# Apple Valley Round 6

## 1

**Interpretation: All clarifications and definitions read by the affirmative must be read out loud. To clarify, no “check the doc for spec”**

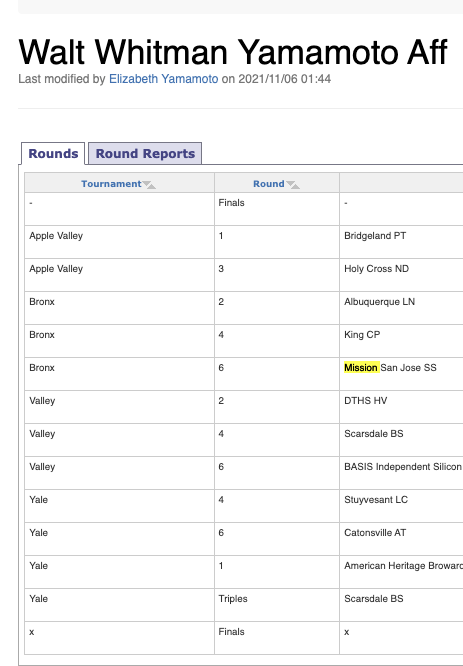
**Standards:**

1. **Infinite abuse – justifies you spamming an infinite amount of a prioris in the aff under your definitions and extending it in the 1ar so we always lose**
2. **Prep Skew--forces us to read through a document and flow it and also flow the AC while you just have to flow the AC, means we can’t prep the aff**
3. **Time Skew--we have to take time to respond to abusive definitions in the NC but they don’t have to spend time reading the definitions in the AC**
4. **Reading the definitions out loud solves--doesn’t waste neg prep but allows for a clear debate**

**Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong. Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one. No rvi - a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense. Competing interps - a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater b) norm setting - we find the best possible norms c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines**

## 2

**Interp: Debaters must disclose tournaments on the 2021-2022 NDCA LD wiki under the actual name of the tournament on tabroom for every round at said tournament. To clarify- when you look up the tournament name from the wiki on tab, the exact entry must pop up**

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[**https://www.tabroom.com/index/tourn/index.mhtml?tourn\_id=20874**](https://www.tabroom.com/index/tourn/index.mhtml?tourn_id=20874)

**Apple Valley MinneApple Debate Tournament**

[**https://www.tabroom.com/index/tourn/index.mhtml?tourn\_id=20399**](https://www.tabroom.com/index/tourn/index.mhtml?tourn_id=20399)

**New York City Invitational Debate and Speech Tournament**

**The standard is inclusion - they make debate inaccessible to novices or small schools who compete on the circuit but don’t have access to resources or have knowledge of debate lingo to know the shorthand nicknames for tournaments. Two internal links to accessibility - 1) lets debaters see if you won or lost on tab going for specific strategies or hitting specific strategies, letting debaters adapt around that and b) lets debaters see what speaks judges gave to help them see how good you were at going for x argument. Independently links into reciprocity since if I disclosed one way and you didnt’ you had the advantage in this round. Outweighs - none of their standards matter if debaters can’t access them and means reasonability is uniquely wrong since even a 1% risk of exclusion is bad, you obviously don’t say some level of exclusion is justified**

## 3

**Counterplan: A just government ought to recognize an unconditional right of workers to strike except in the instance that strikes directly demand discrimination towards certain groups of individuals**

**BPSC** [Unfair Labor Practices by Union, http://bpscllc.com/unfair-labor-practices-by-unions.html, N.D., Business & People Strategy Consulting Group, California's trusted source for workplace human resources and employment law] [SS]

