# 1nc

### 0

#### Extinction outweighs.

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk.

Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

### 1

#### Interpretation: Workers are people 16 years or older who did at least one hour of paid work and excludes active-duty military personnel, institutionalized individuals, agricultural workers, and federal government employees.

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 incarcertaed workers

#### Standards:

#### [1] Topic Lit – it’s the Bureau of Labor Statistics which is the most commonly used definitional bank for economic literature and the most explicit – that makes it easiest to engage in and creates the best possible clash since all cards will be cut from the context of the inter esp since the topic is about strikes which don’t occur in the exceptions: topic lit o/w -- anything else creates an unfair division of ground where the neg is left with nothing. Key to education because limited negs means no engagement or reading of topic lit, which kills topic education and clash. Also key to fairness—no neg ground means aff is always ahead since they get generics.

#### [2] Precision – not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which a] means they’re not within the topic which is a voter for jurisdiction since you can only vote affirmative on the resolution and this debate never should have happened, b] they’re unpredictable and impossible to engage in so we always lose

#### Drop the Debater –

#### [1] sets a precedent that debaters wont be abusive

#### [2] DTA is the same since you drop the aff

#### Voters:

#### [1] Fairness – constitutive to the judge to decide the better debater, only fairness is in your jurisdiction because it skews decision making

#### [2] Education – the only portable education from debate that we care about

#### Competing Interps:

#### [1] reasonability on t is incoherent: you’re either topical or you’re not – it’s impossible to be 77% topical, links to all limits offense

#### [2] functionally the same as reasonability – we debate over a specified briteline which is a counter interp

#### [3] judge intervention – judge has to intervene on what’s reasonable, creates a race to the bottom where debaters exploit judge tolerance for questionable argumentation.

#### No RVIs

#### [1] illogical for you to get offense just for being fair – it’s the 1ac’s burden

#### [2] baiting - rvi’s incentivize debaters to read abusive positions to win off theory

#### [3] discourages checking abuse since debaters will be afraid to lose on theory

### 2

#### **CP: The United States Federal Government should provide a $7.25 minimum wage for incarcerated workers.**

All their ev is in context of the US, this solves

Smith 17 , [Noah Smith is a columnist for Bloomberg View. He was previously an assistant professor of finance at Stony Brook University. He also blogs at Noahpinion, 7/2/17, "Paying Inmates Minimum Wages Helps the Working Class," BloombergQuint, <https://www.bloombergquint.com/opinion/paying-inmates-minimum-wages-helps-the-working-class>, Accessed 11/20/21]//ay

It's a movie cliche: a bunch of men in white-and-black striped pajamas, with chains around their ankles, breaking rocks in a quarry under armed guard. The media has taught us that prison labor is the natural state of the world — a way to make the punishment for wrongdoing a little more unpleasant, and a way to make criminals sweat off whatever sinister restlessness drove them to crime. But the reality is that prison labor is just a way that governments try to recoup some of the cost of incarceration, by farming out their prisoners as captive labor. That might help governments' bottom line a little bit, but it creates devastating competition for low-wage American workers. The U.S. locks up an extraordinary number of people. Its incarceration rate is the highest in the world and at least twice that of any other advanced economy, and significantly higher than authoritarian Russia. Of incarcerated Americans, about 1 1/2 million are in prison. That number surged in the 1980s and hasn't fallen much from its peak in the mid-2000s. That enormous prison population represents a vast pool of ultra-cheap labor. A recent report by the Prison Policy Initiative found that the average wage of a prison worker is 93 cents an hour, and the lowest reported wage was 16 cents. Compare that to the federal minimum wage of $7.25 an hour. How can a free American worker compete with an inmate laborer making less than one-tenth that amount? Even if prisoners are less productive than free workers, the wage difference is overwhelming. Nor are these prison workers breaking rocks, as in old movies. In the modern day, the government contracts them out to private companies, offering inmates as a way to boost the bottom line. Over the years, prisoners have packaged coffee for Starbucks and wrapped software for Microsoft. They manufacture furniture, schools supplies and food products. They make dental products, train animals, work in call centers and even pick cotton. All of these activities put prisoners in direct competition with blue-collar American workers; the latter essentially have no chance. In recent years, there have been political uproars over guest workers, unauthorized immigrants and offshoring U.S. jobs to low-wage countries such as Bangladesh. But low-wage immigrants don't do much to lower native-born wages, and laborers in Bangladesh don't have the tools or the proximity to compete directly with most American workers. If you want to ease the pressure on the beleaguered U.S. working class, paying prisoners more is the best bet. Mandating that prison labor receive the federal minimum wage would open up lots of job opportunities for low-wage workers on the outside. It would also be the moral thing to do. Detractors often call the prison labor system slavery, and while there are differences between modern prison labor and the slavery system of the old South, the similarities are way too close for comfort. The U.S. has always valued free labor over compulsory work -- as historians have documented, this was one reason slavery aroused such ire in the antebellum North. Prison labor therefore goes against traditional American values and humanitarian concerns alike. Writers who have gone to watch the prison labor system in action report being stunned by how widespread and accepted this un-American system has become, especially in states like Louisiana with high rates of incarceration. Morality also demands that prisoners should receive more of the money that customers pay for their services. Currently, inmates receive only about a quarter of that money, including the portion that goes to victim reparation funds. Reduced demand for prison labor due to higher wages, especially if prisoners are allowed to keep more of what they earn, would mean government finances will take a hit. Incarceration is expensive, costing about $30,000 a year for a federal inmate. But maybe raising the cost of throwing Americans in prison is a good thing. The incredibly high U.S. incarceration rate is a strong indication that the country is locking people away for crimes that don't really require it, such as drug use or petty theft. But recently, high costs are forcing states to reduce their prison populations. Presumably, that will limit incarceration to those who really need to be locked up. The end of mass incarceration will also help the economy and reduce inequality -- some estimates claim that the practice of imprisoning millions of Americans has increased the country's poverty rate by 20 percent, even before taking into account the wage competition from cheap prison labor. So paying prisoners the minimum wage shouldn't be seen as an act of charity. It will take pressure off of working-class American laborers, encourage governments to reduce mass incarceration and move the country back toward valuing free labor.

