# 1NC

## OFF

#### Interpretation: Workers are people 16 years or older who did at least one hour of paid work and excludes, institutionalized individuals.

Investopedia (Clay Halton is an Associate Editor at Investopedia and has been working in the finance publishing field for more than three years. He largely writes and edits personal finance content, with a focus on LGBTQ+ finance, Investopedia, Updated May 06, 2021, Civilian Labor Force, <https://www.investopedia.com/terms/c/civilian-labor-force.asp)//ww> pbj

According to the BLS, the civilian labor force is made up of two components: Civilian workers: This category includes all private sector, state, and local government workers. Workers—or "employed persons" in the language of the Current Population Survey—are defined as people 16 years old or older who did at least one hour of paid work (or unpaid work in their own business) in the survey's reference week, or who did at least 15 hours of unpaid work in a family business. Active-duty military personnel, institutionalized individuals, agricultural workers, and federal government employees are excluded. Unemployed people: This category does not simply include anyone who lacks a job. An unemployed person must have been available for work during the survey's reference week (discounting temporary illness) and made "specific efforts" to find a job during the previous four weeks. People who would like to work but have given up due to lack of opportunities, an injury, or illness are considered to be outside the labor force.

#### Institutionalized individuals specifically do not hold labor rights

Zatz 8 (Noah D. Zatz, Professor of Law at UCLA who received an A.B. and M.A. from Cornell University and a J.D. from Yale, awarded a Skadden Fellowship to work at the National Employment Law Project (NELP) in New York City 4/2008, Vanderbilt Law Review, <https://scholarship.law.vanderbilt.edu/cgi/viewcontent.cgi?article=1509&context=vlr>)

This Article brings these two conversations together 7 by identifying a fundamental problem in employment law that has escaped scholarly attention. The boundary between market and nonmarket work is central to legal definitions of employment. Determining who is an employee requires deciding where to draw that boundary, or whether to do so at all. The opening quotation from Vanskike v. Peters reveals this dynamic. There, the Seventh Circuit decided that prison inmates could not demand the minimum wage for their work as janitors, kitchen aides, and garment workers in an Illinois prison.8 The penal context of their labor rendered it nonmarket work; this nonmarket character rendered the relationship noneconomic; and absent an economic relationship to the prison, inmates could not be employees, bearers of labor rights. 9

#### Violation: they spec incarcerated workers

#### Precision comes first – 1.] Guides the stasis of negative research 2.] anything else is a slippery slope where affs can jettison words in the rez – making it impossible to be nneg

#### Default to competing interps: 1.] anything else results in judge intervention – which is arbitrary and infinitely abusive 2.] Race to the bottom – it’s a question of finding the maximum abusiveness that is perceptually reasonable 3.] Our offense proves their not reasonable

#### No RVIs – 1] T is a stock issue – you don’t get to win for not being unfair and in the lit base 2] baiting – incentivizes abuse to win off theory

## OFF

#### Interpretation – the aff may not defend that a just government ought to recognize the right to strike for a subset of workers

#### 1. Workers is a generic bare plural

Nebel 20 [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Indefinite Singular Generics in Debate” Victory Briefs, 19 August 2020. no url AG

I agree that if “a democracy” in the resolution just meant “one or more democracy,” then a country-specific affirmative could be topical. But, as I will explain in this topic analysis, that isn’t what “a democracy” means in the resolution. To see why, we first need to back up a bit and review (or learn) the idea of generic generalizations.

The most common way of expressing a generic in English is through a *bare plural*. A bare plural is a plural noun phrase, like “dogs” and “cats,” that lacks an overt determiner. (A determiner is a word that tells us which or how many: determiners include quantifier words like “all,” “some,” and “most,” demonstratives like “this” and “those,” posses- sives like “mine” and “its,” and so on.) LD resolutions often contain bare plurals, and that is the most common clue to their genericity.

We have already seen some examples of generics that are not bare plurals: “A whale is a mammal,” “A beaver builds dams,” and “The woolly mammoth is extinct.” The first two examples use indefinite singulars—singular nouns preceded by the indefinite article “a”—and the third is a definite singular since it is preceded by the definite article “the.” Generics can also be expressed with bare singulars (“Syrup is viscous”) and even verbs (as we’ll see later on). The resolution’s “a democracy” is an indefinite singular, and so it very well might be—and, as we’ll soon see, is—generic.

But it is also important to keep in mind that, just as not all generics are bare plurals, not all bare plurals are generic. “Dogs are barking” is true as long as some dogs are barking. Bare plurals can be used in particular ways to express existential statements. The key question for any given debate resolution that contains a bare plural is whether that occurrence of the bare plural is generic or existential.

The same is true of indefinite singulars. As debaters will be quick to point out, some uses of the indefinite singular really do mean “some” or “one or more”: “A cat is on the mat” is clearly not a generic generalization about cats; it’s true as long as some cat is on the mat. The question is whether the indefinite singular “a democracy” is existential or generic in the resolution.

Now, my own view is that, if we understand the difference between existential and generic statements, and if we approach the question impartially, without any invest- ment in one side of the debate, we can almost always just tell which reading is correct just by thinking about it. It is clear that “In a democracy, voting ought to be compul- sory” doesn’t mean “There is one or more democracy in which voting ought to be com- pulsory.” I don’t think a fancy argument should be required to show this any more than a fancy argument should be required to show that “A duck doesn’t lay eggs” is a generic—a false one because ducks do lay eggs, even though some ducks (namely males) don’t. And if a debater contests this by insisting that “a democracy” is existen- tial, the judge should be willing to resolve competing claims by, well, judging—that is, by using her judgment. Contesting a claim by insisting on its negation or demanding justification doesn’t put any obligation on the judge to be neutral about it. (Otherwise the negative could make every debate irresolvable by just insisting on the negation of every statement in the affirmative speeches.) Even if the insistence is backed by some sort of argument, we can reasonably reject an argument if we know its conclusion to be false, even if we are not in a position to know exactly where the argument goes wrong. Particularly in matters of logic and language, speakers have more direct knowledge of particular cases (e.g., that some specific inference is invalid or some specific sentence is infelicitious) than of the underlying explanations.

But that is just my view, and not every judge agrees with me, so it will be helpful to consider some arguments for the conclusion that we already know to be true: that, even if the United States is a democracy and ought to have compulsory voting, that doesn’t suffice to show that, in a democracy, voting ought to be compulsory—in other words, that “a democracy” in the resolution is generic, not existential.

Second, existential uses of the indefinite, such as “A cat is on the mat,” are upward- entailing.3 This means that if you replace the noun with a more general one, such as “An animal is on the mat,” the sentence will still be true. So let’s do that with “a democracy.” Does the resolution entail “In a society, voting ought to be compulsory”? Intuitively not, because you could think that voting ought to be compulsory in democracies but not in other sorts of societies. This suggests that “a democracy” in the resolution is not existential.

#### It applies to this topic – a] workers is an existential bare plural bc it has no determiner

#### Violation – they spec prisoners

#### Standards

#### 1] Limits – they can spec infinite different workers like agricultural workers, nurses etc - that’s supercharged by the ability to spec combinations of types of strikes.

#### 2] TVA solves – just read your aff as an advantage to a whole rez aff – we don’t stop them from reading new FWs, mechanisms or advantages. PICs aren’t aff offense – a] it’s ridiculous to say that neg potential abuse justifies the aff being non-T b] There’s only a small number of pics on this topic c] PICs incentivize them to write better affs that can generate solvency deficits to PICs

## OFF

#### CP Text: The United States should recognize the unconditional right of incarcerated workers to conduct peaceful strikes.

#### The cp competes:

#### 1] Violent strikes are real and exist

Grant, Wallace, 91, Unviersity of Chicago, “Why Do Strikes Turn Violent?”, URL: <https://www.journals.uchicago.edu/doi/abs/10.1086/229651?journalCode=ajs>, KR

Finally, Taft and Ross's (1969) widely cited study of American industrial violence is one of the few to include a discussion of violent strikes that have occurred since World War II. But their analysis consists of an in-depth discussion of a few highly publicized violent strikes, which thus precludes any systematic comparison of violent and nonviolent strikes. They do, however, concur with the expectations (not the findings)of both previous researchers that strikes over union-organization issues are more likely to be violent than strikes over other issues. However, these other findings from the Taft and Ross study have limited applicability here because of the nature of their sample and analysis.

In short, there is no rigorous, quantitative study of strike violence in advanced industrial countries in the post-World War II era. However, research by Jamieson (1968), Taft and Ross (1969), and others suggests that violence has been an important feature of strikes in this era, particularly in the United States and Canada. Hence, the opportunity to investi-gate industrial violence during the late 1950s and early 1960s should illuminate the processes that contribute to the outbreak of violence among weak-insider groups.

#### 2] Unconditional means all – choosing in the 1ar incentivizes shiftiness which makes it impossible to be neg

Cambridge Dictionary No Date, (Cambridge Dictionary, “Unconditional”), https://dictionary.cambridge.org/us/dictionary/english/unconditional // MNHS NL

complete and not limited in any way: the unconditional love that parents feel for their children

unconditional surrender

#### Even under the aff, prisoners resort to violence under strikes if needs aren’t met, they view it as good but it creates a hierarchial order that hurts prison stability

Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/),> KR

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.1

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.