Causing or Attempting to Cause Discrimination: Section 8(b)(2) makes it an unfair labor practice for a labor organization to cause or attempt to cause an employer to discriminate against an employee in violation of Section 8(a)(3). The section is violated by agreements or arrangements with employers, other than lawful union-security agreements, that condition employment or job benefits on union membership, on the performance of union membership obligations or on arbitrary grounds. But union action that causes detriment to an individual employee does not violate Section 8(b)(2) if it is consistent with nondiscriminatory provisions of a bargaining contract negotiated for the benefit of the total bargaining unit, or if the action is based on some other legitimate purpose. A union’s conduct, accompanied by statements advising or suggesting that action is expected of an employer, may be enough to find a violation of this section if the union’s action can be shown to be a causal factor in the employer’s discrimination. Contracts or informal arrangements with a union under which an employer gives preferential treatment to union members also violate Section 8(b)(2). However, an employer and a union may agree that the employer will hire new employees exclusively through the union hiring hall if there is no discrimination against nonunion members on the basis of union membership obligations. In setting referral standards, a union may consider legitimate aims such as sharing available work and easing the impact of local unemployment. The union may also charge referral fees if the amount of the fee is reasonably related to the cost of operating the referral service. A union that attempts to force an employer to enter into an illegal union-security agreement, or that enters into and keeps in effect such an agreement, also violates Section 8(b)(2), as does a union that attempts to enforce such an illegal agreement by bringing about an employee’s discharge. Even when a union-security provision of a bargaining contract meets all statutory requirements, a union may not lawfully require the discharge of employees under the provision unless they were informed of the union-security agreement and their specific obligation under it. A union violates Section 8(b)(2) if it tries to use the union-security provisions of a contract to collect payments other than those lawfully required, such as assessments, fines and penalties. Other examples of Section 8(b)(2) violations include: Causing an employer to discharge employees because they circulated a petition urging a change in the union’s method of selecting shop stewards Causing an employer to discharge employees because they made speeches against a contract proposed by the union Making a contract that requires an employer to hire only members of the union or employees “satisfactory” to the union Causing an employer to reduce employees’ seniority because they engaged in anti-union acts Refusing referral or giving preference on the basis of race or union activities when making job referrals to units represented by the union Seeking the discharge of an employee under a union-security agreement for failure to pay a fine levied by the union

**Racist union strikes have happened before and renders marginalized voices as ungrievable**

Allison **Keyes**, JUNE 30, **2017**, "The East St. Louis Race Riot Left Dozens Dead, Devastating a Community on the Rise," Smithsonian Magazine, https://www.smithsonianmag.com/smithsonian-institution/east-st-louis-race-riot-left-dozens-dead-devastating-community-on-the-rise-180963885/ //SR

Racial tensions began simmering in East St. Louis—a city where thousands of blacks had moved from the South to work in war factories—as early as February 1917. The African-American population was 6,000 in 1910 and nearly double that by 1917. In the spring, the largely white workforce at the Aluminum Ore Company went on strike. Hundreds of blacks were hired. After a City Council meeting on May 28, angry white workers lodged formal complaints against black migrants. When word of an attempted robbery of a white man by an armed black man spread through the city, mobs started beating any African-Americans they found, even pulling individuals off of streetcars and trolleys. The National Guard was called in but dispersed in June.

## 4

**CP: The United States ought to recognize an unconditional right of workers to strike through tribal law**

**To clarify, we pic out of the United States process for the aff and replace it with the counterplan, but every other country stays the same**

**They say they defend normal means which is federal law, but tribal law is key to respect indigenous sovereignty and solves the aff better. The perm is severance and creates an overlap that undermines tribal jurisdiction--only we render indigenous voices grievable**

**HLR, 1-11**-21, “Tribal Power, Worker Power: Organizing Unions in the Context of Native Sovereignty” <https://harvardlawreview.org/2021/01/tribal-power-worker-power-organizing-unions-in-the-context-of-native-sovereignty/> //SR

