# AC

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## Part 1 is Boxed In

#### Mass incarceration has been the new Jim Crow, intentionally punishing marginalized communities for their efforts at equality

**Alexander 10[[1]](#footnote-1)**

The War on Drugs proved popular among key white voters, particularly whites who remained resentful of black progress, civil rights enforcement, and affirmative action. **Beginning in the 1970s, researchers found that racial attitudes—not crime rates or likelihood of victimization—are an important determinant of white support for “get tough on crime” and antiwelfare measures. 87** Among whites, those expressing the highest degree of concern about crime also tend to oppose racial reform, and their punitive attitudes toward crime are largely unrelated to their likelihood of victimization.88 Whites, on average, are more punitive than blacks, despite the fact that blacks are far more likely to be victims of crime. Rural whites are often the most punitive, even though they are least likely to be crime victims.89 **The War on Drugs, cloaked in race-neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism.** Reagan’s successor, President George Bush Sr., did not hesitate to employ implicit racial appeals, having learned from the success of other conservative politicians that subtle negative references to race could mobilize poor and working-class whites who once were loyal to the Democratic Party. Bush’s most famous racial appeal, the Willie Horton ad, featured a dark-skinned black man, a convicted murderer who escaped while on a work furlough and then raped and murdered a white woman in her home. The ad blamed Bush’s opponent, Massachusetts governor Michael Dukakis, for the death of the white woman, because he approved the furlough program. For months, the ad played repeatedly on network news stations and was the subject of incessant political commentary. Though controversial, the ad was stunningly effective; it destroyed Dukakis’s chances of ever becoming president. Once in the Oval Office, Bush stayed on message, opposing affirmative action and aggressive civil rights enforcement, and embracing the drug war with great enthusiasm. **In August 1989, President Bush characterized drug use as “the most pressing problem facing the nation.”90 Shortly thereafter, a New York Times/CBS News Poll reported that 64 percent of those polled—the highest percentage ever recorded— now thought that drugs were the most significant problem in the United States.91 This surge of public concern did not correspond to a dramatic shift in illegal drug activity, but instead was the product of a carefully orchestrated political campaign. The level of public concern about crime and drugs was only weakly correlated with actual crime rates, but highly correlated with political initiatives, campaigns, and partisan appeals.92 The shift to a general attitude of “toughness” toward problems associated with communities of color began in the 1960s, when [with] the gains and goals of the Civil Rights Movement began to require real sacrifices on the part of white Americans, and conservative politicians found they could mobilize white racial resentment by vowing to crack down on crime.** By the late 1980s, however, not only conservatives played leading roles in the get-tough movement, spouting the rhetoric once associated only with segregationists. Democratic politicians and policy makers were now attempting to wrest control of the crime and drug issues from Republicans by advocating stricter anticrime and antidrug laws—all in an effort to win back the so-called “swing voters” who were defecting to the Republican Party. Somewhat ironically, these “new Democrats” were joined by virulent racists, most notably the Ku Klux Klan, which announced in 1990 that it intended to “join the battle against illegal drugs” by becoming the “eyes and ears of the police.”93 Progressives concerned about racial justice in this period were mostly silent about the War on Drugs, preferring to channel their energy toward defense of affirmative action and other perceived gains of the Civil Rights Movement. In the early 1990s, resistance to the emergence of a new system of racialized social control collapsed across the political spectrum. A century earlier, a similar political dynamic had resulted in the birth of Jim Crow. In the 1890s, Populists buckled under the political pressure created by the Redeemers, who had successfully appealed to poor and working-class whites by proposing overtly racist and increasingly absurd Jim Crow laws. Now, a new racial caste system—mass incarceration—was taking hold, as politicians of every stripe competed with each other to win the votes of poor and working-class whites, whose economic status was precarious, at best, and who felt threatened by racial reforms. **As had happened before, former allies of African Americans—as much as conservatives—adopted a political strategy that required them to prove how “tough” they could be on “them,” the dark-skinned pariahs. The results were immediate. As law enforcement budgets exploded, so did prison and jail populations. In 1991, the Sentencing Project reported that the number of people behind bars in the United States was unprecedented in world history, and that one fourth of young African American men were now under the control of the criminal justice system.** Despite the jaw-dropping impact of the “get tough” movement on the African American community, neither the Democrats nor the Republicans revealed any inclination to slow the pace of incarceration. To the contrary, in 1992, presidential candidate Bill Clinton vowed that he would never permit any Republican to be perceived as tougher on crime than he. True to his word, just weeks before the critical New Hampshire primary, Clinton chose to fly home to Arkansas to oversee the execution of Ricky Ray Rector, a mentally impaired black man who had so little conception of what was about to happen to him that he asked for the dessert from his last meal to be saved for him until the morning. After the execution, Clinton remarked, “I can be nicked a lot, but no one can say I’m soft on crime.”94 Once elected, Clinton endorsed the idea of a federal “three strikes and you’re out” law, which he advocated in his 1994 State of the Union address to enthusiastic applause on both sides of the aisle. The $30 billion crime bill sent to President Clinton in August 1994 was hailed as a victory for the Democrats, who “were able to wrest the crime issue from the Republicans and make it their own.”95 The bill created dozens of new federal capital crimes, mandated life sentences for some three-time offenders, and authorized more than $16 billion for state prison grants and expansion of state and local police forces. Far from resisting the emergence of the new caste system, Clinton escalated the drug war beyond what conservatives had imagined possible a decade earlier. As the Justice Policy Institute has observed, “the Clinton Administration’s ‘tough on crime’ policies resulted in the largest increases in federal and state prison inmates of any president in American history.”96 Clinton eventually moved beyond crime and capitulated to the conservative racial agenda on welfare. This move, like his “get tough” rhetoric and policies, was part of a grand strategy articulated by the “new Democrats” to appeal to the elusive white swing voters. In so doing, Clinton—more than any other president—created the current racial undercaste. He signed the Personal Responsibility and Work Opportunity Reconciliation Act, which “ended welfare as we know it,” and replaced it with a block grant to states called Temporary Assistance to Needy Families (TANF). TANF imposed a five-year lifetime limit on welfare assistance, as well as a permanent, lifetime ban on eligibility for welfare and food stamps for anyone convicted of a felony drug offense—including simple possession of marijuana. Clinton did not stop there. Determined to prove how “tough” he could be on “them,” Clinton also made it easier for federally-assisted public housing projects to exclude anyone with a criminal history—an extraordinarily harsh step in the midst of a drug war aimed at racial and ethnic minorities. In his announcement of the “One Strike and You’re Out” Initiative, Clinton explained: “From now on, the rule for residents who commit crime and peddle drugs should be one strike and you’re out.”97 The new rule promised to be “the toughest admission and eviction policy that HUD has implemented.” 98 Thus, for countless poor people, particularly racial minorities targeted by the drug war, public housing was no longer available, leaving many of them homeless—locked out not only of mainstream society, but their own homes.The law and order perspective, first introduced during the peak of the Civil Rights Movement by rabid segregationists, had become nearly hegemonic two decades later. By the mid-1990s, no serious alternatives to the War on Drugs and “get tough” movement were being entertained in mainstream political discourse. Once again, in response to a major disruption in the prevailing racial order—this time the civil rights gains of the 1960s—a new system of racialized social control was created by exploiting the vulnerabilities and racial resentments of poor and working-class whites. **More than 2 million people found themselves behind bars at the turn of the twenty-first century, and millions more were relegated to the margins of mainstream society, banished to a political and social space not unlike Jim Crow, where discrimination in employment, housing, and access to education was perfectly legal, and where they could be denied the right to vote.** The system functioned relatively automatically, and the prevailing system of racial meanings, identities, and ideologies already seemed natural. **Ninety percent of those admitted to prison for drug offenses in many states were black or Latino, yet the mass incarceration of communities of color was explained in race-neutral terms, an adaptation to the needs and demands of the current political climate. The New Jim Crow was born. […]** Most people imagine that the explosion in the U.S. prison population during the past twenty-five years reflects changes in crime rates. **Few would guess that our prison population leapt from approximately 350,000 to 2.3 million in such a short period of time due to changes in laws and policies, not changes in crime rates. Yet it has been changes in our laws—particularly the dramatic increases in the length of prison sentences—that have been responsible for the growth of our prison system, not increases in crime. One study suggests that the entire increase in the prison population from 1980 to 2001 can be explained by sentencing policy changes.86** Because harsh sentencing is the primary cause of the prison explosion, one might reasonably assume that substantially reducing the length of prison sentences would effectively dismantle this new system of control. That view, however, is mistaken. This system depends on the prison label, not prison time. Once a person is labeled a felon, he or she is ushered into a parallel universe in which discrimination, stigma, and exclusion are perfectly legal, and privileges of citizenship such as voting and jury service are off-limits. It does not matter whether you have actually spent time in prison; your second-class citizenship begins the moment you are branded a felon. Most people branded felons, in fact, are not sentenced to prison. As of 2008, there were approximately 2.3 million people in prisons and jails, and a staggering 5.1 million people under “community correctional supervision”—i.e., on probation or parole.87 Merely reducing prison terms does not have a major impact on the majority of people in the system. It is the badge of inferiority—the felony record—that relegates people for their entire lives, to second-class status. As described in chapter 4, for drug felons, there is little hope of escape. Barred from public housing by law, discriminated against by private landlords, ineligible for food stamps, forced to “check the box” indicating a felony conviction on employment applications for nearly every job, and denied licenses for a wide range of professions, people whose only crime is drug addiction or possession of a small amount of drugs for recreational use find themselves locked out of the mainstream society and economy— permanently.