## OFF

#### Reconciliation just passed in House but Senate difficulties exist and need to be resolved FAST

Carney, 11-30, 11/30/21, “Biden reconciliation bill faces Senate land mines”, The Hill, Jordain Carney is a senate reporter at The Hill; BA in arts, political science major from university of Arkansas, URL: <https://thehill.com/homenews/senate/583503-biden-reconciliation-bill-faces-senate-land-mines>, KR

The House passed the roughly $2 trillion bill before the Thanksgiving break, formally starting the clock in the Senate, where Democrats need to balance their 50 seats in an ambitious push to give Biden a win by passing the bill within weeks and competing December deadlines.

Senate Democrats are navigating potential land mines as they try to lock down the spending bill and quickly cut a final deal. Biden and Democratic leadership don’t yet have 50 guaranteed “yes” votes to pass the bill or even start debate, a first step toward bringing the spending bill up on the Senate floor.

Sen. Joe Manchin (D-W.Va.), a key moderate vote, declined to say if he would vote to start debate on the spending bill and sidestepped committing to the end-of-the-year timeline being pushed by Senate Democratic leadership.

“I think what we need to do is just really look at the bill that we have right now, what came from the House,” Manchin said when asked about starting debate on the bill.

Sen. Kyrsten Sinema (D-Ariz.) also hasn’t said if she supports the spending bill, noting in an interview with The Washington Post earlier this month that the bill passed by the House isn’t a mirror image of the spending framework rolled out by the White House. Other Democrats, including Sen. Jon Tester (Mont.), have said that they haven’t yet dug into the House-passed legislation.

But White House press secretary Jen Psaki said senior White House officials had been in “close touch” with Senate Democrats, including meeting with the Budget Committee and staffers for Majority Leader Charles Schumer (D-N.Y.).

“We are moving forward full speed to get this done, and we expect action on it in the coming weeks. We will continue to press for that,” she said.

Because Democrats are using reconciliation, a budget process that lets them bypass a GOP filibuster, they need total unity from their caucus members plus Vice President Harris to break a tie to start debate on the spending bill and ultimately pass it.

Even after Democrats spent months haggling ahead of the House vote, the legislation is facing significant changes in the Senate because of the tightrope leadership is walking.

#### Labor reform saps PC – empirically prove with Obama, corporate opposition, and Democratic resistance

Leon 21 Luis Feliz Leon, 01-06-2021, “"If we want it, we’re going to have to fight like hell for it" - Labor faces an uphill battle to pass the PRO Act,” Strike Wave, https://www.thestrikewave.com/original-content/labor-faces-uphill-battle-to-pass-pro-act/SJKS

The Employee Free Choice Act (EFCA), which died in the Senate during President Barack Obama’s first term, had similar potential to increase union membership, as it would have enabled workers to get union representation if a majority signed union cards (“card check”) rather than through an election. It died because Obama was unwilling to put political capital behind it to overcome opposition from Republicans and center-right Democrats. “EFCA was very close to becoming law. At the end of the day, in my view, the Obama administration did not put the necessary political capital into securing its passage,” said EPI's McNicholas. “The Obama administration decided to focus on ‘bipartisan’ and ‘reach across the aisle’ type solutions to the 2008 financial crisis, and thus didn't care about EFCA in the face of the anti-EFCA mobilization by strong ‘antis’ like the Chamber of Commerce,” says Susan Kang, a professor of political science at John Jay College who studies political economy, labor, and human rights. “Basically, labor was swept aside by the Obama administration … at the exact moment when he had the strongest mandate and political capital.” Another issue, said Patrick Burke, an organizer with United Auto Workers Local 2322 in Massachusetts, was that EFCA's card-check provisions, when framed as a replacement for elections, “became very easy to demonize and difficult to explain to people not already familiar with labor law.” “The short story is that the EFCA was doomed from a few moderate Dems not being willing to go through with card check once actually in power to enact it. The long story is that the labor movement's disappearance from the ‘adult table’ of Democratic politics has cyclical downward effects. They're less able to convince Dems to go out on the limb for them and to prioritize their legislative requests,” said Brandon Magner, a labor lawyer in Indiana. Despite a history of betrayal and rejection, labor and immigrant rights organizations, [coalesced](https://progressive.org/dispatches/power-behind-win-feliz-leon-201123/) around Biden, a self-professed “[union guy](https://www.cnbc.com/2020/11/16/biden-holds-joint-meeting-with-union-leaders-and-retail-auto-tech-ceos.html),” after the primaries and [helped deliver](https://progressive.org/dispatches/bargaining-rights-with-that-feliz-leon-201229/) him to the White House in the hope that doing so would lead to [executive action](https://indypendent.org/2020/12/immigrants-rights-advocates-descend-on-delaware/) on immigration and labor law reform. “We call on Congress to pass and Biden to sign the Protecting the Right to Organize (PRO) Act early in 2021 to make sure every worker who wants to form or join a union is able to do so freely and fairly,” AFL-CIO President Richard Trumka said in a [statement](https://aflcio.org/press/releases/afl-cio-looks-forward-working-president-elect-joe-biden-0) after the election. But union organizers, researchers, and labor lawyers see dim prospects for winning significant labor reform during the Biden administration. “The PRO Act is obviously dead in the Senate unless Mitch McConnell gets knocked into the minority, but I don't see it being passed without full-throated support for gutting the filibuster from Biden, Harris, Schumer, Durbin, and more,” said Magner, the labor lawyer, adding that “the history of failed labor law reform efforts indicates you need 60 votes to pass anything.” That is particularly true of Democrats in “right-to-work” states like [South Carolina](https://www.postandcourier.com/politics/scs-rep-joe-cunningham-to-vote-against-pro-union-bill-in-break-with-democrats/article_426b38e2-4862-11ea-a0d9-77a96531c47e.html) where U.S. Rep. Joe Cunningham was a reliable opponent in the House. But the greatest liability might be Biden himself. “The few times that Biden met McConnell at the negotiating table during the Obama years, McConnell [left with Biden’s wallet](https://theintercept.com/2019/06/24/joe-biden-tax-cuts-mitch-mconnell/),” dryly [observed](https://theintercept.com/2020/12/28/mcconnell-trump-election/) The Intercept’s Ryan Grim. “Even if the Democrats capture the Georgia Senate seats, their margin will be too small to overcome a Republican filibuster or, if they change the rules, more than one Democrat will break ranks, and no Republicans will support the act,” said Friedman. Even if Biden were to somehow outmaneuver McConnell’s chicanery, there would be fierce opposition to contend with on the corporate side from the likes of Americans for Tax Reform, which has [used](https://www.atr.org/ab5) Georgia runoff elections as an opportunity to fearmonger on the PRO Act, and, when backed against the wall, Biden may revert to his timeworn moderate instincts and not go to bat for labor reform unless forced to. “Prospects for major labor law reform under the Biden administration are directly tied to unions’ and union federations’ willingness to hold the administration’s feet to the fire. They are not going to do it on their own – if we want it, we’re going to have to fight like hell for it,” said Pitkin, the former UNITE HERE organizer. “The biggest question is whether there is enough street heat and organizing to prioritize legislation like this," said Burke, the UAW organizer. “Workers in motion spur labor-law reforms, not the other way around.”

#### Republicans love private prison labor – expanding protections sparks Congressional backlash.

Jan ’18 (Tracy; writer for the Washington Post; 3-16-2018; “These **GOP lawmakers** say it’s **okay** for imprisoned immigrants to work for a $1 a day”; The Washington Post; https://www.washingtonpost.com/news/wonk/wp/2018/03/16/republican-congressmen-defend-1-a-day-wage-for-immigrant-detainees-who-work-in-private-prisons/; Accessed: 11-7-2021; AU)

A **group** of 18 **Republican congressmen** is urging the Trump administration to defend private prisons against lawsuits alleging immigrant detainees are forced to work for a wage of $1 a day. The members say that Congress in 1978 had **explicitly** set the **daily reimbursement** rate for voluntary work by detainees in U.S. Immigration and Customs Enforcement facilities, and that the same rate should apply in government-contracted private prisons. “Alien detainees should not be able to use immigration detention as a means of obtaining stable employment that will encourage them to pursue frivolous claims to remain in the country and in detention for as long as possible,” the lawmakers wrote in a letter to Attorney General Jeff Sessions, Labor Secretary Alexander Acosta, and acting ICE director Thomas Homan. In the March 7 letter, first reported by the Daily Beast, the **congressmen argue** that the detainees are **not employees** of private prisons, so they should not be able to file lawsuits seeking to be paid for their work. “It is our expectation that you will soon get involved in this litigation and take the position that these lawsuits lack legal merit and should be dismissed,” they said. A spokeswoman for the Department of Justice said Friday it has not yet confirmed that Sessions received the letter, and declined to respond to a Post request for comment. The letter was filed with a U.S. District Court in California by the GEO Group this week as part of a lawsuit against the company.