A. Tribal Law as Alternative to Federal Law Unions’ fight to apply the NLRA to tribal enterprises rests on a false premise: that without federal law, tribal employees will lack any legal protections. Like other sovereigns exempted from the NLRA, Native nations have the authority to promulgate labor regulations and an economic and sovereign interest in doing so. Many tribal governments have developed comprehensive labor codes. The following examples provide some insight into how unions and Native nations can coexist and exhibit mutual respect — even, in some cases, allowing workers greater protection than is currently available under federal law. The Navajo Nation provides a leading example of effective tribal-labor relations. In the 1990s, the Navajo Council promulgated a labor code that established collective bargaining rights for employees of the Navajo government and tribally owned corporations. The Laborers’ International Union of North America (LiUNA) subsequently campaigned to unionize the Navajo Area Indian Health Service (IHS). The IHS — unlike many tribal enterprises — employs a majority Native workforce. The union therefore served as a tool for both improving workplace conditions and amplifying the political will of tribal citizens. Union organizers found that Navajo law presented some advantages over federal law: Unlike federal law, the Navajo code mandates employer neutrality, thus prohibiting employers from engaging in anti-union campaigns. Navajo law also provides for card-check recognition, whereby a union is automatically recognized if more than fifty-five percent of workers express support by signing union cards. Ultimately, the IHS campaign yielded a collective bargaining agreement without Board or court involvement. The Mashantucket Pequot Tribal Nation provides a contrasting example. In 2007, the United Auto Workers (UAW) won an NLRB-administered election among majority non-Native dealers at Foxwoods Casino. Earlier that year, in response to both the UAW campaign and the San Manuel decisions, the Tribe, which owns Foxwoods, had promulgated a labor code that was largely hostile to unions. Following the election, the Tribe unsuccessfully challenged the NLRB’s jurisdiction; in parallel, the Tribe and union negotiated. Following this negotiation, the Tribe’s labor ordinance was amended both to allow union security agreements for contracts negotiated under tribal law and to establish a neutral third-party dispute resolution procedure. The ordinance retained its no-strike provision. The result was a legal framework resembling many public-sector collective bargaining laws, without injuring Mashantucket Pequot sovereignty. At least three unions have since organized under Mashantucket Pequot law. California’s IGRA compacting process has created a third example of how Native nations may regulate tribal labor relations. Many Native nations in California have adopted tribal labor relations ordinances (TLROs) as a condition of their gaming compacts negotiated with the state. TLROs promulgated in response to compacting provide an interesting model of what Professor David Kamper calls “interdependent self-determination,” as compacting requires unions and Native governments to work together to build a labor-relations framework that is rooted in Native sovereign power. In some cases, the resulting ordinances are more friendly to labor than many state labor laws. Although the model California TLRO prohibits most strikes, it allows them when collective bargaining has reached an impasse. In these cases, the TLRO also permits secondary boycotting — thus offering protection beyond that offered by the NLRA. The San Manuel ordinance authorizes unions to negotiate subjects beyond the “terms and conditions of employment,” and the Tribe’s gaming compact prohibited discrimination on the basis of sexual orientation before federal law did. California’s TLROs have been criticized by champions of sovereignty. But the underlying principle of encouraging the promulgation of tribal labor law through the compacting process presents a promising model of interdependent self-determination. As the California and Mashantucket Pequot examples illustrate, many tribal labor codes are promulgated in response to ongoing union organizing. As a result, these codes, unlike state and federal laws, arise out of both explicit and implicit negotiations over jurisdiction, sovereignty, and worker power. This context provides an opportunity for worker advocates and tribal governments to engage in collaborative lawmaking, moving away from the “negative” approach identified by Guss and toward a positive, interdependent approach to power-building that better serves both workers and sovereignty. Against the backdrop of a legal landscape that is hostile to tribal jurisdiction over labor relations, unions may voluntarily recognize a tribal government’s authority to gain bargaining power in tribal enterprises. On the other hand, if, as this Note argues, tribal enterprises are not employers under the NLRA, the absence of federal law allows Native nations to build systems that better support workers. Scholars have argued that the NLRA is inadequate to protect efforts to build worker power. Professors Sharon Block and Benjamin Sachs have called for a “clean slate” for labor law. Tribal labor regulation presents just such a clean slate. Several of the Clean Slate proposals have already been implemented in tribal labor codes, including improved organizer access to workers, card-check recognition, and an expanded range of bargaining subjects. The resolution of labor disputes under tribal jurisdiction also benefits from small dockets and culturally specific alternative dispute resolution mechanisms. Federal labor law’s inadequacy as a tool for building worker power therefore grants Native governments their own positive leverage — not the implicit threat that accompanies the lack of NLRB jurisdiction, but the promise of a better alternative. It is this promise of a better alternative that Professor Scott Lyons had in mind when, shortly after San Manuel, he called on Native nations to “head [the Board] off at the pass and develop even stronger labor laws and worker protections — that is, stronger unions — than what the Americans currently enjoy. Make Indian enterprises the envy of workers everywhere.” B. Reinforcing Sovereignty as an Act of Solidarity Realizing Professor Lyons’s vision requires cooperation from both Native nations and labor activists. Outside of the United States, some unions and indigenous groups have come together as allies in combating the harms of capitalism and settler colonialism, recognizing the shared mission of unions and indigenous communities as power-building institutions. Solidarity is the core value of the labor movement; a motivating sentiment of organized labor is the conviction that “[a]n injury to one is an injury to all.” This value is not always reflected in American unions’ relationships to Native nations. Using language that echoes countless employer reactions to union campaigns, the AFL-CIO has stated that it supports “the principle of sovereignty” for Native nations while advocating for the United States government to assert control over tribal-labor relations. Twenty-first-century American unions have positioned themselves as tools for combating racist power structures. Yet even as Native income per capita is less than half of the national average, unions have exploited fears of “rich Indians” to garner support from non-Native workers. And unions, through litigation, have encouraged and benefited from courts’ racist preconceptions of “Indianness” in setting the boundaries of acceptable exercises of sovereign power. It does not serve the mission of the labor movement to benefit from these wrongs. As union leaders and labor activists fight for a world in which power is redistributed away from the hands of the few, solidarity requires that those efforts be situated within the broader context of genocide, systematic dispossession, and the destruction of Native sovereignty. When unions approach organizing in the tribal context as a fight over NLRB jurisdiction, they seek to build worker power at the expense of Native self-determination. But power-building is not a zero-sum game. By centering tribal organizing on disputes over Board jurisdiction rather than turning to tribal labor law as a first choice, unions miss the opportunity to engage collaboratively with Native nations to build institutions that better serve both.