#### Plea bargaining is the way prosecutors fit into the racist narrative of “acting tough on crime”

**Alexander 2[[2]](#footnote-2)**

**Almost no one ever goes to trial. Nearly all criminal cases are resolved through plea bargaining—a guilty plea by the defendant in exchange for some form of leniency by the prosecutor. Though it is not widely known, the prosecutor is the most powerful law enforcement official in the criminal justice system.** One might think that judges are the most powerful, or even the police, but in reality the prosecutor holds the cards. **It is the prosecutor, far more than any other criminal justice official, who holds the keys to the jailhouse door.** After the police arrest someone, the prosecutor is in charge. Few rules constrain the exercise of his or her discretion. The prosecutor is free to dismiss a case for any reason or no reason at all. The prosecutor is also free to file more charges against a defendant than can realistically be proven in court, so long as probable cause arguably exists—a practice known as overcharging. The practice of encouraging defendants to plead guilty to crimes, rather than affording them the benefit of a full trial, has always carried its risks and downsides. Never before in our history, though, have such an extraordinary number of people felt compelled to plead guilty, even if they are innocent, simply because the punishment for the minor, nonviolent offense with which they have been charged is so unbelievably severe. When prosecutors offer “only” three years in prison when the penalties defendants could receive if they took their case to trial would be five, ten, or twenty years—or life imprisonment— only extremely courageous (or foolish) defendents turn the offer down. **The pressure to plead guilty to crimes has increased exponentially since the advent of the War on Drugs. In 1986, Congress passed The AntiDrug Abuse Act, which established extremely long mandatory minimum prison terms for low-level drug dealing and possession of crack cocaine.** The typical mandatory sentence for a first-time drug offense in federal court is five or ten years. By contrast, in other developed countries around the world, a first-time drug offense would merit no more than six months in jail, if jail time is imposed at all.68 State legislatures were eager to jump on the “get tough” bandwagon, passing harsh drug laws, as well as “three strikes” laws mandating a life sentence for those convicted of any third offense. **These mandatory minimum statutory schemes have transferred an enormous amount of power from judges to prosecutors. Now, simply by charging someone with an offense carrying a mandatory sentence of ten to fifteen years or life, prosecutors are able to force people to plead guilty rather than risk a decade or more in prison.** Prosecutors admit that they routinely charge people with crimes for which they technically have probable cause but which they seriously doubt they could ever win in court.69 They “load up” defendants with charges that carry extremely harsh sentences in order to force them to plead guilty to lesser offenses and—here’s the kicker—to obtain testimony for a related case. Harsh sentencing laws encourage people to snitch. The number of snitches in drug cases has soared in recent years, partly because the government has tempted people to “cooperate” with law enforcement by offering cash, putting them “on payroll,” and promising cuts of seized drug assets, but also because ratting out co-defendants, friends, family, or acquaintances is often the only way to avoid a lengthy mandatory minimum sentence.70 **In fact, under the federal sentencing guidelines, providing “substantial assistance” is often the only way defendants can hope to obtain a sentence below the mandatory minimum.** The “assistance” provided by snitches is notoriously unreliable, as studies have documented countless informants who have fabricated stories about drug-related and other criminal activity in exchange for money or leniency in their pending criminal cases.71 While such conduct is deplorable, it is not difficult to understand. Who among us would not be tempted to lie if it was the only way to avoid a forty-year sentence for a minor drug crime? The pressure to plea-bargain and thereby “convict yourself” in exchange for some kind of leniency is not an accidental by-product of the mandatory-sentencing regime. The U.S. Sentencing Commission itself has noted that “the value of a mandatory minimum sentence lies not in its imposition, but in its value as a bargaining chip to be given away in return for the resource-saving plea from the defendant to a more leniently sanctioned charge.” Describing severe mandatory sentences as a bargaining chip is a major understatement, given its potential for extracting guilty pleas from people who are innocent of any crime. It is impossible to know for certain how many innocent drug defendants convict themselves every year by accepting a plea bargain out of fear of mandatory sentences, or how many are convicted due to lying informants and paid witnesses, but reliable estimates of the number of innocent people currently in prison tend to range from 2 percent to 5 percent.72 While those numbers may sound small (and probably are underestimates), they translate into thousands of innocent people who are locked up, some of whom will die in prison. In fact, if only 1 percent of America’s prisoners are actually innocent of the crimes for which they have been convicted, that would mean tens of thousands of innocent people are currently languishing behind bars in the United States. **The real point here, however, is not that innocent people are locked up. That has been true since penitentiaries first opened in America. The critical point is that thousands of people are swept into the criminal justice system every year pursuant to the drug war without much regard for their guilt or innocence.** The police are allowed by the courts to conduct fishing expeditions for drugs on streets and freeways based on nothing more than a hunch. Homes may be searched for drugs based on a tip from an unreliable, confidential informant who is trading the information for money or to escape prison time. And once swept inside the system, people are often denied attorneys or meaningful representation and pressured into plea bargains by the threat of unbelievably harsh sentences—sentences for minor drug crimes that are higher than many countries impose on convicted murderers. This is the way the roundup works, and it works this way in virtually every major city in the United States.