#### Political capital is a pre-req to passing the bill

Lowry 21 – editor of National Review and a contributing editor with Politico Magazine [Rich, “Failure on Biden Reconciliation Bill Is Very Much an Option”, Politico, 9/22/21, [https://www.politico.com/news/magazine/2021/09/22/failure-biden-reconciliation-bill-513686]//AV](https://www.politico.com/news/magazine/2021/09/22/failure-biden-reconciliation-bill-513686%5d//AV)

The reconciliation bill isn't too big to fail, but big enough potentially to fail spectacularly. It has the hallmarks of other signature presidential initiatives that, despite huge investments of presidential political capital, have gone down at the hands of a president's own party. In an unimaginable defeat at the time, Bill Clinton couldn't get his health care bill through Congress, despite a roughly 80-seat House majority and 56 or 57 senators. After his reelection in 2004, George W. Bush's Social Security reform fizzled in a Republican Congress. Out of the gate, Donald Trump suffered an embarrassing defeat on Obamacare repeal in 2017. So, no, victory isn't inevitable, no matter how much Biden needs his bills. It is a well-established axiom that delay, which characterized the Clinton health care debate, is a killer. Momentum is lost. Entropy takes a hand. Presidents don't tend to get more popular after an election, and if a delay pushes a fight into a midterm-election year, members of his own party are likelier to conclude they need to go their own way to protect their interests. This is why Sen. Joe Manchin's talk of putting off consideration of the reconciliation bill until 2022 is itself an existential threat to its prospects.

#### The bill is crucial for combatting climate change and creating jobs

Gout et al, 11-18– policy analyst for the Energy and Environment team at the Center for American Progress, focusing on climate policy. Prior to joining American Progress, Gout worked as a government contractor to the U.S. Environmental Protection Agency, where she primarily supported projects in water quality, water security, and climate resilience. [Elise, “Congress Must Pass the Build Back Better Act to Combat Climate Change”, Center for American Progress, 11/18/21, https://www.americanprogress.org/article/congress-must-pass-the-build-back-better-act-to-combat-climate-change/]//AV

Last month, Congress and [the White House](https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/28/president-biden-announces-the-build-back-better-framework/) debuted the Build Back Better Act—the single greatest federal legislative action to combat climate change to date. The $1.75 trillion package proposes monumental investments in building a clean future, including renewable energy and electric vehicles; historic investments in cleaning up pollution in underserved communities; and expanded opportunity through the creation of high-paying, family-sustaining jobs in the United States. These investments will put millions of Americans to work, [cut household energy costs](https://www.americanprogress.org/issues/green/news/2021/10/21/506499/clean-energy-will-lower-household-energy-costs/), save lives from the ravages of pollution, and resume the United States’ involvement in global efforts to address the climate crisis. The scope and scale of the Build Back Better Act’s investment in climate and environmental justice—$555 billion in total—are unprecedented, surpassing even the amount that the Rhodium Group, an independent research provider, found would [reduce U.S. emissions to 45 percent to 51 percent of 2005 levels by 2030](https://rhg.com/research/us-climate-policy-2030/) when combined with ambitious executive action and continued state leadership. The bold investments found in the Build Back Better Act meet the so-called [climate test](https://www.americanprogress.org/press/release/2021/09/07/503469/release-20-groups-call-congress-pass-climate-test/): putting the United States on a clear path to cut economywide greenhouse gas emissions in half by 2030. If the United States is to lead the global clean energy transition and avoid the worst consequences of the climate crisis, then Congress must move quickly to pass the Build Back Better Act. This work to meaningfully address pollution and slow the pace of climate change is just beginning, but the goal is now within reach. If the United States is to lead the global clean energy transition and avoid the worst consequences of the climate crisis, then Congress must move quickly to pass the Build Back Better Act. Here are nine key ways that the Build Back Better Act would deliver on climate, justice, and jobs. 1. Targeted investments in low-income and disadvantaged communities will address long-standing environmental injustices Black, Latino, Indigenous, and other communities of color have for too long been on the front lines of the nation’s most toxic pollution. The Build Back Better Act invests more than $160 billion to address this legacy of environmental injustice and inequity. Included in this suite of investments is $3 billion for environmental and climate justice block grants to reduce pollution and climate threats in front-line communities; $3.5 billion in grant funding to reduce pollution at ports; and $29 billion for a greenhouse gas reduction fund, $15 billion of which is dedicated to low- and moderate-income communities. The bill also invests in community air quality monitoring, lead service-line replacements, and the build-out of healthy, clean energy schools. In addition, it advances equitable and sustainable community development and engagement, with investments in climate-ready infrastructure such as affordable housing and public transit. The bill also commits $30 billion to the development of a Civilian Climate Corps, which will train a new workforce to access clean energy and community resilience jobs and create the equivalent of 300,000 new full-time positions with fair pay and good benefits. 2. Labor standards will help ensure high-quality union jobs The Build Back Better Act ties clean energy tax credits—including those for clean electricity, energy efficiency, transmission lines, and electric vehicles—to core labor standards for the first time in U.S. history, ensuring the payment of prevailing wages and use of registered apprenticeship programs. Those same tax credits will also be a [major driver of domestic manufacturing](https://www.americanprogress.org/issues/security/reports/2021/10/04/504512/creating-domestic-u-s-supply-chain-clean-energy-technology/), thanks to incentives and eventual mandates for domestic iron, steel, and components. Tax credits for electric vehicles will include bonus incentives for vehicles manufactured domestically by union workers. These standards will help ensure that the millions of workers building clean energy projects and manufacturing the goods and materials that go into them have high-quality union jobs. 3. Clean electricity tax credits will position the United States to achieve a fully decarbonized power grid by 2035, in line with science-based targets The Build Back Better Act features a comprehensive package of 10-year, refundable, full-value tax credits for new clean electricity generating capacity that would allow clean energy developers to select either an investment-based credit or a production-based credit, depending on their needs. The projected climate impact of these tax credits is [extraordinary](https://www.americanprogress.org/issues/green/news/2021/06/11/500429/clean-energy-tax-incentives-will-help-fight-climate-crisis/): They will [lower power sector emissions to 64 percent to 73 percent](https://rhg.com/research/build-back-better-clean-energy-tax-credits/) below 2005 levels by 2031 and bring the share of clean electricity generation from roughly 40 percent today to between 57 percent and 68 percent by 2031. The clean electricity tax credits will also result in a net gain of more than [600,000 jobs](https://rhg.com/research/build-back-better-jobs-electric-power/) in the electricity sector over the next decade while significantly cutting air pollution. When combined with regulations under existing statutory authority and other complementary clean energy investments in the Build Back Better Act, these tax credits will [reduce toxic nitrous oxides by up to 62 percent and sulfur dioxide by up to 84 percent](https://rhg.com/research/build-back-better-clean-electricity/) in the power sector in just five years. 4. A transmission investment tax credit will facilitate the U.S. power grid upgrades necessary to scale renewable energy deployment As renewable energy generation increases, the U.S. power grid must expand and modernize to adequately support the transition to a clean energy economy. The Build Back Better Act establishes an investment tax credit for the build-out of regionally significant, high-voltage transmission lines that would enable an additional 30,000 megawatts of renewable energy capacity, provide $2.3 billion in energy cost savings for the lower 80 percent of income brackets, and create upward of 650,000 good-paying jobs, according to one recent [analysis](https://acore.org/investment-tax-credit-for-regionally-significant-transmission-lines/). 5. Point-of-sale tax credits for new and used electric vehicles will usher in a new era of clean transportation The climate benefits of the Build Back Better Act are not limited to the power sector. The bill’s inclusion of 10-year, refundable tax credits for clean vehicles will [lower transportation sector emissions to 27 percent to 28 percent](https://rhg.com/research/build-back-better-transportation/) below 2005 levels by 2031 when paired with complementary regulatory action and the charging infrastructure investments in the [Infrastructure Investment and Jobs Act](https://www.congress.gov/bill/117th-congress/house-bill/3684). These tax credits will drive light-duty battery electric vehicle sales from 2 percent today to [40 percent to 61 percent of all light-duty vehicle sales](https://rhg.com/research/build-back-better-transportation/) in 2031, depending on battery prices and regulatory actions, compared with the 27 percent to 39 percent that could be expected under business as usual. The bill also embraces tax credits for zero-emission commercial vehicles, which could drive medium-duty vehicle deployment and heavy-duty vehicle deployment to 24 percent and 16 percent in 2031, respectively—a significant increase from the 0 percent to 1 percent deployment that could be expected under current policy. With these electric vehicle purchase incentives, the total cost of ownership for electric vehicles will be up to [15 percent less than that of gasoline vehicles, and the total cost of ownership for electric trucks will be up to 16 percent less than that of gasoline trucks](https://rhg.com/research/build-back-better-transportation/) by 2031, depending on battery prices. 6. Investments in manufacturing and hard-to-decarbonize industries will onshore the clean energy supply chains of the future The Build Back Better Act includes a suite of incentives for the domestic manufacturing of strategic clean energy components, including investment tax credits for advanced energy manufacturing capacity in combination with targeted domestic supply chain production tax credits for solar, onshore wind, offshore wind, and batteries. Additional investments in the bill through grants, loans, tax credits, and federal procurement will [drive the decarbonization and enhanced competitiveness](https://www.bluegreenalliance.org/the-latest/investments-to-transform-industry-in-build-back-better-will-secure-and-build-jobs-and-competitiveness-and-make-major-emissions-reductions/) of existing industries such as steel, cement, and aluminum. This support is critical for upgrading facilities [that can support American jobs](https://www.americanprogress.org/issues/security/reports/2021/10/04/504512/creating-domestic-u-s-supply-chain-clean-energy-technology/) in industries that have suffered decades of employment offshoring and are on track to become [the largest sources](https://rhg.com/research/clean-products-standard-industrial-decarbonization/) of U.S. greenhouse gas emissions within the decade. This represents a historic investment in American manufacturing, keeping the president’s promise of revitalizing manufacturing and ensuring that the United States is globally competitive in the production of 21st century technologies. 7. Expanded energy efficiency and building electrification programs will lower energy bills and deliver additional emissions reductions Eighty-five percent of households in the United States—[more than 100 million households total](https://map.rewiringamerica.org/)—would save hundreds of dollars every month if they switched from a fossil fuel furnace or an outdated resistance heater to an electric heat pump. The Build Back Better Act includes investments to make these household electrification and clean energy upgrades significantly more affordable for consumers. In addition to expanding existing home energy and efficiency tax credits, the bill dedicates $6 billion to establish a new consumer rebate program for the purchase and installation of heat pump space heaters, heat pump water heaters, induction cooktops, and upgraded breaker boxes to enable enhanced home electrification. It also invests $6 billion to create an associated worker training program and a state efficiency rebate program. These investments in residential electrification will cut indoor air pollution and make American homes healthier, safer, and more energy affordable. 8. Funding for agriculture, forests, and coasts will conserve and restore the country’s natural carbon sinks, and reforms will make polluters pay their fair share Conservation and restoration of natural areas are a fundamental component of the bill’s climate solutions, protecting the nation’s ecosystems while also sequestering and storing greenhouse gases. The Build Back Better Act invests more than $26 billion in the conservation and restoration of forests and public lands and more than $23 billion in agricultural conservation. The adoption of sustainable and climate-smart land management practices can grow the country’s natural carbon sinks, which already sequester [10 percent to 15 percent](https://www.epa.gov/ghgemissions/inventory-us-greenhouse-gas-emissions-and-sinks) of annual U.S. emissions, and dramatically reduce emissions from agriculture, which currently account for [approximately 10 percent](https://www.epa.gov/ghgemissions/sources-greenhouse-gas-emissions#:~:text=and%20Forestry%20sector.-,Emissions%20and%20Trends,by%2012%20percent%20since%201990) of total U.S. emissions. This type of restoration work creates [12 to 30 jobs for every $1 million](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0128339) invested and could drive upward of [$8 billion annually](https://www.americanprogress.org/issues/green/reports/2020/01/08/479168/building-100-percent-clean-future-can-drive-additional-8-billion-year-rural-communities/) to rural communities. The bill also directs $6 billion to coastal restoration, which will put people to work on projects benefiting areas including wetlands, mangroves, oyster reefs, and coral reefs. The prospective economic impact of these projects is huge, with [billions of dollars’ worth of identified resilience investments](https://www.coastalstates.org/cso-statement-on-coastal-infrastructure-investments/) that could begin in the coming year. The National Oceanic and Atmospheric Administration estimates that its past investments in coastal restoration created roughly [15 jobs for every $1 million](https://spo.nmfs.noaa.gov/sites/default/files/TM-OHC-1.pdf) invested. [Restoring these ecosystems globally could](https://www.americanprogress.org/article/americans-support-investing-coasts-congress/) also pull up to a gigaton of carbon dioxide out of the atmosphere by 2050, create habitat for fisheries, improve biodiversity and water quality, protect coastal communities from storms, and reduce the impacts of sea level rise. Additionally, the bill contains provisions to raise revenue through commonsense [federal oil and gas reforms](https://www.americanprogress.org/article/revenue-raising-opportunity-fund-climate-conservation/) that would force polluters, not taxpayers, to pay for the toxic legacy of drilling and mining on public lands. It also restores protections to the coastal plain of the Arctic National Wildlife Refuge, a remarkable wilderness threatened by mandated [oil and gas lease sales](https://www.npr.org/2020/11/16/935527352/trump-administration-rushes-to-sell-oil-rights-in-arctic-national-wildlife-refug) put in place during the Trump administration. 9. Climate and conservation investments in rural areas will transform and empower rural communities Lastly, the bill establishes and invests $1 billion in a [Rural Partnership Program](https://www.aspeninstitute.org/programs/community-strategies-group/the-potential-rural-partnership-program-information-page/) administered by the U.S. Department of Agriculture. Designed to provide flexible, easy-to-access funding for building capacity and supporting locally led development projects, it will empower rural communities, including tribal communities, to build equitable local economies. Investments in rural capacity are critical to ensure that the legislation’s historic commitments to climate and conservation are transformational for rural America. Conclusion This could very well be the best chance that Congress has to prevent the most catastrophic impacts of climate change from coming to fruition. Fortunately, the foundational climate investments in the Build Back Better Act would transform the future of the United States, launching the country toward a 100 percent clean energy economy by 2050 while creating millions of high-quality jobs and addressing long-standing environmental injustices. The climate crisis will not wait—and Congress should not either. It is time to pass the Build Back Better Act.

