**Resolved: A just government ought to recognize an unconditional right of workers to strike.**

The standard for today’s debate is simple – Break down institutional racism. Racism is disgusting and allows for slavery and massive dehumanization. When government has rules which are racist, it creates institutional racism. When these rules are found to exist – it’s imperative and of highest importance we rid ourselves of those rules. Nothing is more important and thus, ought to be how we resolve clash in this debate.

**Contention 1: Current Failure**

In an attempt to be a just government, the US passed the National Labor Relations Act – however, the failure to achieve this standard came about from exceptions made for the agricultural industry.

**Kamala Kelkar1** [PBS.org article, When labor laws left farm workers behind, Sep 18, 2016, https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse]

“But the bulk of farm workers in the U.S. remain excluded from freedoms outlined in the National Labor Relations Act from 1935 and the Fair and Labor Standards Act from 1938 — exceptions said to be written by politicians who represented Southern plantation owners.”

Farm workers are still fully exempt from the NLRA and the government refuses to recognize any right of farm workers to organize, form unions, or strike. And the problem is only getting worse, especially for people of color.

**Liz Carlisle1** [Securing the future of US agriculture: The case for investing in new entry sustainable farmers. *Elementa: Science of the Anthropocene* 1 January 2019; 7 17. doi: <https://doi.org/10.1525/elementa.356>]

“Due to the increasing size of US farms, hired workers and contract workers are growing in importance in US agriculture: paid labor increased from 25 percent to 41 percent of total labor between 2003 and 2016, while farm operator labor as a percent of total labor decreased. Yet, while demand for workers has been growing, the labor supply has been shrinking. Increasingly severe farm labor shortages in recent years, the subject of a great deal of media and industry attention, are largely a function of an improved Mexican economy and reduced outmigration pressures within Mexico. Increased enforcement targeting undocumented immigrants along the US/Mexico border and in some interior regions has exacerbated the problem.”

With farms increasing in size and under more corporate control than when these laws were created, the problem for maintaining a safe workplace and being provided fair wages have become more and more problematic. This corporate exploitation of the racist exception further institutionalizes racism.

**Kamala Kelkar2** [PBS.org article, When labor laws left farm workers behind, Sep 18, 2016, https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse]

“The agriculture industry was and continues to be one of the most dangerous in the private sector. In 2011, **570 of them died**, which is seven times the rate of the national average among workers in private industries. They often support families off meager wages and live in isolation during seasonal work. And since many are undocumented, they often live in fear that any grievances could get them deported, said Gray.”

**Contention 2: Failure is intentional and the result of structural racism**

The original reason for exempting farm workers from the NLRA continues to this day – racist exploitation of workers in order to maximize profit, especially for today’s ever increasing control by corporate interests.

Law Professor **Juan Perea** of Loyola University Chicago traced the origins of these laws for the Ohio State Law Journal in 2011. “The original, Southern desire to preserve an exploited, economically deprived non-white agricultural labor force pinned to the bottom of the social and economic hierarchy continues to manifest itself full force, the only difference today is now it’s brown and black people.”

Exploiting farm workers and ensuring they are not permitted to organize or to strike is how structures of racism can entrench power.

**Kamala Kelkar2** [PBS.org article, When labor laws left farm workers behind, Sep 18, 2016, https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse]

“An agricultural worker survey in 2010 under the U.S. Department of Labor revealed that 75 percent of farm workers in the nation were born in Mexico and 53 percent of respondents were undocumented, making statistics often difficult to acquire. The U.S. Department of Agriculture states that there were more than 1 million of farm workers in 2012, making up less than 1 percent of the waged workers in the country ‘**and continue to be one of the most economically disadvantaged groups.’**”

The problem is obvious and even the NLRA Board members acknowledge how racist the policy is

**Kamala Kelkar3** [PBS.org article, When labor laws left farm workers behind, Sep 18, 2016, https://www.pbs.org/newshour/nation/labor-laws-left-farm-workers-behind-vulnerable-abuse]

“The National Labor Relations Board, which enforces the federal act that protects employees who want to organize, said the same thing — unless Congress changes America’s slave-era agricultural worker rules, it’s not part of the board’s job to protect them. ‘We enforce legislation as it is enacted,’ said the board’s spokeswoman Jessica Kahanek in an email.”

Modern-day slavery is perpetuated and insulated by a failure to recognize the right of workers or organize and strike against working conditions which clearly violate any standard of human rights.