#### Plea bargains are part of a broken system that disproportionately affect minority groups

**Weil 12[[3]](#footnote-3)**

Pleading for Bargains as Opposed to Arguing for Justice A criminal plea bargain is an agreement in a criminal case where the defendant pleads guilty to a crime, usually to a lesser crime than the original charge, and as a result, waives his or her right to a jury trial. **Unbelievably, in the modern criminal system, more than 90 percent of all criminal charges are resolved through plea bargains. It is a system based not on the presumption of innocence, but on the contrary - on the presumption of guilt. Arm-twisting defendants, many of them poor and people of color, into plea bargains means that the government does not have to shoulder its burden of proving the guilt of those they charge with crimes and can simply shirk the constitution for expediency.** Plea bargaining has become historically ubiquitous as the principal, if not primary, method of criminal case disposition in the United States and a historical canker sore on the judicial system. Even as early as 1920, it was thought that 88 percent of convictions in New York were via guilty pleas, up from 22 percent just over 80 years earlier. As the New York Times reported in an editorial piece on July 16, 2012: "Earlier this year an opinion for the Supreme Court by Justice Anthony Kennedy noted a stunning and often overlooked reality of the American legal process: a vast majority of criminal cases - 97 percent of federal cases, 94 percent of state cases - are resolved by guilty pleas. Criminal justice today is for the most part a system of pleas, not a system, of trials." This opinion was based on a Supreme Court ruling back in March of 2012, a ruling involving two people who were proven to have ended up with stiffer sentences than they might have received had their lawyers not failed them while plea bargaining. The two defendants took their case all the way to the highest court, each of them asking the Supreme Court to invalidate their sentences under the Sixth Amendment's guarantee of effective assistance of counsel. The court, by a close vote of 5-4 in both cases, accepted the defendants' arguments and ruled in their favor, upholding Missouri v. Frye, the legal ruling that provides a constitutional guarantee of a fair trial and judicious plea bargaining. Justice Anthony Kennedy wrote on behalf of himself and four of his colleagues, Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan**. The plea bargain system is really based upon coercion, a legal form of extortion by the state. Prosecutors coerce defendants into pleading guilty by piling on charge after charge, and judges coerce those charged by making it known that the punishment will be much milder if you plead guilty than if you lose after exercising your supposed constitutional rights and go to trial. Retribution can be as swift.** Like the Inquisition, this system of duress too frequently results in innocent individuals entering guilty pleas they never would have if the constitution was really put into play. **The current system of plea bargaining has corrupted criminal defense law as it stampedes the constitution, leaving in its wake intimidation and fear.** In practice, a defense lawyer's main job is negotiating guilty pleas and subsequent sentences, not defending the criminally accused, as many would believe. **Instead, because over 90 percent of criminal cases are resolved through plea bargains, the economics of defense lawyers depends on pushing paper and maintaining good relationships with prosecutors; therefore, it is not uncommon for defense attorneys to allow a client to "take a fall" rather than accuse a prosecutor of misconduct and risk legal retaliation in future cases. Crony legalism is an essential part of crony capitalism, and nowhere is this better seen than in the halls of justice.**

## Part 2 is Breaking the Shackles

#### At the most basic level, abolishing plea bargaining would combat mass incarceration

**Savitsky 12[[4]](#footnote-4)**

There is likely little debate about the efficiency aspect of plea bargaining and its role in conviction numbers (see e.g. Easterbrook, 1983). It is widely acknowledged that plea bargaining became common due to its ability to relieve congestion in the criminal justice system (Fisher, 2003). **However, the opposite side of the argument, that plea bargaining is an important factor in prison crowding, is largely absent from the literature. Just how important plea bargaining is in this regard can be illustrated with a simple example. Illinois courts disposed of approximately 90,000 felony cases in 2009.7 Trials take on average three to five days**.**8 Using the low end of the estimate, taking all of these cases to trial would require more than 1000 judges who did nothing but hear felony cases 5 days per week, 50 weeks per year. Illinois currently has about 525 judges, who also need to hear civil, misdemeanor, and DUI cases – which, combined, outnumber felony cases by more than 16 to one. Further, Cook County (Chicago) Illinois pays jurors US$17.20 per day. If each trial required the empanelment of 15 jurors,9 simply paying the jurors who serve would cost nearly US$70 million per year.** Including the cost of the perhaps 35 people summoned per case who do not end up serving, the number would increase to over US$120 million, which is approximately half of the state’s court system’s 2009 operating budget, or six times the budget of the public defender’s office (Quinn, 2011). **It also represents over seven million lost workdays per year for the jurors, whose salaries for those days are paid by the employers in many cases.** This estimate also does not include the costs of paying travel expenses and childcare, or for the additional necessary court employees, or of witnesses missing work. **Finally, these are all low estimates. Time can be a very powerful tool in the hands of a defense attorney (Adelstein, 1978), and 138 Rationality and Society 24(2) defense attorneys have every incentive to drag the process out as much as possible. Thus, due to the expense and time requirements, the simple will to incarcerate large numbers of people is not sufficient to do so without an efficient system. This makes plea bargaining [is] an absolutely necessary factor in producing and maintaining the high prison population.**

#### However, abolishing plea bargaining would also crash the judicial system and FORCE conversations we’ve been avoiding in the criminal justice system