#### Own ev agrees – westwood inserts green

#### 1ac Eisen 20

Lauren-Brooke Eisen [director of the Brennan Center’s Justice Program where she leads the organization’s work to end mass incarceration], 20 - ("Covid-19 Highlights the Need for Prison Labor Reform," Brennan Center for Justice, 4-17-2020, accessed 11-4-2021, https://www.brennancenter.org/our-work/analysis-opinion/covid-19-highlights-need-prison-labor-reform)//ML

For decades, prisoners in American correctional facilities have worked for no wages or mere pennies an hour. As the United States attempts to reduce transmission of Covid-19, more than a dozen states are now relying on this captive labor force to manufacture personal protective equipment badly needed by healthcare workers and other frontline responders.¶ [Prisoners in Missouri](https://wgem.com/2020/03/31/missouri-governor-provides-updates-on-covid-19-response/) are currently earning between $0.30 and $0.71 an hour to produce hand sanitizer, toilet paper, and protective gowns that will be distributed across the state. In Louisiana, prisoners are [making hand sanitizer](https://www.theadvocate.com/baton_rouge/news/coronavirus/article_98081a40-74ea-11ea-b367-2774f5090b74.html) for about $0.40 an hour. And in Arkansas, where incarcerated workers are [producing](https://www.eldoradonews.com/news/2020/apr/02/state-prisoners-manufacturing-masks/) cloth masks for prisoners, correctional officers, and other government workers, their labor is entirely uncompensated.¶ This unprecedented health emergency is re-exposing how our country’s long-held practice of paying nothing or next-to-nothing for incarcerated labor, with no labor protections, is akin to modern-day slavery.¶ Prisoners are not protected by the Fair Labor Standards Act (FLSA), the federal law establishing minimum wage and overtime pay eligibility for both private sector and government workers. In 1993, a federal appeals court [held](https://casetext.com/case/harker-v-state-use-industries) that it is up to Congress, not the courts, to decide whether the FLSA applies to incarcerated workers.¶ Courts have also [ruled](https://www.theatlantic.com/business/archive/2015/09/prison-labor-in-america/406177/) that the National Labor Relations Act, which guarantees the right of private sector employees to collective bargaining, does not apply in prisoners.¶ Even worse, prisoners are excluded from the U.S. Occupational Health and Safety Administration protections that require employers to provide a safe working environment. This dehumanizing lack of protection for prison workers has long subjected them to conditions that have [endangered their physical safety](https://theintercept.com/2016/12/28/california-blames-incarcerated-workers-for-unsafe-conditions-and-amputations/).¶ Amid a health threat that [worsens in crowded environments](https://www.usatoday.com/story/news/politics/2020/04/09/coronavirus-hits-workers-inmates-jails-prisons-threatened/2968807001/), many prisoners are working without any mandated protections. Congress must amend the language of federal employment protections to explicitly extend to work behind bars.¶ Forced labor in prisons has its roots in the post-Civil War Reconstruction period, when Southern planters faced the need to pay the labor force that had long worked for free under brutal conditions to produce the economic capital of the South.¶ Though the 13th Amendment abolished “involuntary servitude,” it excused forcible labor as punishment for those convicted of crimes. As a result, Southern states codified punitive laws, known as the Black Codes, to arbitrarily criminalize the activity of their former slaves. Loitering and congregating after dark, among other innocuous activities, suddenly became criminal. Arrest and convictions bound these alleged criminals to terms of incarceration, often sentenced to unpaid labor for wealthy plantation owners.¶ In the following decades, Southern states — desperate for cheap labor and revenue — widely began leasing prisoners to local planters and Northern industrialists who took responsibility for their housing and feeding, a practice known as convict leasing.¶ Under this system, the captive labor market worked long hours in unsafe conditions, often treated as [poorly](https://www.nytimes.com/2008/04/10/books/10masl.html) as they had been as slaves. Records [approximate](https://books.google.com/books?hl=en&lr=&id=35zwA6yMbAgC&oi=fnd&pg=PP1&dq=Robert+Zieger,+%E2%80%9CFor+Jobs+and+Freedom:+Race+and+Labor+in+America+Since+1965.%E2%80%9D+&ots=EBzrbvCklq&sig=YkRKzrWlFAqE7YG00vNHgFBAPJ8#v=onepage&q=Robert%20Zieger%2C%20%E2%80%9CFor%20Jobs%20and%20Freedom%3A%20Race%20and%20Labor%20in%20America%20Since%201965.%E2%80%9D&f=false) that on an average day between 1885 and 1920, 10,000 to 20,000 prisoners — the overwhelming majority of them Black Americans — continued to toil under these insufferable circumstances.¶ In the 1930s, a [series of laws](http://www.ncpathinktank.org/pub/st206?pg=3) prohibited state prisons from using prison labor, but the federal government continued to rely on this workforce to meet the demands of the rapidly changing markets of mid-century. By 1979, Congress passed [legislation](https://www.ncjrs.gov/pdffiles1/bja/203483.pdf) allowing state corrections officials to collaborate with private industries to produce prison-made goods, birthing the modern era of prison labor. ¶ Today, [approximately 55 percent](https://www.bjs.gov/content/pub/pdf/csfcf05.pdf) of the American prison population works while serving their sentences. Prison jobs are broadly divided into two categories: prison support work — such as food preparation, laundry services, and maintenance work — and “correctional industries” jobs, in which prisoners might make license plates, sew military uniforms, or staff a call center. It is prisoners in correctional industries who are currently being deployed to help meet the nation’s need for protective gear.¶ While so many behind bars are manufacturing items the country desperately needs to combat our current health crisis, their low wages and lack of labor protections — among myriad other factors — mean they are not accorded the same benefits or recognition as other workers.¶ What’s more, the measly cents per hour that is typical compensation across often-dangerous prison jobs is not nearly enough to cover the court fees and fines, restitution, child support, and room and board expenses that most state departments of corrections deduct from prisoners’ earnings. When there is anything left, it is barely enough to pay for commissary goods such as food, hygienic products, and toiletries, let alone marked-up email services that prisoners rely on to stay in touch with their loved ones. Despite working for years, many prisoners are left with thousands of dollars in ~~crippling~~ debt by the time they complete their sentences.¶ In 2018, prisoners in dozens of facilities across the country went on strike and issued a [list of demands](https://incarceratedworkers.org/campaigns/prison-strike-2018), which included “an immediate end to prison slavery” and that prisoners be “paid the prevailing wage in their state or territory for their labor.”¶ This time of national emergency requires that everyone do their part to slow the spread of coronavirus. The significant shortage of face masks, protective gowns, and hand sanitizer that is putting the lives of our frontline workers in jeopardy necessitates bold and swift action. But if the states and [federal](https://www.bloomberg.com/news/articles/2020-04-06/federal-inmates-to-make-cloth-virus-masks-for-prisoners-guards) government are going to rely on correctional labor to manufacture this equipment, they need to improve the wages and labor protections of our incarcerated workers. To fail to do so is not far off from the devaluation and brutalization of slave labor that was ostensibly abandoned a century and a half ago.