#### Warming causes extinction – It’s linear; every decrease in rising temperatures radically mitigates the risk of existential climate change.

**Xu and Ramanathan 17,** Yangyang Xu, Assistant Professor of Atmospheric Sciences at Texas A&M University; and Veerabhadran Ramanathan, Distinguished Professor of Atmospheric and Climate Sciences at the Scripps Institution of Oceanography, University of California, San Diego, 9/26/17, “Well below 2 °C: Mitigation strategies for avoiding dangerous to catastrophic climate changes,” Proceedings of the National Academy of Sciences of the United States of America, Vol. 114, No. 39, p. 10315-10323//recut CHS PK

We are proposing the following extension to the DAI risk categorization: warming greater than 1.5 °C as “dangerous”; warming greater than 3 °C as “catastrophic?”; and warming in excess of 5 °C as “unknown??,” with the understanding that **changes of this magnitude, not experienced in the last 20+ million years, pose existential threats to a majority of the population**. The question mark denotes the subjective nature of our deduction and the fact that **catastrophe can strike at even lower warming levels.** The justifications for the proposed extension to risk categorization are given below. From the IPCC burning embers diagram and from the language of the Paris Agreement, we infer that the DAI begins at warming greater than 1.5 °C. Our criteria for extending the risk category beyond DAI include the potential risks of climate change to the physical climate system, the ecosystem, human health, and species extinction. Let us first consider the category of catastrophic (3 to 5 °C warming). The first major concern is the issue of tipping points. **Several studies** (48, 49) **have concluded that 3 to 5 °C global warming is likely to be the threshold for tipping points such as the collapse of the western Antarctic ice sheet, shutdown of deep water circulation in the North Atlantic, dieback of Amazon rainforests as well as boreal forests, and collapse of the West African monsoon, among others.** While **natural scientists refer to these as abrupt and irreversible climate changes**, economists refer to them as **catastrophic events** (49). **Warming of such magnitudes** also **has catastrophic human health effects**. Many recent studies (50, 51) have focused on the direct influence of extreme events such as heat waves on public health by evaluating exposure to heat stress and hyperthermia. It has been estimated that the likelihood of extreme events (defined as 3-sigma events), including heat waves, has increased 10-fold in the recent decades (52). **Human beings are extremely sensitive to heat stress**. For example, the 2013 European heat wave led to about 70,000 premature mortalities (53). The major finding of a recent study (51) is that, currently, about 13.6% of land area with a population of 30.6% is exposed to deadly heat. The authors of that study defined deadly heat as exceeding a threshold of temperature as well as humidity. The thresholds were determined from numerous heat wave events and data for mortalities attributed to heat waves. According to this study, **a 2 °C warming would double the land area subject to deadly heat and expose 48% of the population. A 4 °C warming by 2100 would subject** 47% of the land area and almost **74% of the world population to deadly heat, which could pose existential risks to humans and mammals** alike unless massive adaptation measures are implemented, such as providing air conditioning to the entire population or a massive relocation of most of the population to safer climates. Climate risks can vary markedly depending on the socioeconomic status and culture of the population, and so we must take up the question of “dangerous to whom?” (54). Our discussion in this study is focused more on people and not on the ecosystem, and even with this limited scope, there are multitudes of categories of people. We will focus on the poorest 3 billion people living mostly in tropical rural areas, who are still relying on 18th-century technologies for meeting basic needs such as cooking and heating. Their contribution to CO2 pollution is roughly 5% compared with the 50% contribution by the wealthiest 1 billion (55). This bottom 3 billion population comprises mostly subsistent farmers, whose livelihood will be severely impacted, if not destroyed, with a one- to five-year megadrought, heat waves, or heavy floods; for those among the bottom 3 billion of the world’s population who are living in coastal areas, a 1- to 2-m rise in sea level (likely with a warming in excess of 3 °C) poses existential threat if they do not relocate or migrate. It has been estimated that **several hundred million people would be subject to famine with warming in excess of 4 °C** (54). However, **there has essentially been no discussion on warming beyond 5 °C**. Climate change-induced species extinction is one major concern with warming of such large magnitudes (>5 °C). The current rate of loss of species is ∼1,000-fold the historical rate, due largely to habitat destruction. At this rate, about 25% of species are in danger of extinction in the coming decades (56). Global warming of 6 °C or more (accompanied by increase in ocean acidity due to increased CO2) **can act as a major force multiplier and expose as much as 90% of species to the dangers of extinction** (57). **The bodily harms combined with climate change-forced species destruction, biodiversity loss, and threats to water and food security**, as summarized recently (58), **motivated us to categorize warming beyond 5 °C as** unknown??, implying the possibility of **existential** threats. Fig. 2 displays these three risk categorizations (vertical dashed lines).