**Alexander 3[[5]](#footnote-5)**

AFTER years as a civil rights lawyer, I rarely find myself speechless. But some questions a woman I know posed during a phone conversation one recent evening gave me pause: “What would happen if we organized thousands, even hundreds of thousands, of people charged with crimes to refuse to play the game, to refuse to plea out? What if they all insisted on their Sixth Amendment right to trial? Couldn’t we bring the whole system to a halt just like that?” The woman was Susan Burton, who knows a lot about being processed through the criminal justice system. Her odyssey began when a Los Angeles police cruiser ran over and killed her 5-year-old son. Consumed with grief and without access to therapy or antidepressant medications, Susan became addicted to crack cocaine. She lived in an impoverished black community under siege in the “war on drugs,” and it was but a matter of time before she was arrested and offered the first of many plea deals that left her behind bars for a series of drug-related offenses. Every time she was released, she found herself trapped in an under-caste, subject to legal discrimination in employment and housing. Fifteen years after her first arrest, Susan was finally admitted to a private drug treatment facility and given a job. After she was clean she dedicated her life to making sure no other woman would suffer what she had been through. Susan now runs five safe homes for formerly incarcerated women in Los Angeles. Her organization, A New Way of Life, supplies a lifeline for women released from prison. But it does much more: it is also helping to start a movement. With groups like All of Us or None, it is organizing formerly incarcerated people and encouraging them to demand restoration of their basic civil and human rights. I was stunned by Susan’s question about plea bargains because she — of all people — knows the risks involved in forcing prosecutors to make cases against people who have been charged with crimes. Could she be serious about organizing people, on a large scale, to refuse to plea-bargain when charged with a crime? “Yes, I’m serious,” she flatly replied. I launched, predictably, into a lecture about what prosecutors would do to people if they actually tried to stand up for their rights. The Bill of Rights guarantees the accused basic safeguards, including the right to be informed of charges against them, to an impartial, fair and speedy jury trial, to cross-examine witnesses and to the assistance of counsel. **But in this era of mass incarceration — when our nation’s prison population has quintupled in a few decades partly as a result of the war on drugs and the “get tough” movement — these rights are, for the overwhelming majority of people hauled into courtrooms across America, theoretical. More than 90 percent of criminal cases are never tried before a jury. Most people charged with crimes forfeit their constitutional rights and plead guilty.** “The truth is that government officials have deliberately engineered the system to assure that the jury trial system established by the Constitution is seldom used,” said Timothy Lynch, director of the criminal justice project at the libertarian Cato Institute. In other words: the system is rigged. In the race to incarcerate, politicians champion stiff sentences for nearly all crimes, including harsh mandatory minimum sentences and three-strikes laws; the result is a dramatic power shift, from judges to prosecutors. The Supreme Court ruled in 1978 that threatening someone with life imprisonment for a minor crime in an effort to induce him to forfeit a jury trial did not violate his Sixth Amendment right to trial. Thirteen years later, in Harmelin v. Michigan, the court ruled that life imprisonment for a first-time drug offense did not violate the Eighth Amendment’s ban on cruel and unusual punishment. No wonder, then, that most people waive their rights. Take the case of Erma Faye Stewart, a single African-American mother of two who was arrested at age 30 in a drug sweep in Hearne, Tex., in 2000. In jail, with no one to care for her two young children, she began to panic. Though she maintained her innocence, her court-appointed lawyer told her to plead guilty, since the prosecutor offered probation. Ms. Stewart spent a month in jail, and then relented to a plea. She was sentenced to 10 years’ probation and ordered to pay a $1,000 fine. Then her real punishment began: upon her release, Ms. Stewart was saddled with a felony record; she was destitute, barred from food stamps and evicted from public housing. Once they were homeless, Ms. Stewart’s children were taken away and placed in foster care. In the end, she lost everything even though she took the deal. On the phone, Susan said she knew exactly what was involved in asking people who have been charged with crimes to reject plea bargains, and press for trial. **“Believe me, I know. I’m asking what we can do. Can we crash the system just by exercising our rights?” The answer is yes. The system of mass incarceration depends almost entirely on the cooperation of those it seeks to control. If everyone charged with crimes suddenly exercised his constitutional rights, there would not be enough judges, lawyers or prison cells to deal with the ensuing tsunami of litigation. Not everyone would have to join for the revolt to have an impact; as the legal scholar Angela J. Davis noted, “if the number of people exercising their trial rights suddenly doubled or tripled in some jurisdictions, it would create chaos.” Such chaos would force mass incarceration to the top of the agenda for politicians and policy makers, leaving them only two viable options: sharply scale back the number of criminal cases filed (for drug possession, for example) or amend the Constitution (or eviscerate it by judicial “emergency” fiat). Either action would create a crisis and the system would crash — it could no longer function as it had before. Mass protest would force a public conversation that, to date, we have been content to avoid.** In telling Susan that she was right, I found myself uneasy. “As a mother myself, I don’t think there’s anything I wouldn’t plead guilty to if a prosecutor told me that accepting a plea was the only way to get home to my children,” I said. “I truly can’t imagine risking life imprisonment, so how can I urge others to take that risk — even if it would send shock waves through a fundamentally immoral and unjust system?” Susan, silent for a while, replied: “I’m not saying we should do it. I’m saying we ought to know that it’s an option. People should understand that simply exercising their rights would shake the foundations of our justice system which works only so long as we accept its terms. As you know, another brutal system of racial and social control once prevailed in this country, and it never would have ended if some people weren’t willing to risk their lives. It would be nice if reasoned argument would do, but as we’ve seen that’s just not the case. So maybe, just maybe, if we truly want to end this system, some of us will have to risk our lives.”

#### These public conversations lead to grassroots mobilization—empirically proven—after the Trayvon Martin case, backlash led to a resurgence in coalition-building and black activism.