#### 1ac Fulcher 15

Patrice A. Fulcher [Associate Professor at The John Marshall Law School], 15 - ("," Journal of Civil Rights and Economic Development, Winter 2015, accessed 10-28-2021, https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=1759&context=jcred)//ML

**B.**87 In 2011, FPI's net sales were 745 million dollars and their earnings were 62 million dollars.88 Restricted to sell its products only to federal agencies, FPI's largest purchaser is the U.S. Department of Defense, which makes up 52% of it revenues. 89 The FPI use to have a mandatory source requirement for all federal agencies, but it was amended to prohibit any federal agency from purchasing FPI products or services, unless the agency determines that the products offered are the "best value". 90 So in addition to making license plates, furniture and other typical prison-made goods, thousands of federal inmates work for FPI making supplies for the U.S. military. FPI inmates who are given this assignment find themselves making anti-tank missiles, body armor, land mine sweepers, components for fighter aircrafts, and other gear for the Pentagon. 91 ¶Consequently, an inmate who works within the federal prison labor system may make a maximum of $64.00 a month (prior to any state deductions for room and board, taxes, etc., assuming an inmate works 5 days a week for 8 hours), and a maximum of $92.00 a month (subtracting 50% of the wages for the IRFP, assuming an inmate works 5 days a week for 8 hours) if he works for FPI.¶ B. State Prison Labor Systems ¶There are approximately 1,382,000 inmates in state prisons in the U.S.92 State prisoners work within varying labor systems while incarcerated. 9 3 State inmates may (1) work within the confines of a prison, where state or private entities manage the facility, sell the products produced, and receive the profits, (2) work in jobs directly benefiting prison operations by cleaning, cooking, or doing laundry, or (3) work outside of prison walls laboring for the state or private companies. 94 Over the last 30 years, at least 37 states have enacted laws permitting the use of inmate labor by private enterprise. 9 5 State inmates' wages are determined by the state in which they are incarcerated, and may be affected depending on whether the state correctional facility is certified under the Prison Industry Enhancement Certification Program. ¶1. State Prison Labor ¶ Under The Prison Industry Enhancement Certification Program ("PIE") In 1979, Congress passed the Prison Industry Enhancement Certification program ("PIE") under the Justice System Improvement Act.96 The PIE exempts state and local correction departments from the Ashurst-Sumners Act legislation, which placed restrictions on the interstate sale and transportation of prison-made goods.9 7 The specific goal of the PIE was to provide private-sector work opportunities to prisoners by certifying 50 state correctional agencies to sell prison made goods interstate and to the Federal Government (over the original $10,000 limitation). 98 Once a state agency is certified under the PIE, its corrections department may either sell prison made goods on its own, or enter into prison labor contracts with private companies to sell goods in the free market.99 ¶ In order to qualify for PIE certification, correctional agencies have to apply through the Bureau of Justice Assistance ("BJA") or the National Correctional Industries Association, pay state prisoners a prevailing wage, and meet several other statutory requirements.10 0 Paying inmate workers prevailing wages under the PIE may appear equitable on its face, but it is not. Most inmates see only 20% of their gross wages because the PIE also allows for 80% wage deductions for room and board, victim assistance, taxes, and family support.lO' While expecting convicts to defray the cost of their incarceration and victim services is reasonable, as will be seen in part x of this article, the current scheme is short sighted and unwise because, among other things, so little attention is given to reducing recidivism through prison programs and support for newly released inmates. ¶According to the Bureau of Justice Assistance, there were 37 state, and 4 county-based PIE certified correctional industry programs in the U.S. in 2011.102 These PIE programs include the management of at least 175 business partnerships with private industry. 103 In 2012, the number of PIE certifications increased to 45; these certified correctional agencies employed a total of 4,700 inmates. 104 Furthermore, the 45 certified PIE agencies generated $9,780,130 in gross salary revenues in 2012.105 A majority of those earnings went to net inmate salaries ($3,958,354), then correctional institution for room and board ($3,482,883), state and federal taxes ($989,503) victims' programs ($947,770), and the lowest amount to inmate family support ($401,620).106 Therefore, each of the 4,700 prisoners working for PIE certified programs made approximately $842.00 in 2012, which equates to $70.00 a month.¶ ¶2. State Prison Labor Without PIE Protections ¶ State correctional industries without PIE protections are prohibited from selling prison-made products interstate. 