#### And turns the aff – the bill gives people exclusive child care benefits as well as improving the planet

## OFF

#### CP: The US should formally declare that customary international law compels not enforcing restrictions and/or conditions on strikes for incarcerated workers.

#### CP solves and avoids the net benefit. CIL is legally binding and enforceable.

**Brudney 21** (Professor James J. Brudney is the Joseph Crowley Chair in Labor and Employment Law at Fordham Law School. Professor Brudney served for six years as Chief Counsel and Staff Director of the U.S. Senate Subcommittee on Labor. He has been Adjunct Professor of Law at the Georgetown Law Center and Visiting Professor of Law at Harvard Law School. His scholarly writing is in the areas of workplace law and statutory interpretation. Professor Brudney is co-chair of the Public Review Board for the United Auto Workers International Union, and is a member of the Committee of Experts of the International Labor Organization “The Right to Strike as Customary International Law”. 2021.)

This Article pursues a different path. Using international labor and human rights doctrine, it analyzes **the right to strike** as an integral element of freedom of association among workers, and concludes that this right **has achieved the status of customary international law** (CIL). It then explores possible ways to incorporate such an international right in the U.S. context, recognizing certain very real jurisdictional and remedial challenges. Recourse to international law sources has garnered support from several current and recent justices, 10 but the tide may be ebbing. Given evidence of contemporary Supreme Court reluctance to accept developments in international human rights law asserted by foreign nationals as U.S. federal law,11 or to refer to foreign constitutions when interpreting federal constitutional rights,12 the arguments developed here may be discounted by some readers as more of an aspiration than a practical possibility. There are several reasons, however, to look past this position. For a start, **establishing the right to strike as CIL is an important development in itself,** beyond as well as within the U.S. judicial context. Because CIL has long been an incorporated source of English common law upon which courts may draw as required, 13 the international right to strike may be applicable in British and related common law settings. Moreover, **state courts have invoked CIL** **when relevant to resolving disputes under their own laws**, 14 **and** they **may choose to apply this** international **right to reconsider the restrictions imposed on strikes under state statutes**. Additionally, **worker movements in this country may make use of CIL as part of their vocabulary to defend the legality of strikes outside the courtroom**.15 Although the Supreme Court as currently constituted appears skeptical of CIL applications in a foreign affairs context, it has considered international human rights law relevant to domestic legal challenges in relatively recent times.16 In this regard, commentators and judges have long invoked CIL or its antecedent “law of nations” in aspirational as well as pragmatic terms. On diverse matters such as slave trading and slavery, reasonable and proportionate forms of criminal punishment, and the right to a healthy environment, international human rights doctrine has been deemed applicable even when U.S. laws and courts seemed inhospitable to recognizing relevant legal protections. 17 In what follows, the Article addresses four distinct questions. The first question involves the contents and contours of the right to strike as recognized under international instruments. The **international right is embedded within two widely endorsed U**nited **N**ations **human rights treaties,**18 **and was recently reaffirmed by the human rights committees responsible for monitoring implementation of those treaties**19 **It is set** forth **in** more **precise and detailed terms** pursuant to Convention 87 of the International Labor Organization (ILO) addressing freedom of association (FOA), and the interpretations given to that convention by ILO supervisory bodies. Notwithstanding recent objections from employers’ groups, the right is recognized by the overwhelming majority of governments that have ratified Convention 87 as being an integral part of the Convention. In this regard, there is an established ILO jurisprudence on the right to strike, developed by two of its key supervisory committees—the independent Committee of Experts (CEACR), and the tripartite Committee on Freedom of Association (CFA),20 and reinforced by observations from the two UN human rights committees. 21 The Article summarizes this jurisprudence and describes how protections for the international right exceed U.S. protections for the right to strike in two key areas. **The international law** **prohibit**ion on **private employers’ ability to permanently replace** lawfully **striking workers** conflicts with Supreme Court precedent construing the National Labor Relations Act (NLRA). 22 And the international law protection for public employee strikes with only limited exceptions conflicts with the NLRA’s allowing states to prohibit all strikes by their employees. At the same time, the international right is hardly untethered: it includes a range of exceptions and limitations that constrain its scope in certain ways when compared with U.S. statutory law. The second question is whether this international right to strike qualifies as CIL. The Article contends that it does, based on the existence of widespread State practice in which ratification or conformity reflects opinio juris, a genuine sense of obligation under international law. In addition to Convention 87 having been ratified by more than 80 percent of ILO Member States, the right to strike as an integral part of FOA is an element in broader ILO documents that obligate all countries, including those like the U.S. that have not ratified the Convention.23 Relatedly, the right is recognized through the two previously mentioned U.N. Covenants whose language expressly incorporates the guarantees provided for in Convention 87. **The right is further established in prominent decisions from transnational courts, and in domestic legal frameworks around the world** (constitutions, statutes, and high court decisions), reinforcing the argument that widespread respect from governments is based on a sense of legal obligation. Further, the broad-based evidence from domestic legal frameworks indicates that ratification reflects not simply formal commitment but active compliance by governments. Application of the international right to strike recognizes variations in nationally-specific approaches. However, the two key areas in which U.S. law deviates from the international right—approving permanent replacements for lawful strikers and allowing the prohibition of all public employee strikes—are central elements of the right itself, rather than more marginal aspects subject to national circumstances. Finally, notwithstanding that U.S. statutory protections for strikes deviate from international standards in these two areas, respect for the international right is reflected in legislation enacted by Congress in recent decades, and by executive action indicating the express understanding of the Obama and Trump Administrations that the right to strike is an integral part of FOA.24

#### CIL is critical to solve climate change threats. Relying only on treaty commitments fails.

**Clark 18** (Kayla Clark is a lawyer at Morgan Lewis. Education: University of Notre Dame Law School, 2018, J.D. California Polytechnic State University, 2015, B.A. “The Paris Agreement: Its Role in International Law and American Jurisprudence”. 5-10-2018.)