**Smith 14[[6]](#footnote-6)** writes from his perspective

**On July 13, 2013, George Zimmerman was found not guilty in the murder of Trayvon Martin, an unarmed African-American 17-year-old walking home from a 7-Eleven. What The Washington Post and other media outlets had dubbed “the trial of the century” was over, with a deeply unsettling verdict. In the fifteen months between Trayvon’s death and the beginning of the trial, people across the country had taken to the streets, as well as to newspapers, television and social media, to decry the disregard for young black lives in America. For them—for us—this verdict was confirmation. A group of 100 black activists, ranging in age from 18 to 35, had gathered in Chicago that same weekend.** They had come together at the invitation of Cathy J. Cohen, a professor of political science at the University of Chicago and the author of Democracy Remixed: Black Youth and the Future of American Politics, and her organization, the Black Youth Project. Launched in 2004, the group was born as a research project to study African-American youth; in the decade since then, Cohen has turned the BYP into an activist organization. The plan for this meeting was to discuss movement building beyond electoral politics. Young black voters turned out in record numbers in the 2008 and ‘12 elections: 55 percent of black 18-to-24-year-olds voted in 2008, an 8 percent increase from 2004, and while a somewhat smaller number—49 percent—voted in 2012, they still outpaced their white counterparts. But how would young black voters hold those they had put in office accountable? And what were their demands? **This group, coming [came] together under the banner Black Youth Project 100 (“BYP100” for short), was tasked with figuring that out.** As with any large gathering, people disagreed, cliques were formed, and tensions began to mount. The organizers struggled to build consensus within this diverse group of academics, artists and activists. And then George Zimmerman was acquitted. The energy in the room changed. “A moment of trauma can oftentimes present you with an opportunity to do something about the situation to prevent that trauma from happening again,” said Charlene Carruthers, one the activists at the conference. Carruthers, a Chicago native, has been an organizer for more than ten years, starting as a student at Wesleyan University. She has led grassroots and digital campaigns for, among others, the Women’s Media Center, National People’s Action and ColorofChange.org. She heard all types of sounds emanating from the people in the room that day, from crying to screaming. **“I don’t believe the pain was a result, necessarily, of shock because Zimmerman was found not guilty,” Carruthers said, “but of yet another example…of an injustice being validated by the state—something that black people were used to.” Some members of BYP100 went into the streets of downtown Chicago and led a rally. Others stayed behind and drafted the group’s first collective statement.** Addressed to “the Family of Brother Trayvon Martin and to the Black Community,” it read in part: “When we heard ‘not guilty,’ our hearts broke collectively. In that moment, it was clear that Black life had no value. Emotions poured out—emotions that are real, natural and normal, as we grieved for Trayvon and his stolen humanity. Black people, WE LOVE AND SEE YOU.” The group recorded a reading of the letter and released the video on July 14, one day after the verdict. **“That was the catalyst,” Carruthers said, “that cemented [the idea] that the people in that room had to do something collectively moving forward.”** The police department in Sanford, Florida, was slow to act in the aftermath of Trayvon Martin’s killing. It took forty-five days for the police to arrest George Zimmerman; although he had admitted to killing Trayvon and had been brought in for questioning the night of the shooting, the police appeared to have accepted his word that he’d shot Trayvon in self-defense and failed to charge him. **As the weeks passed, thousands of people took to the streets in frustration. One of them was Phillip Agnew, who worked at the time as a pharmaceutical sales representative.** Along with a couple of friends, he organized a group of college students and recent graduates from across Florida for a three-day, forty-mile march from Daytona Beach to Sanford to demand justice for Trayvon. When the marchers arrived, Agnew said, the police sat down with some members of the group, who demanded that they arrest George Zimmerman and form a blue-ribbon commission to investigate the shooting. The department’s response was to shut the police station down for the day. “That march solidified our bonds,” Agnew said. **Shortly thereafter, he organized a conference call with nearly 200 other activists to discuss how to pressure the police to arrest Zimmerman. This was the start of the Dream Defenders.** The day the verdict was announced, Agnew was in Miami, having dinner at a neighbor’s house. Like so many others, he had followed the trial intently. Agnew got back home just as the verdict came in. “I saw George Zimmerman celebrating, and I remember just feeling a huge, huge, huge… collapse,” he said. “I’ll never forget that moment…because we didn’t even expect that verdict to come down that night, and definitely didn’t expect for it to be not guilty.” The injustice of the acquittal shook the Dream Defenders, and on Sunday morning, members of the group convened in Tallahassee, where they occupied the state capitol building. “We thought of the tactic before we even thought of what we were going to demand,” Agnew said. Initially, that didn’t matter: their mere presence in the capitol was enough to garner national media attention. Civil-rights legends like Jesse Jackson, Harry Belafonte and Julian Bond joined them, as well as hip-hop artist Talib Kweli. “We were going on the fly a lot during that time,” Agnew said. “But we knew we had to go to a seat of power and confront a person or a body of people that could give us what we wanted.” **Over the course of the monthlong protest, the Dream Defenders crafted “Trayvon’s Law,” an ambitious package of bills calling for an end to the school-to-prison pipeline and racial profiling, as well as the repeal of [and] “Stand Your Ground,”** the self-defense law that had come under scrutiny after Trayvon’s death. While the bills were not introduced, the Dream Defenders met with several supportive legislators to discuss them. As a nation, we find ourselves celebrating the fiftieth anniversary of many of the achievements of the civil-rights generation, which won major legal victories against institutionalized American racism. We have commemorated (or will soon) the March on Washington, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Civil-rights leaders of the 1950s and ’60s have become the African-American version of the Greatest Generation: throughout my childhood, I was taught to revere them. **Each generation of African-Americans born after this period owes its opportunities for success to the brave men and women who organized on the front lines of violent racism and oppression to secure even a semblance of freedom. But as I got older, the message became less about respecting our elders for their sacrifices and more about chastising my generation** for not doing more. We were selfish and apathetic. Why hadn’t we lived up to the standard set by our civil-rights-era forebears? Despite its undeniable impact, the civil-rights movement didn’t solve the issue of racial injustice. The world that young black people have inherited is one rife with race-based disparities. By the age of 23, almost half of the black men in this country have been arrested at least once, 30 percent by the age of 18. The unemployment rate for black 16-to-24-year-olds is around 25 percent. Twelve percent of black girls face out-of-school suspension, a higher rate than for all other girls and most boys. Black women are incarcerated at a rate nearly three times that of white women. While black people make up 14.6 percent of total regular drug users, they are 31.2 percent of those arrested on drug charges and are likely to receive longer sentences. According to a report issued by the Malcolm X Grassroots Movement, which used police data as well as newspaper reports, **in 2012, a black person lost his or her life in an extrajudicial killing at the hands of a police officer, security guard or self-appointed vigilante like George Zimmerman every twenty-eight hours. Carruthers and Agnew, both 29, are members of that post-civil-rights generation, as am I.** We millennials are charged with continuing the fight against the system of racism that has been the defining component of the black American experience for centuries. We come after civil rights, after Black Power and after the hip-hop generation. And the perception that millennials are apathetic isn’t entirely fair. We protested the war in Iraq. We volunteered our time in clean-up efforts after Hurricane Katrina. We took to the streets in support of the Jena Six. And we’ve joined organizations fighting for progressive causes. But this work had been taking place in isolated pockets. **What millennials had yet to achieve was the formation of a sustainable national movement. Then Trayvon Martin was killed.** Protests sprang up all across the country, and his name became a rallying cry. Trayvon’s death ignited something durable in a considerable number of black youth. **Whatever apathy had existed before was replaced by the urge to act, to organize and to fight.** Millennials were ready to build their movement. The demise of the Black Panther Party in the mid-1970s left a void in black political organizing. The Panthers weren’t without problems (the sexist nature of their leadership was a big one), but they represented the last gasps of a national black organizing that combined radical political education, direct action, youth engagement and community services. In the years since, racial-justice groups have struggled to effect change as profound as they managed to achieve during the heyday of the civil-rights and Black Power movements. The Rev. Al Sharpton’s National Action Network is mostly visible to the extent that Sharpton is able to leverage his own platform and personality for the causes he cares about. The same is true of the Rev. Jesse Jackson and his Rainbow PUSH Coalition. Until Benjamin Jealous took over as president in 2008, the NAACP—the nation’s oldest civil-rights organization—was battling perceptions of irrelevance. Under Jealous’s leadership, the NAACP changed course, but the question lingered as to whether it was equipped to fight the new challenges faced by black America. The Malcolm X Grassroots Movement has existed since 1993 without much fanfare; the National Hip-Hop Political Convention, started in 2004, fizzled. “The times we live in,” Carruthers said, “call for a resurgence of national black-liberation organizing.” This past May, I traveled to Chicago for the “Freedom Dreams, Freedom Now!” conference, hosted by a number of organizations, including BYP100, on the campus of the University of Illinois at Chicago. The conference was intended as an “intergenerational, interactive gathering” of scholars, artists and activists commemorating the fiftieth anniversary of Freedom Summer and discussing contemporary social-justice organizing. The opening plenary featured a keynote address by Julian Bond, a co-founder of the Student Nonviolent Coordinating Committee and former board chair of the NAACP. He presented a history of Freedom Summer, the SNCC-led movement to register voters and get black people to the polls in Mississippi, before a premiere screening of the PBS documentary Freedom Summer, directed by Stanley Nelson. But the aim of the conference wasn’t just to reminisce. It was a precursor to Freedom Side, a collective that includes members of BYP100, the Dream Defenders and United We Dream, an immigrant-youth-led organization, as well as more established groups like the NAACP and AFL-CIO. Before the conference, as part of the Freedom Summer celebration, the Dream Defenders hosted “freedom schools” throughout Florida, talking to young people about criminalization, mass incarceration and the school-to-prison pipeline. Voter registration drives were also held across the country. The day after the conference ended, BYP100 hosted an organizer-training event at the University of Chicago. Early on, the attendees were split into two groups, and the two sides engaged each other in a call-and-response chant that referenced historical greats like Nat Turner, Angela Davis, Ida B. Wells, Mumia Abu-Jamal and Fred Hampton. But even as they paid homage to their history in song, these young activists had their eyes on the future. Members led sessions on personal narratives in organizing, how to handle interactions with police officers, and building political power. “I think we’re seeing different types of organizing [taking] shape, and I think we’re going to continue to see that—especially with the evolution of social media and technology,” said Dante Barry, deputy director of the Million Hoodies Movement for Justice. The group, founded in 2012 by Daniel Maree, drummed up attention for a Change.org petition, created by Howard University Law School alum Kevin Cunningham, calling for a criminal investigation into Trayvon Martin’s death. It collected over 2 million signatures—at the time, the fastest-growing petition ever on the Internet. Barry, 26, joined the Million Hoodies Movement in October 2013. He points out that if not for social media, Trayvon Martin’s death could have languished in obscurity. While the audiences for these new groups may not be larger than the older ones’—the Dream Defenders has more than 27,000 Twitter followers; the NAACP has over 74,000—the newer groups use Twitter to hear from, not just talk to, their members. The Dream Defenders hosts Twitter discussions about its key issues, including gun violence, the criminalization of black youth and the prison-industrial complex. Community cultivation is vital as these organizations take on the challenge of long-term movement building. In February, Agnew and others put together a Tumblr called “Blacked Out History,” featuring members’ artwork. “We were born out of [the Trayvon Martin] murder, but that didn’t become our focus,” Agnew said. Trayvon Martin’s killing deserved all of the attention it eventually received, but elevating Trayvon as a singular martyr risks portraying the struggle of this new generation of activists as the exclusive domain of black men. That would repeat the missteps of past generations. While black women were often responsible for most of the practical work involved in organizing, they were poorly represented in leadership positions, and their concerns were all too frequently sidelined. Carruthers sees this dynamic playing out today. “A lot of people rallied across the country in the aftermath of Trayvon Martin,” she observed. “Not as many rallied around the killing of Renisha McBride.” McBride, age 19, was killed on November 2, 2013, in Dearborn Heights, Michigan. Looking for help after being injured in a car crash, she appeared on the porch of 54-year-old Theodore Wafer, who opened his front door and shot her. Wafer is white; his defense team argued that he believed McBride was breaking into his house. A rally was held that weekend, with local residents calling for Wafer’s arrest, but the level of outrage and media attention didn’t come close to what it was for Trayvon Martin. “That’s a reality,” Carruthers said, “and as an organization invested in freedom and justice for all black people, we are equally as committed to elevating the stories of black women and girls.” To this end, BYP100 uses a “queer, feminist/womanist and economic-justice approach” to consider issues from the position of how they affect the people most marginalized in their community. It’s a deliberate rebuke to the charismatic male leadership that centers on the concerns of black men. **Just a couple of weeks ago, the streets of Ferguson, Missouri, exploded after 18-year-old Michael Brown was shot and killed by a police officer on August 9. Brown, who would have started college the following Monday, became the latest unarmed black person to be killed by police. In the wake of his death, and with little information forthcoming from the Ferguson Police Department, residents took to the streets, first for a vigil, later in protest. The underlying crisis—economic and educational disparities, the lack of political representation, constant harassment by the police—boiled over. Nights of unrest followed, characterized by the aggressive presence of a militarized police force as well as some rioting and looting, as the nation once again came face to face with its centuries-long tradition of criminalizing black bodies. In response to the shooting, BYP100 asked supporters to submit videos describing how they have been profiled or harassed by police. “Beyond our current frustration and anger, our memory hums as our ancestors call out to us. We will redeem their suffering through collective work for liberation,” the group said in a statement. “Stoicism, respectability politics and piecemeal measures of progress are not working.” Here, perhaps, is the new movement’s first big test.**