107 They also are under no federal obligation to pay working prisoners prevailing wages as required for certification under PIE.108 Depending on the facility, these state correctional agencies typically require inmates to work, and pay inmates from $0.17 to $5.35 per hour.109 There are also several state-operated correctional institutions that force prisoners to work, but pay them absolutely nothing for their labor. For example, the Georgia Department of Corrections does not pay working inmates.1 10 Once a person is sentenced to one of the Georgia's 31 state prisons, he or she will be ordered to either work jobs that directly benefit the prison, make products to be sold to government agencies, or perform city work detail jobs without getting paid a cent.11 In light of these facts, it is not surprising that on December 9, 2010, thousands of Georgia inmates staged the largest prison protest in U.S. History.ll 2 Through the use of contraband cell phones, Georgia inmates in at least seven different state prisons coordinated a nonviolent prison strike.l13 These protesting inmates had several demands, but high on their list was to be paid a living wage for work.114 "If they would start paying us, that would reduce crime behind the walls," said Mike, one of the protesting prisoners, "inmates would have the means to get hygiene [items] and food from the commissary." 15 The protest lasted approximately 5 days and unfortunately, the prisoners' demands have still not been met.116 Almost all Georgia state-prisoners are still working for free, at least three inmates have publically complained that they were brutally beaten for their involvement in the protest, and in July 2012 several Georgia prisoners went on a hunger strike to protest additional inhumane punishments stemming from the 2010 prison protest.117 ¶Finally, state prisoners labor for correctional institutions that fall under the supervision of state departments of correction, but are separate selfsustaining corporate entities. Some of the prison industries have PIE certification for all of their work programs while others certify only certain jobs under PIE. Two such institutions in the U.S. are the Georgia Correctional Industries ("GCI") and the Oregon Corrections Enterprise ("OCE").118 GCI and OCE utilize state inmate labor to produce and sell a plethora of services and products to state and local government agencies. 19 For instance, GCI employs 1,400 Georgia inmates, who manufacture garments and bedding, institutional and office furniture, cleaning chemicals, perform embroidery, screen printing, reupholstering, engraving, optical, and framing services, work in milk and meat processing plants, and on farms to produce beef and pork, and harvest fruits and vegetables, eggs, grits, and corn. 120 GCI has some work programs certified under PIE, but a majority of the employed inmates work for less than minimum wage.121 GCI boast on its website that they "maintain one of the lowest raw food costs in the nation-$1.57 per day per inmate".122 So inmates laboring in GCI food production factories and fields in the sweltering heat of the Deep South are paid roughly $31.40 a month if they are lucky (prior to state deductions and if they work 5 days a week). Approximately 1,100 of Oregon's 14,300 prisoners work for OCE and perform a variety of services for Oregon government agencies; printing, call centers, laundry service, and mailing projects, and document scanning to name a few. 123 OCE has PIE certification, but it is difficult to determine whether it applies to all of their work programs since inmates' wages still appear to be low.124 In a study conducted by University of Oregon students, three inmates at OCE reported that after working each month, they had $50.00 to send home to their families or add to phone call accounts. 125 ¶ C. Private Prison Labor Systems ¶ State governments turned to prison privatization in order to solve the problems arising from the mass incarceration of people in the U.S.126 Thus, the top two private prison corporations in the U.S., Corrections Corporation of America, Inc. ("CCA") and The GEO Group, Inc. ("GEO"), have made billions from acquiring state and federal contracts to manage prisoners. 127 CCA is the leading private prison in the U.S. for it profits from housing more than 80,000 prisoners in the U.S.128 GEO, is one of the world's largest private prison corporations with approximately 80,000 beds and 114 facilities located in the U.S., the United Kingdom, Australia, and South Africa. 129 GEO is only second to CCA in the U.S. because GEO has 56 Facilities and a bed capacity of 61,132,130 while CCA 60 facilities with a bed capacity of more than 90,000.131 ¶ It is clear that CCA and GEO deliver profits to their shareholders from housing inmates, but they also create wealth through forced prison labor. CCA maintains that inmates work in vocational jobs including carpentry, computer applications, construction and building trades, electrical, horticulture and landscaping, masonry, painting, and plumbing. 132 GEO also reports that it provides vocational training, but does not list the specific jobs that inmates perform.133 Since the PIE only applies to state correctional agencies, CCA and GEO are unable to apply directly for certification. As a result, CCA and GEO are under no obligations to pay their inmates prevailing wages. ¶It is difficult to determine how much private prisons actually pay working inmates, but there is nothing to dispute that private prisons also force able inmates to work. It is estimated that private prisons on average pay inmates 17¢ per hour for a maximum of six hours a day, with CCA paying working prisoners the most at .50¢ per hour for "highly skilled positions".134 Other sources suggest that CCA pays working inmates $1.00 a day, and at the same time charges them $5.00 a minute for telephone calls. 135 Additional reports indicate that private prisons pay an average of 93¢ to $4.73 per hour.136 ¶ Private prison companies also capitalized on the growing incarceration of undocumented workers in the U.S. by obtaining million dollar federal detention contracts to house detainees for Immigration and Customs Enforcement ("ICE"). 1 37 Like the other inmates they house, private prison companies also force immigration detainees to work. 138 CCA operates an immigration detention center in Gainesville, Georgia.139 Female detainees in this facility have complained that they are paid subminimum wages for their work and about inadequate medical and living conditions. 140

