determination, but instead as workers and human beings entitled to basic dignity. Such collective actions represent the “performative declaration and affirmation of rights that one does not (yet) have.” And, as Professor Jocelyn Simonson discusses, these strikes are collective contestations to “demand dignity, calling attention to the ways in which [prisoners] are treated as less than human and in the process reclaiming their own agency.” Such dignitary considerations, which courts have sought to protect under First Amendment principles, should therefore naturally extend to prisoners attempting to, through strikes, express their basic self-worth.

Beyond representing a form of inherent, individual expression for inmates, prison strikes also represent a broader form of expression, allowing inmates to be visible to and heard by the public at large. Over the course of American history, inmates — by virtue of being locked up in isolated, impregnable penitentiaries — have largely been a silent and ignored segment of the American population Through peaceful protests like the 2018 national prison strike, however, their suffering, their calls for reform, and their voices are, for the first time, directly expressed on a large scale, ringing out loudly beyond the prison walls and jumpstarting important conversations of criminal justice reform. It is critical to protect such expression; “[i]ndeed, it is from the voices of those who have been most harmed by the punitive nature of our criminal justice system that we can hear the most profound reimaginings of how the system might be truly responsive to local demands for justice and equality.”

3. Petition for Redress. — Inmates’ strikes can be seen not only as expressions of their dignity and general efforts to express their voices beyond prison walls but also as significant methods of assembly to call attention to specific grievances and seek redress from the government.

While in theory “[t]here is no iron curtain drawn between the Constitution and the prisons of this country,” in practice, “prisons often escape the daily microscope focused on other American institutions such as schools, churches, and government.” Courts grant prison administrators wide deference not only in running day-to-day life within prisons but also in restricting press access to prisons Therefore, much of the American public — already closed off from and largely indifferent to the lives of prisoners — is kept even more in the dark about prison conditions and the state of our carceral system as a whole.

Prison conditions, from what has been documented, are horrendous across states. Many prisons are severely overcrowded and seriously understaffed; inmates routinely experience physical abuse and even death at the hands of prison guards, receive inadequate protection from guards, are deprived of basic necessities, are given substandard medical care, and are forced to live in squalor and tolerate extreme circumstances; most prisoners have minimal, if any, access, to rehabilitative or mental health services; and prisoners have little legal recourse, as internal prison grievance procedures are often stacked against inmates, and judicial deference and federal legislation have effectively shut the courthouse doors on prisoners’ civil rights claims. And across prisons, criminal sentencing laws not only have contributed to an unprecedented era of mass incarceration, but also have forced African Americans and people of color broadly to bear much of this burden.

As the Marshall Project states, “[s]ociety won’t fix a prison system it can’t see”;. peaceful prison strikes like the 2018 strike, however, draw back the “iron curtain” of prison walls, bringing to light many of the pressing issues described above. Through these strikes, inmates are able not only to express their grievances to their prison administrators, but also to “publicize their on-the-ground realities to the larger world”. and, in turn, gain attention from and access to the political branches able to implement policy reforms.

As recent history has shown, inmates have experienced some success by pressing their claims against the government through publicized strikes. For example, as described above, the California strikes in 2011 and 2013 generated public outcry that eventually resulted in transformations to the California prison system’s solitary confinement policies. In Alabama, inmates’ participation in the 2016 nationwide prison strike helped prompt the Department of Justice to open an investigation into the state’s prison conditions. And more broadly speaking, strikes like the 2018 strike have begun to “remedy power imbalances, bring aggregate structural harms into view, and shift deeply entrenched legal and constitutional” barriers to critical prison reforms.