Moreover, the long-term nature of the Paris Agreement has the additional benefit of potentially creating **c**ustomary **i**nternational **l**aw **regarding** international **environmental norms** and development. Customary international law, **recognized to be legally binding** on participating nations,65 **can** be shaped when a custom, such as a commitment to **consistently reduce** greenhouse gas **emissions**, becomes regarded as law. Evidence of customary international law can include: general acceptance by the participants; adherence for a sufficient duration; consistent understanding of the terms and stable enforcement; and a finding of opinio juris––evidence that the terms are seen as law.66 If it can be shown throughout the Paris Agreement’s implementation that the terms, including participants’ commitments and implementation of goals, transitioned from mere statutory obligations to **c**ustomary **i**nternational **l**aw, then the Paris Agreement **stands a credible chance at recognition beyond the limits of** the **treaty**’s **text.** The architecture of the Agreement, with an aspirational goals of temperature reduction and evaluation periods every five years beginning in 2023, leaves ample time for the already binding international treaty to take on another stable and well-recognized form—customary international law.67 In addition to the aspirational goals of the Paris Agreement, the nuanced form of differentiation between nations is a feature that positions the pact for success. The differentiation is meant to be both inclusive and empowering to all participants.68 Beginning with the preamble of the Agreement, “one finds in a condensed manner carefully crafted expressions of the main tensions underpinning the entire text, between developed and developing countries, between more vulnerable countries and the rest, between countries that expect to suffer from measures that ‘respond’ to climate change and the rest . . .”69 The Agreement is facilitated by each state voluntarily committing to reduce its emissions reductions. All states are asked to commit to some amount of emissions reduction, but no states are assigned a mandatory reductions target, as they were in Kyoto. **Under** Paris, “[s]tates thus choose their level of ambition subject to two requirements, namely the regular updating––at least every five years . . . and **a**n obligation of non-regression . . . .”70 The Paris Agreement’s **voluntary contribution scheme** seeks to diffuse the sharply divisive Annex 1 and non-Annex 1 strategy of the Kyoto Protocol, as well as reduce the coercive effect of mandatorily assigned targets. The Annex strategy not only excluded many developing countries, chief of which included high carbon emitters like China and India, but also disheartened developed countries that felt that even a good faith attempt at meeting their target emissions would make only a marginal impact on overall climate change efforts.71 Additionally, the distinction between Annex 1 and non-Annex 1 under the Kyoto Protocol restricted the ability or motivation of developing countries to reduce their greenhouse gas emissions, as they were not required to participate.72 Now, developing **countries like China or India cannot shirk participation merely because of their developing status**.73 The Paris Agreement reflects the principle of common but differentiated responsibilities, but implements this international law doctrine more effectively. Though all participating nations must voluntarily assume and be accountable for their emission reduction goals, accommodations for developing countries are also included. To offset the cost on now-included developing countries, the Paris Agreement incorporates adaptation by developing countries as a goal, and urges developed countries to provide developing states with financial and logistical support. Including mechanisms to support adaptation is a new way to address climate change, responsive to the reality that, as Vinuales writes, “[i]t may be that climate change is no longer a matter of precaution but one of prevention – preventing acknowledged risk.”74 Creating infrastructure and advancing technology in developing nations, via funding from developed nations, recognizes the different capacities of different countries, reflects the common but differentiated responsibilities doctrine, and focuses on adaptation. However, the Agreement still expects developing nations to contribute throughout the adaptation process. The third promising feature of the Paris Agreement is the innovative approach to oversight and enforcement. Compared to the Kyoto Protocol’s mandatory and legally-binding emissions reductions, the Paris Agreement takes a less coercive, information-based approach.75 Through the construction of **i**nternational **law**, the Paris Agreement hopes to use both official and unofficial sources of pressure in its information-based enforcement. As Falkner writes, the Paris Agreement **relies on a “two-level game” logic that unites domestic climate politics with strategic international interaction**.76 Though the Paris Agreement does not impute a legal obligation for states to actually reduce their emissions per their commitments, it does require periodic reports to be disclosed to the participants of the Agreement. These reports will occur every five years, beginning in 2023, and will provide the international community with a transparent look into the efforts of other states to combat climate change.77 The information garnered from these periodic reports, and their subsequent review, may facilitate the “naming and shaming” of states that have not succeeded in meeting their goals.78 **The peer pressure function should work effectively** between nations, as they may easily identify **and** call out those that have failed to make a good faith effort to meet their voluntary contributions. The mandatory reporting serves to make the Agreement transparent and legitimate to the international community.79 The naming and shaming also **anticipates pressure on the contributing parties from civil society**, as governments of underperforming countries may experience naming and shaming by environmental groups, the media, and other interested parties.80 Domestically, after nations choose their emission reduction contribution, they will likely face some pressure from groups in their country regarding their performance under the contribution. Internationally, the Agreement is also designed to create peer pressure among states, which could be exerted on states that are failing to meet their commitments. The naming and shaming function between states delivers the brunt of the Agreement’s enforcement mechanism. Though the enforcement tools of the Paris Agreement do not create actual legal liability for states that neglect their commitments, the enforcement strategies should not be seen as toothless.81 By **operating with multiple kinds of enforcement**, and engaging with both domestic and international paradigms over a long period of time, the Paris Agreement consciously **increases the** likelihood of **immediate enforcement** and **of** transitioning from mere statute to **binding customary international law**.82

## CASE

### FW

#### Extinction is the only coherent and egalitarian framework – prefer it

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

#### a – Forecloses future improvement – we can never improve society because our impact is irreversible which proves moral uncertainty

#### b – Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities

#### AT: Ansell – 1] Assumes there is a tradeoff between solving for existential threats and structural violence – governments are able to do multiple things and your evidence doesn’t justify a tradeoff 2] Links back to them – they inevitably have to choose between different conflicts of racism or inequality that will cause the exclusion of certain impacts

### Solvency

#### 1] Squo Solves – Right to Strike not key – vote neg on presumption – your ev says so

INSERT 1AC Harvard Law Review, 19 - ("Striking the Right Balance: Toward a Better Understanding of Prison Strikes," Harvard Law Review 03/8/2019, accessed 10-28-2021, <https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/)//ML>

But in order to ensure that the Constitution truly does not stop at the prison walls, courts cannot simply accept prison administrators’ fears regarding strikes at face value and instead should rigorously test their credibility and basis in fact.143 And more importantly, by over-deferring and failing to engage in any analysis of the merits of prison strikes, courts miss an important opportunity. As this Note has argued, prison strikes represent an underappreciated aspect of prison life — the means by which prisoners have, throughout the course of American history, surfaced pressing problems of our carceral state and initiated important transformations in our prison system. Therefore, it is imperative to meaningfully consider why and how such strikes merit legal protection — even if such protection appears to fly in the face of the current state of the law and to defy conventional wisdom. To that end, this Part first explores the First Amendment as one potential avenue for considering the merits of prison strikes, by presenting three critical First Amendment values contained within prison strikes,144 and it then briefly discusses other potential legal avenues for courts and scholars to consider. A. Considering the First Amendment Values of Prison Strikes 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.145 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.146 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.”147 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.”148 However, such bargaining typically happens in an informal, ongoing, private process;149 in their recurrent, day-to-day contact with inmates, prison administrators use their arsenal of tools150 to “negotiate” only with select inmate leaders,151 with the central goal of maintaining “short term surface order.”152 This informal bargaining is “dysfunctional” to the long-term stability of prison institutions and “the real needs of those incarcerated within” them153 — creating hierarchical relationships154 that breed mistrust155 and leave many inmates powerless and feeling aggrieved.156 As a result, inmates often feel that they have to resort to violence to protect themselves from exploitation, express their dissatisfaction, and obtain redress.157 Alternatively, peaceful, collective prison strikes avoid these harmful consequences by allowing for “open” and “formal” negotiations between all inmates and prison staff.158 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.”159 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”160 — avoiding potentially expensive and time-consuming litigation and even helping rehabilitate inmates,161 all while deemphasizing hierarchical structures in prisons that harm institutional order.162 2. Speech. — A prison strike also represents a critical way by which inmates can express themselves.163 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.”164 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.”165 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 selfworth.166 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.167 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.”168 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.169 While in theory “[t]here is no iron curtain drawn between the Constitution and the prisons of this country,”170 in practice, “prisons often escape the daily microscope focused on other American institutions such as schools, churches, and government.”171 Courts grant prison administrators wide deference not only in running day-to-day life within prisons but also in restricting press access to prisons.172 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;173 inmates routinely experience physical abuse and even death at the hands of prison guards,174 receive inadequate protection from guards, are deprived of basic necessities,175 are given substandard medical care,176 and are forced to live in squalor and tolerate extreme circumstances;177 most prisoners have minimal, if any, access, to rehabilitative or mental health services;178 and prisoners have little legal recourse, as internal prison grievance procedures are often stacked against inmates,179 and judicial deference and federal legislation have effectively shut the courthouse doors on prisoners’ civil rights claims.180 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.181 As the Marshall Project states, “[s]ociety won’t fix a prison system it can’t see”;182 **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”183 and, in turn, gain attention from and access to the political branches able to implement policy reforms.184 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 transfor- mations to the** California prison system’s **solitary confinement policies**.185 In **Alabama**, **inmates’ participation** in the 2016 nationwide prison strike helped **prompt** the **D**epartment **o**f **J**ustice **to open an investigation into the state’s prison conditions**.186 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**.187 B. Considering Additional Legal Avenues for Protecting Prison Strikes The foregoing analysis suggests that the First Amendment is a critical, worthwhile vehicle for considering the merits of a right to strike for prisoners. As Justice Black recognized, the importance of such analysis likely transcends prisoners themselves. He wrote: “I do not believe that it can be too often repeated that the freedoms of speech, press, petition and assembly guaranteed by the First Amendment must be accorded to the ideas we hate or sooner or later they will be denied to the ideas we cherish.”188 But this Note acknowledges that judicial recognition of prison strikes’ First Amendment values requires significant doctrinal change. Convincing the Supreme Court to overturn its Jones and Turner precedents, and instead to adopt a test with less deference than is currently afforded to prison administrators, is unlikely. As a result, future research is necessary to identify other potential avenues to consider the legal status and merits of prison strikes. As alluded to above, labor law presents one such promising avenue, as does state constitutional and statutory law. Drawing from the broader j

#### 2] Prison strikes don’t work – empirics prove

Thompson ’16 (Christie; writer for the Marshall Project; 9-21-2016; “Do Prison Strikes Work?”; Marshall Project; https://www.themarshallproject.org/2016/09/21/do-prison-strikes-work; Accessed: 11-8-2021; AU)