#### The state uses plea bargaining as a micro-mechanism of power—our behavior is micropolitically regulated to make us ignorant to racism. Only changing our behavior in response to these mechanisms of power can allow us to deconstruct the oppressive nature of the state—this means grassroots uniquely solves

**Vagenas 95[[7]](#footnote-7)**

I can't imagine Foucault teaching a Micropolitics 101 and a Macropolitics 102. I am not sure what these terms mean anyway. Is macropolitics the big picture and micropolitics specific policies or local struggles? However, there may be a trace (and I emphasize the word trace) of the micro and macro in Foucault's notion of power and political action which may be what your friend is talking about. Foucault elucidates this distinction in terms of power: **"...it seems to me...that the important thing is not to attempt some kind of deduction of power starting from its centre and aimed at the discovery of the extent to which it permeates into the base, of the degree which it reproduces itself down to and including the most molecular elements of society. One must rather conduct an ascending analysis of power, starting, that is, from its infinitesimal mechanisms, which each have their own history, their own trajectory, their own techniques and tactics, and then see how these mechanisms of power have been -- and continue to be -- invested, colonised, utilised, involuted, transformed, displaced, extended etc., by ever more general mechanisms and by forms of global domination." Foucault refers to the apparatuses of surveillance, the medicalization of sexuality, and the redefinition of the mad as delinquent [are] as all "micro-mechanisms" of power.** The key point is the infinite and ultimately indecipherable circulation of power. There is no "trickle down" theory of power. The emphasis is on the confluence of forces, the relationship of power -- power's percolation. Micro and macro co-constitute each other (please beware that I don't like this distinction, just trying to make a point**). The genius of Foucault is to show how localized discourses and seemingly opaque practices such as the organization of space work intimately with/and against more lofty disciplines and powers.**  **Thus, rowdy drunks who hoot and howl (not usually moral outrage, but for the fun of it) at public executions share with the philosophes credit for the emergence of 18th century penal reform. Throughout Foucault's work there is a primacy given to the micro-mechanisms of power -- the micro is macro**, much like Nietzsche's genealogical subversion of good and evil.

## Part 3 is Shattering the Lens

#### Since the ballot confers the truth of the resolution, the judge is the assumed intellectual of the round. As an intellectual, your primary obligation is to deconstruct the regime of truth

**Foucault[[8]](#footnote-8)**

It seems to me that what must now be taken into account in **the intellectual is not the ‘bearer of universal values.’ Rather, it’s the person occupying a specific position – but whose specificity is linked, in a society like ours, to the general functioning of an apparatus of truth.** In other words, the intellectual has a three-fold specificity: that of his class position (whether as petty-bourgeois in the service of capitalism or ‘organic’ intellectual of the proletariat); that of his conditions of life and work, linked to his condition as an intellectual (his field of research, his place in a laboratory, and political and economy demands to which he submits of against which he rebels, in the university, the hospital, etc.); lastly, the specificity of the politics of truths in our societies. And it’s with this last factor that his position can take on a general significance and that his local, specific struggle can have effects and implications which are not simply professional or sectorial. The intellectual can operate and struggle at the general level of that regime of truth which is so essential to the structure and functioning of our society. **There is a battle ‘for truth,’ or at least ‘around truth’** – it being understood once again that by truth I do not mean ‘the ensemble of truths which are to be discovered and accepted,’ but rather ‘the ensemble of rules according to which the true and false are separated and specific effects of power attached to the true’, it being understood also that it’s not a matter of a battle ‘on behalf’ of the truth, but of a battle about the status of truth and the economic and political role it plays. It is necessary to think of the political problems of intellectuals not in terms of ‘science’ and ‘ideology’, but in terms of ‘truth’ and ‘power’. And thus the question of the professionalization of intellectuals and the division between intellectual and manual labour can be envisaged in a new way. All this must seem very confused and uncertain. Uncertain indeed, and what I am saying here is above all to be taken as a hypothesis. In order for it to be a little less confused, however, I would like to put forward a few ‘propositions’ – not firm assertions, but simply suggestions to be further tested and explained. ‘Truth’ is to be understood as a system of ordered procedures for the production, regulation, distribution, circulation and operation of statements. **‘Truth’ is linked in a circular relation with system of powers which produces and sustain it, and to effects of power which it induces and which extend it. A regime of truth.** This regime is not merely ideological or superstructural; it was a condition of the formation and development of capitalism. And it’s this same regime which, subject to certain modifications, operates in the socialists countries (I leave open here the question of China, about which I know little). **The essential political problem for the intellectual is** not to criticize the ideological contents supposedly linked to science, or to ensure that his own scientific practice is accompanied by a correct ideology, but **that of ascertaining the possibility of constitution a new politics of truth. The problem is not changing people’s consciousness’s –** or what’s in their heads – **but the political, economic, institutional regime of the production of truth. It’s not a matter of emancipating truth from every system of power** (which would be a chimera, for truth is already power) **but of detaching the power of truth from the forms of hegemony, social economic and cultural, within which it operates at the present time.**

#### Schooling is based off the model of prisons—our modes of thought are shaped by “the teacher”, who just replicates the forms of knowledge of the state. That means we need to liberate ourselves with an abolitionist pedagogy first. Thus, the role of the ballot is to vote for the debater who best deconstructs the prison-industrial complex

**Rodriguez 10[[9]](#footnote-9)**

A compulsory deferral of abolitionist pedagogical possibilities composes the largely unaddressed precedent of teaching in the current historical period. It is this deferral—generally unacknowledged and largely presumed—that both undermines the emergence of an abolitionist pedagog- ical praxis and illuminates abolitionism’s necessity as a dynamic practice of social transformation, over and against liberal and progressive appropriations of “critical/radical pedagogy.” Contrary to the thinly disguised ideological Alinskyism that contemporary liberal, progressive, critical, and “radical” teaching generally and tacitly assumes in relation to the prison regime, what is usu- ally required, and what usually works as a strategy for teaching against the carceral common sense, is a pedagogical approach that asks the unaskable, posits the neces- sity of the impossible, and embraces the creative danger inherent in liberationist futures. About a decade of teaching a variety of courses at the undergraduate and graduate levels at one of the most demographically diverse research univer- sities in the United States (the University of California, Riverside) has allowed me the opportunity to experiment with the curricular content, assignment form, pedagogical mode, and conceptual orga- nization of coursework that directly or tangentially addresses the formation of the U.S. prison regime and prison indus- trial complex. Students are consistently (and often unanimously) eager to locate their studies within an abolitionist gene- alogy—often understanding their work as potentially connected to a living his- tory of radical social movements and epistemological-political revolt—and tend to embrace the high academic demands and rigor of these courses with far less resistance and ambivalence than in many of my other Ethnic Studies courses. There are some immediate analytical and scholarly tools that form a basic pedagogical apparatus for productively exploding the generalized common sense that creates and surrounds the U.S. prison regime. **In fact, it is crucial for teachers and students to collectively understand that it is precisely the circulation and concrete enactment of this common sense that makes it central to the prison regime, not simply an ideological “supplement” of it. Put di erently, many students and teachers have a tendency to presume that the cultural symbols and popular discourses that signify and give common sense meaning to prisons and policing are external to the prison regime, as if these symbols and discourses (produced through mass media, state spokespersons and elected o cials, right-wing think tanks, video games, television crime dra- mas, etc.) simply amount to “bad” or “deceptive” propaganda that conspirato- rially hide some essential “truth” about prisons that can be uncovered. This is a seductive and self-explanatory, but far too simplistic, way of understanding how the prison regime thrives. What we require, instead, is a sustained analytical discussion that considers how multiple layers of knowledge—including common sense and its di erent cultural forms—are constantly producing a “lived truth” of policing and prisons that has nothing at all to do with an essential, objective truth.** Rather, this fabricated, lived truth forms the tem- plate of everyday life through which we come to believe that we more or less understand and “know” the prison and policing apparatus, and which dynamically produces our consent and/or surrender to its epochal oppressive violence. As a pedagogical tool, this framework compels students and teachers to examine how deeply engaged they are in the violent common sense of the prison and the racist state. Who is left for dead in the com- mon discourse of crime, “innocence,” and “guilt”? How has the mundane institution- alized violence of the racist state become so normalized as to be generally beyond comment? What has made the prison and policing apparatus in its current form appear to be so permanent, necessary, and immovable within the common sense of social change and historical transforma- tion? **In this sense, teachers and students can attempt to concretely understand how they are a dynamic part of the prison regime’s production and reproduction— and thus how they might also be part of its abolition through the work of building and teaching a radical and liberatory com- mon sense** (this is political work that any- one can do, ideally as part of a community of social movement). Additionally, the abolitionist teacher can prioritize a rigorous—and vigorous— critique of the endemic complicities of liberal/progressive reformism to the transformation, expansion, and ultimate reproduction of racist state violence and (proto)genocide; this entails a radical cri- tique of everything from the sociopolitical legacies of “civil rights” and the oppressive capacities of “human rights” to the racist state’s direct assimilation of 1970s-era “prison reform” agendas into the blue- prints for massive prison expansion dis- cussed above.17 The abolitionist teacher must be willing to occupy the di cult and often uncom- fortable position of political leadership in the classroom. To some, this reads as a direct violation of Freirian concep- tions of critical pedagogy, but I would argue that it is really an elaboration and ampli cation of the revolutionary spirit at the heart of Freire’s entire lifework. at is, how can a teacher expect her/ his students to undertake the courageous and di cult work of inhabiting an abo- litionist positionality—even if only as an “academic” exercise—unless the teacher herself/himself embodies, performs, and oozes that very same political desire? In fact, it often seems that doing the latter is enough to compel many students (at least momentarily) to become intimate and familiar with the allegedly impossible. Finally, the horizon of the possible is only constrained by one’s pedagogical willingness to locate a particular political struggle (here, prison abolition) within the long and living history of liberation movements. In this context, “prison aboli- tion” can be understood as one important strain within a continuously unfurling fabric of liberationist political horizons, in which the imagination of the possible and the practical is shaped but not limited by the speci c material and institutional condi- tions within which one lives. It is useful to continually ask: on whose shoulders does one sit, when undertaking the auda- cious identi cations and political prac- tices endemic to an abolitionist pedagogy? ere is something profoundly indelible and emboldening in realizing that one’s “own” political struggle is deeply con- nected to a vibrant, robust, creative, and beautiful legacy of collective imagination and creative social labor (and of course, there are crucial ways of comprehending historical liberation struggles in all their forms, from guerilla warfare to dance). While I do not expect to arrive at a wholly satisfactory pedagogical endpoint anytime soon, and am therefore hesitant to o er prescriptive examples of “how to teach” within an abolitionist framework, I also believe that rigorous experimentation and creative pedagogical radicalism is the very soul of this praxis. **There is, in the end, no teaching formula or pedagogical system that nally ful lls the abolition- ist social vision, there is only a political desire that understands the immediacy of struggling for human liberation from precisely those forms of systemic violence and institutionalized dehumanization that are most culturally and politically sanctioned, valorized, and taken for granted within one’s own pedagogical moment.** To refuse or resist this desire is to be unaccountable to the historical truth of our moment, in which the structural logic and physi- ological technologies of social liquidation (removal from or e ective neutralization within civil society) have merged with history’s greatest experiment in punitive human captivity, a linkage that increas- ingly lays bare racism’s logical outcome in genocide.18