## 5

#### CW: Discussions of sexual violence

**Butler is a defender of a predator--reading her scholarship creates an unsafe space**

**Greenberg 18** [Zoe Greenberg, 8-13-2018, "What Happens to #MeToo When a Feminist Is the Accused?," No Publication,<https://www.nytimes.com/2018/08/13/nyregion/sexual-harassment-nyu-female-professor.html>]

The case seems like a familiar story turned on its head: [Avital Ronell](https://as.nyu.edu/content/nyu-as/as/faculty/avital-ronell.html), a world-renowned female professor of German and Comparative Literature at New York University, was found responsible for sexually harassing a male former graduate student, Nimrod Reitman. An 11-month Title IX investigation found Professor Ronell, described by a colleague as “one of the very few philosopher-stars of this world,” responsible for sexual harassment, both physical and verbal, to the extent that her behavior was “sufficiently pervasive to alter the terms and conditions of Mr. Reitman’s learning environment.” The university has suspended Professor Ronell for the coming academic year. In the Title IX final report, excerpts of which were obtained by The New York Times, Mr. Reitman said that she had sexually harassed him for three years, and shared dozens of emails in which she referred to him as “my most adored one,” “Sweet cuddly Baby,” “cock-er spaniel,” and “my astounding and beautiful Nimrod.” Coming in the middle of the #MeToo movement’s reckoning over sexual misconduct, it raised a challenge for feminists — how to respond when one of their own behaved badly. And the response has roiled a corner of academia. Soon after the university made its final, confidential determination this spring, a group of scholars from around the world, including prominent feminists, sent a letter to N.Y.U. in defense of Professor Ronell. **Judith Butler,** the author of the book “Gender Trouble” and one of the most influential feminist scholars today, **was first on the list.**