### 3

#### Reconciliation passes now – it’s in the senate, but Manchin and Sinema are tentative about the legislation that passed the House.

Snell 11/19 [Kelsey, Congressional correspondent for NPR, “The House passes a $2 trillion spending bill, but braces for changes in the Senate”, 11-19-2021, https://www.npr.org/2021/11/19/1056833510/the-house-passes-a-2-trillion-spending-bill-but-braces-for-changes-in-the-senate]//pranav

The House voted on near-party lines Friday morning to approve a roughly $2 trillion social and climate spending package, ending months of squabbles among Democrats over the details of the far-reaching measure. The vote was 220-213, with one Democrat, Rep. Jared Golden of Maine, joining all Republicans in opposition. The legislation is meant to fulfill many of President Biden's promises during the 2020 campaign, including plans to address climate change and provide a stronger federal safety net for families and low-income workers. "We have the Built Back Better bill that is historic, transformative and larger than anything we have ever done before," House Speaker Nancy Pelosi, D-Calif., said on the House floor. "If you're a parent, a senior, a child, a worker, if you are an American ... this bill's for you and it is better." House Democrats overcame internal divisions over the cost and scope of the spending package, but the fight will continue as the bill heads to the Senate for revisions. The vote was delayed after House Minority Leader Kevin McCarthy, R-Calif., spoke all through the night — for more than eight hours. His speech decried Democrats' spending plans, but also veered to subjects including China and border security. "Never in American history has so much been spent at one time," he said. "Never in American history will so many taxes be raised and so much borrowing be needed to pay for all this reckless spending." Biden praised House passage of the bill, noting it was the second time in two weeks that the chamber moved two "consequential" pieces of his legislative agenda, referencing the new infrastructure law. He described the vote as a "giant step forward in carrying out my economic plan to create jobs, reduce costs, make our country more competitive, and give working people and the middle class a fighting chance." What's in the measure The legislation includes: $550 billion to address climate change through incentives and tax breaks; funding to extend the expanded, monthly child tax credit for one year; housing assistance, including $150 billion in affordable housing expenditures; expansions to Medicaid and further assistance to reduce the cost of health care premiums for plans purchased under the Affordable Care Act; four weeks of paid family and medical leave; funding for universal pre-K for roughly 6 million 3- and 4-year-olds; a provision to allow Medicare Parts B and D to negotiate prices directly with drug manufacturers on certain drugs and cap out-of-pocket spending for seniors at $2,000 per year; a $35 cap on monthly insulin expenses. The spending is mostly offset with taxes on the wealthy and corporations, including: a 5% surtax on taxpayers with personal income above $10 million, and an additional 3% added on income above $25 million; a 15% minimum tax on corporate profits of large corporations that report more than $1 billion in profits; a 1% tax on stock buybacks; a 50% minimum tax on foreign profits of U.S. corporations. House Democrats unite after months of fighting Moderate Democrats ultimately voted for the legislation after concerns that estimates from the nonpartisan Congressional Budget Office would show the measure to be more costly than leaders have projected. Ultimately, the CBO found the bill would cost the federal government $367 billion over the next decade, "not counting any additional revenue that may be generated by additional funding for tax enforcement." Many Democrats, including the White House, argue that when that is taken into account, the measure would pay for itself. Members of the fiscally moderate New Democrat Coalition endorsed the legislation ahead of the final cost estimates. Rep. Brad Schneider, D-Ill., said the official estimates don't take into account extra revenue from increased tax enforcement — or the broader economic benefits of the legislation. "When discussing the importance of the bill, we also have to talk about the costs that would be incurred if we don't pass this bill," Schneider said on a call with reporters. "The cost of inaction is simply too high, and it can only be headed off if we act now." For progressive Democrats, the vote fulfills a promise from Biden and House leaders not to neglect policies that have energized the left wing of their party. Members of the Congressional Progressive Caucus set aside major demands throughout the negotiations, including more spending and plans for aggressive changes to the nation's health care system, in order to reach an agreement that satisfied the full caucus. Senate hurdles could drag on for weeks The House vote is just the latest step in a lengthy process that will almost certainly involve further changes to the bill. Centrist Sens. Kyrsten Sinema, D-Ariz., and Joe Manchin, D-W.Va., have each expressed concerns about the House version of the legislation. Manchin is particularly opposed to a provision that would provide four weeks of paid family and medical leave for most workers. Sinema's objections are less clear but Democrats need both lawmakers on board in order for the legislation to pass. It is unclear how long it would take for senators to work out their disagreements and finalize the legislation. Once that work is done, the Senate would have to start a lengthy process to vote on the bill using the budget reconciliation process that would allow the bill to be passed in the Senate with 50 votes, rather than the 60 votes needed for most legislation. Pelosi told reporters on Thursday that Senate staff have already completed a necessary step to ensure the legislation meets the basic requirements to avoid a Republican filibuster. But the process still has several steps, including a series of unlimited amendment votes known as a vote-a-rama.