On Sept. 9, prisoners across the country stopped showing up for their work assignments to protest what they call slave-like conditions for incarcerated workers. Inmates make pennies an hour keeping the prison running — such as cleaning and cooking — or providing cheap manufacturing for private businesses. Inmates involved in the protest are calling for higher wages, better working conditions and less severe punishment while on the job. The work stoppage was organized by inmates in multiple states and labor activists with the Industrial Workers of the World to coincide with the 45th anniversary of the Attica riot, which was preceded by a strike in the prison’s metal shop. Prisoners and labor organizers on the outside hoped it would be the largest prison strike in history. It’s hard to quantify exactly how many prisoners in how many states have participated, as prison officials and organizers give conflicting accounts of its scope. Activists claim inmates in at least 11 states are taking part. This strike is the latest in a long history of prisoners trying to use what little leverage they have — whether work stoppages or hunger strikes — to demand change from administrators. Some have been more successful **than others**. Here’s a look at five other prison strikes and **what came of them**: Post-WWII Labor Strikes University of Michigan professor Heather Ann Thompson’s history of labor movements in prison details how a series of work stoppages and sit-down protests took off in prisons across the U.S. in 1947. In little over a decade, hundreds of prisoners in Connecticut, New Jersey, New York, Wisconsin, Louisiana, Ohio, and Georgia stopped working to protest long hours, trifling pay, and grueling work environments. Prisoners in Georgia and Louisiana went even further and slit their heel tendons so they could not be forced to work. While the work stoppages **did not lead** to immediate **changes**, they inspired another era of prison protest in the ‘60’s and ‘70’s, which included the Attica work stoppage and eventual riot. Those movements achieved **slight pay raises** and improved safety precautions in some states and led to the creation of prisoner-led unions. 2010 Georgia Labor Strike In 2010, state prisoners across Georgia launched what many then called the largest prison work strike in U.S. history — though official numbers are difficult to confirm. At the protest’s height, organizers said thousands of inmates participated across at least six state prisons. Georgia inmates were paid nothing for their work, as dictated by state law, and were asking for better conditions and more access to programming. Not only were Georgia inmates not showing up to their job assignments — they refused to leave their cells at all until their demands were met. The strike **lasted six days**, and garnered coverage in news outlets like The New York Times. It ended when prisoners decided to leave their cells to go to the law library and try to sue for improvements instead. (It’s **unclear** what became of those efforts). **Prisoners in Georgia are still not paid for their labor**. 2011-2013 Pelican Bay Hunger Strike In 2011, 400 prisoners in California’s supermax prison started refusing their meals. Their numbers grew to 7,000 as they were joined by prisoners all over the state. The inmates had a list of five demands, including limits on solitary confinement and changes to how the prison determines gang membership. Their fast ended after three weeks when prison officials agreed to reconsider some of their solitary confinement policies. Inmates returned to hunger-striking later in 2011 and again in 2013 saying the **changes were too small and too slow**. But the protests did have a significant impact. After the initial strike, the chair of the California Assembly’s Public Safety Committee held a hearing on conditions at Pelican Bay. In 2012, the nonprofit Center for Constitutional Rights filed a class-action lawsuit against the state over its use of prolonged isolation. Todd Ashker, one of the strike’s organizers, was the lead plaintiff. The suit was settled in September 2015, addressing many of the strikers’ concerns about how people end up in solitary and how long they remain there. 2013 Guantanamo Hunger Strike Detainees at the U.S. military prison in Cuba began hunger-striking in March 2013 to fight against their indefinite detention and alleged mistreatment. At the strike’s peak in July that year, 106 men were refusing to eat and 45 were being force-fed through nasal tubes. The strike — for its duration, size, and the graphic nature of force-feeding — **outraged** the public and policymakers and increased pressure on President Obama to fulfill his promise of closing the controversial prison. Since the strike, Obama has lowered the number of men held at Guantanamo from over 2,000 to 61, but has yet to close the prison entirely. 2015-2016 Immigration Detention Center Hunger StrikesSince 2015, hunger strikes have begun at various immigration detention centers — prison-like facilities where immigrants are held while their deportation case is decided — throughout the U.S. Roughly 200 detainees at Eloy Detention Center in Arizona stopped eating in June 2015, in part to pressure an investigation into recent deaths at the facility. That fall, immigrants in detention in California, Alabama, Louisiana, and Texas also stopped eating to object to their indefinite detention and poor conditions. More recently, 22 mothers being held with their children in a family detention center in Pennsylvania went on a hunger strike this August. Their strike accompanied a series of handwritten letters they sent to immigration officials asking to be released from indefinite detention. The strike has continued off-and-on since then, with even their children threatening to refuse to attend classes in solidarity with their mothers. It’s too soon to tell what the impact of their protests might be.

#### 3] Can’t solve prison guards and cops – they don’t care and won’t listen – they break the law all the time

#### 4] legal strikes always incite social tensions among groups of different statuses—only illegal strikes have the potential to be successful and change minds

**Reddy 21**-- Diana S. Reddy [Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law]; “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy; Jan 6 2021; Yale Law Journal; <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>. (AG DebateDrills)

**In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns**.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” **These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful**. Since 2012**, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes.** They do not shut down production, and their primary targets are not direct employers. **For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007**.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 **In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet**, no penalties were imposed.183 **Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support.** As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, **2020 saw a flurry of work stoppages in support of the Black Lives Matter movement**.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 **Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.**188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 **Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns.** The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. **Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be.** These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, **law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other**, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. **Recasting the strike—and the work of unions more broadly—as political is risky**. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. **And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing.** If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. **Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been.** During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198

#### 5] Multiple alt causes to recidivism – aff is a drop in the bucket.

Tegeng et al. ’18 (Goche; professor in the Department of Psychology at Wollo University; 2018; “Exploring Factors Contributing to Recidivism: The Case of Dessie and Woldiya Correctional Centers”; Arts and Social Sciences Journal; https://www.hilarispublisher.com/open-access/exploring-factors-contributing-to-recidivism-the-case-of-dessie-and-woldiya-correctional-centers-2151-6200-1000384.pdf; Accessed: 11-8-2021; AU)

Recidivism is “one of the most fundamental concepts in criminal justice” and relevant in understanding the core functions of the criminal justice system such as incapacitation, deterrence, and rehabilitation [1]. Within criminal justice agencies, the level of recidivism is an important outcome variable that provides the basis for determining the extent to which an agency has been able to effectively intervene in the criminality of the offender populations it serves, identifying the needs for more effective programs, communicating the need for increased resources, and demonstrating accountability to the public and to legislators [2]. There are **many different plausible contributing factors** that might explain why released offenders could not successfully reenter the community. A notable number of studies examined the contributing factors to recidivism among released offenders. The **most plausible reasons** to explain the relatively high recidivism rate among released offenders were centered on the offenders’ **educational illiteracy**, **lack** of vocational **job skills**, lack of interpersonal skills, or **criminal history**. Besides, socio-economic factors such as gender, **age and employment status** influence the possibility of committing crimes after first conviction. In terms of gender, men are more likely to return to prison because of **criminal peer associations**, **carrying weapons**, alcohol abuse, and **aggressive feelings** [3]. According to United States Sentencing commission 24.3 and 13.7 percent of males and females were recidivates respectively in USA. **Age is** also another demographic **determinant factor** for recidivism. A study in USA shows that recidivism rates decline relatively consistently as age increases. So youths are more likely to offend than older people. Among all offenders under age 21, the recidivism rate is 35.5 percent, while offenders over age 50 have a recidivism rate of 9.5 percent (United States Sentencing commission, 2004). Therefore, incarceration, particularly at a young age, can lead to an accumulation of disadvantages over the life course, with future opportunities severely restricted [4]. On the other hand, the **absence of employment** is a consistent factor in recidivism and parole or probation violations, and **having a criminal history** limits employment opportunities and **depresses wages**. In New York State, labor statistics show that **89%** of formerly incarcerated people who violate the terms of their probation or parole are unemployed at the time of violation. Further research suggests that 1 year after release, up to 60% of former inmates are not employed. Nationally, according to a study by Bushway and Reuter [5], one in three incarcerated people reported being unemployed before entering state prison, and fewer than half had a job lined up before release. Moreover, family is **another main factor** in the formation of individual and social personally of the child. From the child’s point of view, parents are the most important and most valuable models of the universe. Prisoners’ recidivism rates are associated with the amount of contact they receive with their families [6]. Less care of family to their children [7] and lack of family involvement is **strongly related** to crime and incarceration rates. In line with this, studies in Australia revealed that, offenders with limited family support or attachment are more likely to reoffend. Alongside, drugs problem is one of the **main headline crime stories** of our times which leads to crime.

The urge to commit crimes by drug addicts and alcoholics is **motivated** by the desire to support their habits. Much of these offenders’ behavior can be linked to substance abuse and addictions (UNODC, 2012). Because they tend to serve short-term sentences, their access to treatment and other programmers while in detention is quite limited and they remain at high risk of reoffending. The issue crime in general and recidivism in particular has attracted the interest of some researchers in Ethiopia. These studies were basically focused on criminal behavior; juvenile delinquency and the criminal justice system i.e. have tried to point out from legal perspectives. Yet the amount of researches and the knowledge obtained from those researches do not suffice to explain the extent and depth of the problem related to recidivism rather they try to highlight the issue from criminal behavior. Andargachew [8] in his book “The Crime Problem and Its Correction” found that Ethiopian prisons are suffered from over crowdedness, lack of sanitation, and insufficient amount and quality of food service. He has also focused the history of Ethiopian police force as well as the history of judicial system in Ethiopia. However, Andargachew failed address the issue of recidivism and lack of rehabilitation on repeat offenders. Daniel [9] also studied Crime incidences in Addis Ababa with an emphasis on the nature, spatial pattern, causes, consequences and possible remedies and showed different variables causing criminal behavior. But he too failed to identify the major causes of recidivism. Nayak [10] studies magnitude and impact Juvenile Delinquency in Gondar, explored that Juveniles who were from large sized /or disintegrated family commit delinquent act than smaller sized and healthy family. It has a greater impact on different levels like, individual, family, community and society at large. Yet, he also lacked from discussing recidivism. In addition to this, Meti [11] in his/her study in Addis Ababa tried analyze the influence of socio economic factors on crime with particular emphasis on the triggering factors that prompt criminal behavior is a timely endeavor. But he still refrained from explaining the factors contributing to recidivism. On top of that, methodologically, the aforementioned studies gave a huge emphasis on quantitative method in the understanding of crime and criminal behavior, for the sake of describing socio-economic and demographic characteristics of study participants’ vis-à-vis recidivism. On the contrary, in the present study attempt has made to incorporate qualitative method intensively due to the fact that lived experience of recidivists are more understandable through a detailed and rich data that could be collected by giving more attention to qualitative method.