## Part 4 is the Underview

1. Presumeaff because of side bias.

**Henson 11[[10]](#footnote-10)** provides 3 warrants for neg bias

**We use six years of** annual tournament **data** to investigate potential side, sex, and region biases **at the** high school Lincoln-Douglas **[TOC]** Tournament of Champions. Taken together, these results provide significant evidence of region and side bias at this tournament. Judges tend to prefer debaters of their own region. There is also strong evidence of substantial side bias in favor of the negative. **The most prevalent form of bias** in high school Lincoln Douglas debate **is** the side bias **in favor of the neg**ative. **The estimated** marginal **effect** of the side bias **is** large (**between 0.11 and 0.13**) **and potentially present in every round.**  One potential source of side bias relates to speech times. The affirmative is allowed three short speeches (6, 4, an’d 3, minutes) while the negative is allowed two long speeches (7 and 6 minutes). There are two intuitive explanations for the effect of speech times on side bias. **First**, because any argument not refuted is considered true for the purpose of the debate, **aff**irmative **debaters** are required to **“cover” 7 minutes** of negative speech time **in 4** minutes, **then** cover **6** minutes of negative speech time **in 3** minutes. Due to the large number of arguments presented in each round, the negative may possess a substantial advantage over the affirmative due to this convention. **Second**, judges only consider arguments discussed in each debater‟s last speech, ignoring any that both sides “drop.” The negative has more time to bring up relevant and helpful arguments and explain their significance, while **the aff**irmative **must** attempt to **diminish the importance of the neg**ative’s arguments and bring up their own **in half the time** due to the 2:1 ratio of NR time to 2AR time.**[Third]** Another potential source of side bias relates to **[is] organizational difficulty** stemming **from the number of speeches.**

Prefer since the large sample size prevents the risk of a statistical anomaly

1. Aff gets RVIs on I meets and counter-interps on T and theory because
	1. 1AR time skew means I can’t cover the T/theory and still have a fair shot on substance.
	2. no risk T/theory would give neg a free source of no risk offense which allows them to moot the AC.
1. Michelle Alexander [Writer, civil rights advocate, and visiting professor at Union Theological Seminary in NYC]. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* The New Press, 2010. **//AK** [↑](#footnote-ref-1)
2. Michelle Alexander [Writer, civil rights advocate, and visiting professor at Union Theological Seminary in NYC]. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness.* The New Press, 2010. **//AK** [↑](#footnote-ref-2)
3. Danny Weil [Danny Weil is a writer for Project Censored and Daily Censored. He received the Project Censored "Most Censored" News Stories of 2009-10 award for his article: "Neoliberalism, Charter Schools and the Chicago Model / Obama and Duncan's Education Policy: Like Bush's, Only Worse," published by Counterpunch, August 24, 2009. Dr. Weil has published more than seven books on education in the past 20 years]. Widespread Use of Plea Bargains Plays Major Role in Mass Incarceration. Truthout. 7 Nov 2012. **//AK** [↑](#footnote-ref-3)
4. Savitsky, Douglas. “Is Plea Bargaining A Rational Choice? Plea Bargaining As An Engine Of Racial Stratification And Over.” Rationality and Society. 2012. Web. December 08, 2017. <http://journals.sagepub.com/doi/pdf/10.1177/1043463112441351>. [↑](#footnote-ref-4)
5. Michelle Alexander [Stanford Law School, a writer, civil rights advocate, and visiting professor at Union Theological Seminary (New York City). She is best known for her 2010 book The New Jim Crow: Mass Incarceration in the Age of Colorblindness]. *Go to Trial: Crash the Justice System.* March 10, 2012. The New York Times. **//AK** [↑](#footnote-ref-5)
6. Mychal Denzel Smith [Mychal Denzel Smith is the New York Times-bestselling author of Invisible Man, Got the Whole World Watching and a 2017 NAACP Image Award nominee]. *How Trayvon Martin’s Death Launched a New Generation of Black Activism.* The Nation [most widely read weekly journal of progressive political and cultural news, opinion, and analysis]. August 27, 2014. **//AK** [↑](#footnote-ref-6)
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8. Michel Foucault [French Philosopher, professor of Philosophy at a bunch of Paris universities]. “Power/Knowledge: Selected Interviews and Other Writings, 1972-1977. eBook. 1980. Pantheon Books, New York. **//AK** [↑](#footnote-ref-8)
9. Dylan Rodríguez [Dylan Rodríguez is Professor and Chair of the Department of Ethnic Studies at the University of California, Riverside]. *The Disorientation of the Teaching Act: Abolition as Pedagogical Position.* University of Illinois Pres, JSTOR. *The Radical Teacher*, No. 88, pp. 7-19. Summer 2010. **//AK** [↑](#footnote-ref-9)
10. Clifford Chad Henson [Adjunct Instructor @ U Illinois ollege of Law and Director of Debate of U Illinois policy debate] and Paul R. Dorasil [PhD student in Econ from U Florida] (Jul 7, 2011) “An Empirical Analysis of Judging Bias By Sex, Region & Side” [Working Paper to Appear in Contemporary Economic Policy] Social Science Research Network – Accessed 8/13/2012 <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1768087> [NOTE: I obtained permission via email from Henson] [↑](#footnote-ref-10)