#### Biden PC is key to getting democratic skeptics on board, but it’s tentative

Cochrane & Weisman 11/05 [Emily Cochrane - correspondent based in Washington. She has covered Congress since late 2018, focusing on the annual debate over government funding and economic legislation, ranging from emergency pandemic relief to infrastructure, Jonathan Weisman - congressional correspondent, veteran Washington journalist and author of the novel “No. 4 Imperial Lane” and the nonfiction book “(((Semitism))): Being Jewish in America in the Age of Trump.” His career in journalism stretches back 30 years, “Live Updates: House Democrats Push Toward Votes on Biden’s Agenda”, 11-05-2021, https://www.nytimes.com/live/2021/11/05/us/biden-spending-infrastructure-bill]//pranav

At the White House, Mr. Biden called on lawmakers to pass the legislation. “I’m asking every House member, member of the House of Representatives, to vote yes on both these bills right now,” the president said. Spooked by Tuesday’s electoral drubbing, Democrats labored to overcome concerns among moderates about the cost and details of a rapidly evolving, $1.85 trillion social safety net and climate plan and push it through over unified Republican opposition. They also hoped to clear a Senate-passed $1 trillion bipartisan infrastructure bill — the largest investment in the nation’s aging public works in a decade — for Mr. Biden’s signature. Top Democratic officials said they were confident they could complete both measures by day’s end, but Speaker Nancy Pelosi of California and her team continued to haggle with holdouts. Several moderates were pushing for more information about the cost of the sprawling plan, including a nonpartisan analysis from the Congressional Budget Office, the official scorekeeper responsible for calculating the fiscal impact of the 2,135-page legislation. “I think everyone’s waiting for the C.B.O. to do their job,” said Representative Jared Golden, Democrat of Maine, speaking to reporters on Friday morning as he left Ms. Pelosi’s office, where White House officials were also meeting on next steps. But Representative Steny H. Hoyer of Maryland, the majority leader, said the cost estimate would not be ready by the end of the day, and a person familiar with the discussions said a score from the budget office was weeks away from completion. “We’re working on it,” Mr. Hoyer said. Ms. Pelosi spent much of the day on Thursday buttonholing lawmakers on the House floor to try to corral support for the social policy bill, which includes monthly payments to families with children, universal prekindergarten, a four-week paid family and medical leave program, health care subsidies and a broad array of climate change initiatives. Mr. Biden and members of his cabinet worked the phones to win over Democratic skeptics. With Republicans united in opposition, Democrats could afford to lose as few as three votes from their side. As Democrats labored to unite their members behind the bill, Republicans sought to wreak procedural havoc on the House floor, forcing a vote to adjourn the chamber that leaders held open for hours to buy time for their negotiations. While the Senate approved the $1 trillion infrastructure bill in August, the measure has stalled as progressives have repeatedly refused to supply their votes for it until there is agreement on the other bill.