Juan F. Perea continues, [The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act, 72 OHIO ST. L.J. l 95 (2011)]

“Between two and three million agricultural workers, and an unknown but large number of domestic workers, are denied federally-protected rights to bargain collectively because of the exclusion. Most of these workers live a grinding poverty unimaginable to most readers. Seventy-five percent of farm laborers earn less than $10,000 per year, and their median income is $7,500 or less per year. Farm workers have been described aptly as ‘among the most exploited groups in the American labor force.’ Domestic workers, too, have been described as ‘among the most vulnerable workers in our society.’ Contemporary farm workers endure substandard wages, often brutal working conditions, no health insurance or other employee benefits, horrifying living conditions, and environmental hazards. Contemporary domestic workers also endure low wages and sometimes brutal working conditions, along with harassment, and psychological and sexual abuse.' Many farm and domestic workers are modern-day slaves, a characterization borne out by numerous and recent successful federal prosecutions for involuntary servitude, i.e., slavery, occurring within these occupations.”

**Contention 3: Only a governmental recognition of a workers right to strike – without condition – can break down this structural racism**

When government placed conditions on which industries and workers were eligible for the right to strike, especially due to the proven motivation of entrenching racist public policy, it created a structure for protecting racism. Affirming is the only way to break down this unjust practice.

**Juan F. Perea3** [The Echoes of Slavery: Recognizing the Racist Origins of the Agricultural and Domestic Worker Exclusion from the National Labor Relations Act, 72 OHIO ST. L.J. l 95 (2011)]

“The **continued existence of this law** provides an example of how **structural racism** is produced and perpetuated through the intentional deployment of race-neutral language. Beyond the unseemly **symbolism of a racist-yet-valid law** remaining from the New Deal Era, this law continues to cause injury through its devastating impact upon the most vulnerable workers in our society. It is **crucial that this law be recognized as racist and unjust** to provide a rationale for its abolition and to remedy, finally, the ongoing injury it continues to cause.”

By affirming today’s debate, we begin the process of understanding not only the exemptions afforded to those in power, but also why those in power have protected those racist exemptions. The rights of workers have been known to be appropriate and necessary – by placing conditions on which workers can or cannot have these rights, the government only preserves and protects structures of institutional racism which harms millions of people every day. For these reasons, you must affirm.

Defense:

Chris McGreal [The Guardian, How America’s Food Giants Swallowed the Family Farms, Mar 9, 2019 - https://www.theguardian.com/environment/2019/mar/09/american-food-giants-swallow-the-family-farms-iowa]

“In 1990, small and medium-sized farms accounted for nearly half of all agricultural production in the US. Now it is less than a quarter.”

Dan Nosowitz [ModernFarmer.com, Sep 17, 2018 - https://modernfarmer.com/2018/09/under-the-usdas-definition-90-percent-of-iowas-farms-are-family-farms/]

“According to the USDA’s definition, those farms definitely are ‘family farms.’ But so, under this definition, are multi-thousand-acre corporate entities using automated machinery to grow genetically engineered corn. The Iowa Center for Public Affairs Journalism looked more deeply into the definition and why it matters.

The USDA’s definition of family farms includes ‘any farm organized as a sole proprietorship, partnership, or family corporation.’ Size of the farm is not a factor; neither is the style of agriculture. A family farm may not even have a family that owns or works the land. In fact, according to the USDA, almost 96 percent of American farms are technically ‘family farms,’”

USDA has both a long and recent history of racism

Liz Carlisle [Securing the future of US agriculture: The case for investing in new entry sustainable farmers. *Elementa: Science of the Anthropocene* 1 January 2019; 7 17. doi: <https://doi.org/10.1525/elementa.356>]

“For many reasons, including Jim Crow laws, racial terrorism, discriminatory agrarian policies, and the Great Migration to northern and western cities, the USDA counted only 45,000 Black producers by 2017. Policy discrimination was not limited to African Americans. For many decades dating back to the Reconstruction Era, the USDA systematically discriminated against Black, Native American, Latinx, and women farmers in its credit lending and commodity payments (**Daniel, 2013**; **Minkoff-Zern and Sloat, 2017**). While Blacks were receiving just 1 percent of farm ownership loans as of 1982, Native peoples continued to have their agrarian history, expertise, and opportunities undercut through land loss, including a federal court-sanctioned seizure of Wind River Indian Reservation lands in 2017. Women, in turn, were systematically discouraged from entering agriculture at all. Told by USDA officials that “farming isn’t women’s work,” women were instructed to leave agriculture to their husbands, brothers, or fathers (**Bennett, 2011**), and were not recognized as “farmers” despite their essential contributions.”

**Flynn, Jeffrey. “Communicative Power in Habermas’s Theory of Democracy”. European Journal of Political Theory. Middleburgy College [https://faculty.fordham.edu/jeflynn/flynn\_communicative\_power.pdf]**

“Communicative rationality, in contrast to the practical reason of the individual reasoning subject, is rooted in the intersubjective structures of communication. The paradigm for successful communication is the act of reaching mutual understanding between two speakers. Habermas argues that speakers’ orientation toward mutual understanding entails a commitment to certain presuppositions rooted in the idea of unconstrained argumentation or discourse. The process of argumentation, with its inherent presuppositions, is a ‘reflective continuation’ of action oriented toward reaching understanding.”