#### 6] prisons circumvent by punishing prisoners with false reports- AND they’ll initiate lockdowns, cut communication lines, transfer strike leaders, bribe prisoners, and break up strikes without criminalizing the strikes themselves

Nam-Sonenstein, 18 -- Publishing Editor at Shadowproof and columnist at Prison Protest

[Brian Nam-Sonenstein, "Florida Officials Deny Operation PUSH Is Ongoing, Even As They Retaliate Against Prisoners," Shadowproof, 1-25-18, https://shadowproof.com/2018/01/25/operation-push-update/, accessed 11-18-21]

Kevin “Rashid” Johnson, an activist and intellectual incarcerated at Florida State Prison, was charged with “inciting or attempting to incite a riot” five days before a nonviolent prison labor strike and boycott known as Operation PUSH.

A disciplinary report filed on January 10 states Warden Barry Reddish sent an article Johnson wrote about Operation PUSH and a “series of other articles” on the action to an administrative lieutenant. The article made “numerous allegations of mistreatment of inmates at Florida state prison and proclaims Florida to be the worst prison system of the four various states [where] he’s been incarcerated.”

It does not specify which passages specifically incited a riot and at no point does Johnson’s article include a call to action.

In an “emergency note” Johnson sent to his lawyers on January 19, he alleged Florida Department of Correction (FDC) officials tortured him.

“Am being literally tortured in retaliation for article on prison strike and conditions \*by the warden\*,” Johnson wrote. “No heat. Cell like \*outside\*, temp in 30s. Toilet doesn’t work. Window to outside doesn’t close and cold air blowing in cell.”

“Its daytime and so cold can barely write,” he wrote.

His supporters fear for his life and are asking members of the public to call Florida State Prison and demand they move him to a safer cell immediately.

“Nowhere is anyone told to do anything,” Johnson wrote in response to the riot charge. “It is only a piece of journalism, which is constitutionally protected exercise of speech and press. Also FDC prisoners have no internet access, so how is something published online inciting prisoners?”

Johnson’s article runs through the demands and motivations behind Operation PUSH. He describes slave labor conditions, violence and abuse, and a lack of medical care in the Florida system, connecting these conditions to the establishment of the state’s first penitentiary just three years after slavery was abolished for all with the ratification of the 13th Amendment (excluding those convicted of felonies).

He uses his own experiences over the last six months in the Florida prison system as context for Operation PUSH and compares it to three other states where he has been incarcerated.

“I can personally attest that conditions here are among the worst I’ve seen,” Johnson writes.

The department has a record of corruption and deception, Johnson notes, pointing to the 2012 murder of Darren Rainey by corrections officers.

Rainey was a mentally ill prisoner who burned to death because officers locked him in a shower rigged to reach 160 degrees Fahrenheit—40 degrees above the state limit—and then covered it up. His death led to further revelations about death, corruption, and abuse across the Florida prison system.

Data released this year shows the number of prisoner deaths in Florida rose 20 percent to 428 deaths in 2017, even as the number of prisoners declined. By comparison, more incarcerated people died in Florida prisons last year than have been executed in all of the United States since 2007.

Johnson called the riot charge “retaliation, plain and simple, for publicizing abusive conditions.”

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On January 15, when Operation PUSH was to begin (and also the day after Johnson’s disciplinary report), FDC canceled visitation at three facilities : Blackwater Correctional Institution, Everglades Correctional Institution and the Reception and Medical Center (RMC).

When the day arrived, RMC went on lockdown and sources indicate staffing levels were tripled at that facility. Around 50 protesters gathered outside to show solidarity with striking prisoners. Similar demonstrations took place around the state and in other parts of the country. News of Operation PUSH and its demands spread across U.S. and international media, including several mainstream outlets, like Newsweek and the Guardian.

The following day, as abolitionist scholar and activist Angela Davis announced her support of Operation PUSH at a speech in Florida, outside organizers for the Incarcerated Workers Organizing Committee (IWOC) reported they lost communication with their sources on the inside. (IWOC is a chapter organization under the Industrial Workers of the World that seeks to unionize incarcerated people and serves as a liaison for their political organizing.)

“The only logical answer is repression tactics,” IWOC organizers declared. Lockdowns and shakedowns had likely interrupted lines of communication. At least two organizers were thrown in solitary confinement “without reason,” and dozens more were isolated in the days before the strike began.

Meanwhile, a large protest assembled outside FDC headquarters in Tallahassee. Protesters took over the lobby for several hours, demanding a meeting with department head Julie Jones to present the demands and call for an end to the retaliation.

Around 3:00 PM, police officers attempted to break up the protest. One activist with the anti-racist organization The Dream Defenders was arrested and charged with property damage/criminal mischief of $1000 or more, resisting an officer, and trespassing. She was bonded out of jail later that night. Several others were injured in the scuffle as police tried to eject protesters from the building.

FDC made some of its first statements about Operation PUSH the next day, acknowledging the arrest and alleging “protesters became increasingly disruptive and breached the doors into a secure area of the building.”

“In attempt to enter the secure area, protesters battered FDC staff,” they claimed. FDC also said there was “no interruption to daily operations” and denied any prisoner resistance took place.

Meanwhile, Supporting Prisoners And Real Change (SPARC), which is a platform for Florida prisoners and families in Florida, reported “key organizers” were placed in solitary confinement and faced investigation for “no reason given.”

IWOC reported the Avon Park facility deactivated prison phones on the second day of the protest, “denying these political prisoners their right to inform their loved ones that they are safe.” They said “dozens” of suspected organizers were now in isolation.

Solidarity actions continued around the country. On January 19, members of Workers World held a teach-in on prison abolition and documentary film screening in Georgia. There were banner drops in Omaha, Nebraska, earlier that morning.

SPARC released a list of over 150 organizations, who expressed solidarity with Operation PUSH on January 20.

On January 22, outside activists flooded FDC phone lines with a call-in action demanding the department recognize prisoner demands. In response, the department released another statement denying any protest was happening and said normal operations continued in all prisons across the state.

“Despite recent reports, prisons and institutions across the state have had no interruption to daily operations. There were no inmate work stoppages or strikes,” the statement read.

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Publicly, FDC insists there is no Operation PUSH inside its facilities. Yet incarcerated people have reported “active participation or repression of some sort” in at least sixteen state prisons.

SPARC argues this is part of FDC’s strategy of severing communication to “create the perception of inactivity and break the spirits of those participating in the strike.” Incarcerated organizers have expressed the importance of solidarity and communication with those on the outside, both for morale and for protection, for many years.

FDC threatened organizers with “harsher retaliation” if they corresponded or in some cases merely received literature from advocacy groups like IWOC and Fight Toxic Prisons.

Lockdowns, disconnected phone lines, and mass searches interrupted lines of communication, and incarcerated people suspected of organizing resistance were split up and transferred to other facilities.

Multiple incarcerated people reported being given a choice: work with the FDC against Operation PUSH and receive a transfer to a so-called “sweeter” work camp. Otherwise, face solitary confinement for corresponding with organizers on the outside.

Prison officials used gang designations to stifle the nonviolent protest, labeling suspected organizers as members of a Security Threat Group (STG). This classification level subjects prisoners to further isolation, surveillance, harassment, and loss of rights and privileges.

In an interview with the website It’s Going Down, IWOC organizer Karen Smith said suspects were investigated and charged for using contraband phones. Investigators in some cases went so far as to decide certain social media posts were tied to particular individuals even if they didn’t have a phone.

Smith called the repression “harsh and complete.” The FDC is watching social media pages and keeping close tabs on people who receive literature from outside groups, she said.

FDC’s reaction to Operation PUSH is somewhat of a departure from how the state handled prisoner resistance in recent years.

When protesters changed their tactics for Operation PUSH to focus on a nonviolent economic protest, the FDC changed theirs, too, engaging in what SPARC called “low-intensity, psychological warfare rather than blunt force.” Given the authoritarian nature of prison systems, which are afforded total obscurity and practically unlimited control over prisoner movement and communication, the FDC is well positioned to adapt its forms of repression.

“It should come as no surprise that the [FDC] can’t be trusted to report strikes occurring in Florida state prisons, just as they have been lying, or to borrow from a PUSH prisoner, ‘using wordplay,’ around the rip-off of their canteen prices,” SPARC wrote. “They have been working for weeks to eliminate the chance of the strike’s success. Claiming that it never existed is another tactic for trying to stop it. Never trust the oppressors to adequately report the facts.”

SPARC found that building outside support in advance, which prisoners felt was necessary to boost morale and participation in Operation PUSH, “provided ample notification and time for the [FDC] to bribe, threaten, and gather scab labor.”