#### Business lobbying backlash ensures Sinema flips – empirics prove she doesn’t like similar bills

Duda ’21 [Jeremy, Prior to joining the Arizona Mirror, he worked at the Arizona Capitol Times, where he spent eight years covering the Governor's Office and two years as editor of the Yellow Sheet Report, “Business groups urge Kelly, Sinema to oppose pro-union PRO Act”, 08-30-2021, https://www.azmirror.com/2021/08/30/business-groups-urge-kelly-sinema-to-oppose-pro-union-pro-act/]//pranav

Business groups publicly called on Democratic U.S. Sens. Mark Kelly and Kyrsten Sinema to oppose a sweeping piece of pro-organized labor legislation that would wipe out Arizona’s “right-to-work” law that prohibits mandatory union membership. At a press conference at the office of the Arizona chapter of the Associated General Contractors near the state Capitol on Monday, leaders of several business groups warned that the Protecting the Right to Organize Act — or PRO Act, as it’s more commonly known — would undermine Arizona’s recovery from the economic slump it faced last year due to the COVID-19 pandemic, undermine the “gig economy,” jeopardize secret ballots in union organization votes, give unions access to confidential employee information and strip Arizonans of their right not to join a union. The bill would allow unions to override right-to-work laws and collect union dues from non-members who still benefit from collective bargaining. It would also prohibit company-sponsored meetings to urge employees against unionizing, define most independent contractors as employees, protect employees who are attempting to unionize from being fired and allow unions to engage in secondary strikes in support of other striking workers, among other provisions. “We want to thank and tell Senator Sinema and Senator Kelly that we appreciate them for not signing on as co-sponsors to the PRO Act, because if they were to change their opinions, New York Sen. Chuck Schumer will put this up for a vote,” said Danny Seiden, president and CEO of the Arizona Chamber of Commerce and Industry. Kelly and Sinema are two of only three Senate Democrats, along with Virginia’s Mark Warner, who haven’t co-sponsored the bill or thrown their public support behind it. Kelly last month told the Huffington Post that he opposes the independent contractor provision, but that he supports the “overall goals” of the legislation. Sinema is widely known as a holdout on the Democratic side and hasn’t supported the PRO Act, but spokesman Pablo Sierra-Carmona indicated that she hasn’t made up her mind, and that she won’t do so unless and until it comes up for a vote in the Senate.

#### They lash out against Reconciliation – it will includes similar provisions

FURCHTGOTT-ROTH 10/09 [Diana, former acting assistant secretary for economic policy at the U.S. Department of the Treasury, is adjunct professor of economics at George Washington University, “Democrats can't pass the PRO Act, so it's buried in the reconciliation bill”, 10-09-2021, https://thehill.com/opinion/white-house/575992-dems-cant-pass-the-pro-act-so-its-buried-in-the-reconciliation-bill]//pranav

Union membership has been declining for decades as workers find better uses than union dues for their hard-earned dollars. But union bosses and their supporters are trying to change the law to force hard-working Americans into unions. How? Through the Protecting the Right to Organize Act (PRO Act), a bill that would expand the power of union leaders at the expense of workers. After sailing through the House, the PRO Act now appears stalled in the Senate and Democrats are trying to slip some PRO Act provisions into a massive reconciliation bill. American workers are wise to turn down union membership. Union pension plans are in trouble. In 2020, the Labor Department listed 121 union plans in critical status, defined as less than 65 percent funded, and 61 in endangered status, with less than 80 percent funded. Unions desperately need new workers to join, because they pay contributions for many years without withdrawing money. Most recently, Amazon workers in Alabama resoundingly rejected efforts by the Retail, Wholesale and Department Store International Union to organize their plant, with more than 70 percent of workers voting against the union. The union’s plan was in critical status between 2015 and 2019, and the Labor Department informed the plan’s administrators that it had to be reorganized by reducing benefits and increasing contributions. Union leaders and their allies on Capitol Hill believe the way to increase membership after decades of decline is to pass elements of the PRO Act through reconciliation. Unlike the PRO Act, which needs 60 votes in the Senate to enable it to move to President Biden’s desk for signature, the reconciliation bill, which deals with taxes and spending, needs only a simple majority. So via a massive reconciliation bill, congressional Democrats are trying to move some labor union provisions of the PRO Act by arguing they are actually revenue raisers.

#### Reconciliation is k2 stopping existential climate change – warming is incremental and every change in temperature is vital

Higgins 8/16 [Trevor, Senior Director, Domestic Climate and Energy, “Budget Reconciliation Is the Key to Stopping Climate Change”, 08-16-2021, https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/]//pranav

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come. However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate. A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change. Building a clean energy future must start now Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters. Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter. Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century. There is no time to lose in the work of building a clean energy future.

### Case

#### Worker strikes empirically fail in prisons and there’s a laundry list of tactics non-employers use within the system to prevent effectiveness without technically violating the right to strike – prisons don’t even have strike task forces because they don’t criminalize the actual striking

Washington 18 (Robin Washington – former interim commentary editor for The Marshall Project interviewing a prison warden, The Marshall Project, “A Former Warden’s View on Prison Strikes”, https://www.themarshallproject.org/2018/08/22/a-former-warden-s-view-on-prison-strikes, 22 August 2018, EmmieeM)

This week, a prison strike has been called for inmates at 17 facilities nationwide in response to an April riot at South Carolina’s Lee Correctional Institution, where seven inmates were killed while prison staff failed to immediately respond.

Among 10 demands stated by the [Incarcerated Workers Organizing Committee](https://incarceratedworkers.org/campaigns/prison-strike-2018), one of several groups endorsing the strike, are improvements in prison conditions, prevailing wages for incarcerated workers, voting rights for all confined citizens and an end to the racial overcharging, over-sentencing and parole denials to people of color. The strike is planned to continue until Sept. 9, the 47th anniversary of [the Attica prison uprising](https://www.themarshallproject.org/records/292-attica-correctional-facility).

For a view into the nature of prison strikes and how authorities respond to them, The Marshall Project spoke with Cameron Lindsay, a retired warden of three federal facilities: the Federal Correctional Institution in Lompoc, California, the U.S. Penitentiary in Canaan, Pennsylvania, and the Metropolitan Detention Center in Brooklyn, N.Y. Lindsay also ran privatized institutions in Philipsburg and Glen Mills, Pennsylvania, and has taught at several colleges. He now serves as a consultant and an expert witness in corrections cases. He spoke with Interim Commentary Editor Robin Washington. The views expressed are his own, and this interview has been edited for brevity and clarity.

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

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

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

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

Q: What have you experienced specifically?

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

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

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

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

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

Q: The cocaine sentencing disparities protested in the 1995 strike also were eventually changed.

There you go.

Q: Do prisons have a strike task force of some kind, with COs appointed to investigate?

That’s a tough answer. People talk about the “criminal justice system,” but it’s not one system, it’s a whole bunch of systems. There are local corrections, state corrections and federal corrections. There’s very rarely a coordinated effort on a widespread basis for a type of strike.

In the federal Bureau of Prisons, they are really good about gathering and cultivating intelligence. The staffers should be able to predict when one of these happens. Conversely, if you have a correctional facility that is not well operated and they don’t know that something is going to go down, when it does, they’re not going to know how to react.

#### Government recognition doesn’t involve policy action or any change – this is terminal defense to the aff’s solvency since they don’t actually cause strikes or even protect it.

Law Dictionary ‘ND [The Law Dictionary; Featuring Black's Law Dictionary Free Online Legal Dictionary 2nd Ed.; No Date; “What is RECOGNIZE?”; https://thelawdictionary.org/recognize/; Accessed 10-28-2021] AK

To try; to examine in order to determine the truth of a matter. Also to enter into a recognizance.

#### Increased strikes sabotage the economy – they cause major disruptions and lower income for workers.

Grabianowski 6 [Ed; Author and freelance writer. He’s worked as a contributing writer for io9, HowStuffWorks, and Sweethome. His fiction has appeared in Black Static, Fear Project, and other publications and anthologies, including Fear After Fear; “How Strikes Work,” HSW; 3/24/06; https://money.howstuffworks.com/strike.htm]//SJWen

Labor strikes can cause major disruptions to industry, commerce and the lives of many people who aren't even connected to the strike itself. The Professional Air Traffic Controllers Association strike in 1981 resulted in the firing of thousands of air traffic controllers, and the New York City transit strike in late 2005 affected millions of people. The history of strikes and labor unions is a key chapter in the story of the Industrial Revolution.

While the reasons behind strikes can be complex, they all boil down to two key elements: money and power. In this article, we'll find out how labor strikes have affected the balance of power between corporations and workers, what laws regulate strikes and learn about some important strikes in history.

It's difficult to say when the first real labor strike occurred. The word "strike" was first used in the 1700s, and probably comes from to notion of dealing a blow to the employer [ref]. In 1786, a group of printers in Philadelphia requested a raise and the company rejected it. They stopped working in protest and eventually received their raise. Other professionals followed suit in the next few decades. Everyone in a city who practiced the same profession agreed to set prices and wages at the same rate. Members would shun anyone who diverged from the agreement, refusing to work in the same shop and forcing employers to fire them. By the 1800s, formal trade societies and guilds began to emerge.

To have a strike today, you must have a union (though not necessarily an official union) -- an organization of workers that bargain collectively with an employer. Workers form unions because an individual worker is powerless compared to an employer, who can set low wages and long working hours as long as it adheres to labor laws. When workers combine to form a union, they collectively have enough power to negotiate with the employer. The main weapon the union has against the employer is the threat of a strike action.

At its most basic level, a strike occurs when all the workers in the union stop coming to work. With no workers, the business shuts down. The employer stops making money, though it is still spending money on taxes, rent, electricity and maintenance. The longer the strike lasts, the more money the employer loses. Of course, the workers aren't getting paid either, so they're losing money as well. Some unions build up "war chests" -- funds to pay striking workers. But it isn't usually very much, and it's often not enough for a prolonged strike.

Strikes help explain why unions are more powerful than individuals. Imagine if an employer refuses to give a raise to an individual worker. She then decides to stop coming to work in protest. The employer simply fires her for not coming to work. That one worker has no power to influence the employer. However, it can be very costly for an employer to fire every single worker when a union goes on strike (though it has happened).

#### Illegal strikes solve better and aff strikes become water downed and negotiated out by the state – TURNS CASE

Reddy 21 Reddy, Diana (Doctoral Researcher in the Jurisprudence and Social Policy Program at UC Berkeley) “" There Is No Such Thing as an Illegal Strike": Reconceptualizing the Strike in Law and Political Economy." Yale LJF 130 (2021): 421. <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>

In recent years, consistent with this vision, there has been a shift in the kinds of strikes workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.[178](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref178) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref179) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref180) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref181) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref182) These strikes were illegal; yet, no penalties were imposed.[183](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref183) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref184) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref185) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref186) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref187) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref188) And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.[189](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref189) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref190) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref191) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref192) 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](https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy#_ftnref193) Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement.