# 1AC – Convictions

## 1AC – Util

### Framework

#### First, necessary enablers are the only way to structure action- If I have an obligation to X, and doing Y is necessary to do X, I have an obligation to do Y.

Sinnott-Armstrong. [Walter, "An argument for consequentialism." Philosophical Perspectives (1992): 399-421. Page 400]

“Since general substitutability works for other kinds of reasons for action, we would need a strong argument to deny that it holds also for moral reasons. **If moral reasons obeyed different principles, it would be hard to understand why moral reasons are also called ‘reasons’** and how moral reasons interact with other reasons when they apply to the same action. Nonetheless, this extension has been denied, so we have to look at moral reasons carefully. **I have a moral reason to feed my child tonight**, both because I promised my wife to do so, and also because of my special relation to my child along with the fact that she will go hungry if I don’t feed her. **I can’t feed my child tonight without going home soon, and going home soon will enable me to feed her tonight. Therefore, there is a moral reason for me to go home soon.** It need not be imprudent or ugly or sacrilegious or illegal for me not to feed her, but the requirements of morality give me a moral reason to feed her. This argument assumes a special case of substitutability: (MS) **If there is a moral reason for A to do X, and if A cannot do Xwithout doing Y, and if doing Y will enable A to do X, thenthere is a moral reason for A to do Y.** I will call this ‘the principle of moral substitutability’, or just ‘moral substitutability’. This principle is confirmed by moral reasons with negative structures. I have a moral reason to help a friend this afternoon. I cannot do so if I play golf this afternoon. Not playing golf this afternoon will enable me to help my friend. So I have a moral reason not to play golf this afternoon. Similarly, I have a moral reason not to endanger other drivers (beyond acceptable limits). I can’t drink too much before I drive without endangering other drivers. Not drinking too much will enable me to avoid endangering other drivers. Therefore, I have a moral reason not to drink too much before I drive. The validity of such varied arguments confirms moral substitutability.”

#### And, this structure of action necessitates consequentialism or NEC.

Sinnott-Armstrong 2. [Walter, "An argument for consequentialism." Philosophical Perspectives (1992): 399-421. Page 400]

 “All of this leads to necessary enabler **consequentialism** or NEC. NEC **claims that all moral reasons for acts are provided by facts that the acts are necessary enablers for preventing harm** or promoting good. All moral reasons on this theory are consequential reasons, but there are tow kinds. Some moral reasons are prevention reasons, because they are facts that an act is a necessary enabler for preventing harm or loss. For example, if giving Alice food is necessary and enables me to prevent her from starving, then that fact is a moral reason to give her food. In this case, I would not cause her death even if I let her starve, but other moral prevention reasons are reasons to avoid causing harm. For example, if turning my car to the left is necessary and enablers me to avoid killing Bobby, that is a moral reason to turn my car to the left. The other kind of moral reason is a promotion reason. This kind of reason occurs when doing something is necessary and enables me to promote (or maximize) some good. For example, I have a moral reason to throw a surprise party for Susan if this is necessary and enables me to make her happy. Because of substitutability, these moral reasons for actions also yield moral reasons against contrary actions. There are then also moral reasons not to do what will cause harm or ensure a failure to prevent harm or promote good. What makes these facts moral reasons is that they can make an otherwise immoral act moral. If I have a moral reason to feed my child, then it might be immoral to give my only food to Alice, who is a stranger. But his would not be immoral if giving Alice good is necessary and enables me to prevent Alice from starving, as long as my child will not starve also. Similarly, it is normally immoral to lie to Susan, but a lie can be moral if it is necessary and enables me to keep my party for Susan a surprise, and if this is also necessary and enables me to make her happy. Thus, NEC fits nicely into the above theory of moral reasons. NEC can provide a natural explanation of moral substitutability for both kinds of reasons. I have a prevention moral reason to give someone food when doing so is necessary and enables me to prevent that person from starving. Suppose that buying food is a necessary enabler for giving the person food, and getting in my car is a necessary enabler for buying food. Moral substitutability warrants the conclusion that I have a moral reason to get in my car. And this act of getting in my car does have the property of being a necessary enabler for preventing starvation. Thus, the necessary enabler has the same property that provided the moral reason to give the food in the first place. This explains why substitutability holds for moral prevention reasons. The other kind of moral reason covers necessary enabler for promoting good. In my example above, if a surprise party is a necessary enabler for making Susan happy, and letting people know about the party is a necessary enabler for having a party, then letting people know is a necessary enabler for making Susan happy. The very fact that provides a moral reason to have the party also provides a moral reason to let people know about it. **Thus, NEC can explain why** moral **substitutability holds for every kind of reason that is includes.** Similarly explanations work for moral reasons not to do certain acts, and this explanatory power is a reason to favor NEC. Of course, this should come as no surprise. NEC was intentionally structured to that it would explain moral substitutability. But this does not detract from its explanatory force. The point is that moral substitutability remains a mystery unless we restrict our substantive theory to moral reasons that obey moral substitutability by their very nature. **The crucial advantage** of NEC **lies in its unity. Other theories claim that my reason to do what I promised is just that** this fulfills my promise or that **promise keeping is intrinsically good. However, I did not promise to start the mower, and starting the mower is not intrinsically good.** Thus, **my reason to start the mower derives from a different property than my reason to keep my promise.** In contrast, **NEC makes my reasons** to keep my promise, to mow the lawn, and to start the mower **derive from the** very **same property: being a necessary enabler of preventing harm** or promoting good. This makes NEC's explanation more coherent and better. A critic might complain that NEC just postpones the problem, since NEC will eventually need to explain why certain things are good or bad, and some will be good or bad as means, but others will not. However, **if what is good** or bad **intrinsically are states** (such as pleasure and freedom or pain and death**) rather than acts, then they are not the kind of thing that can be done, so there cannot be any question of a reason to do them.** This makes it possible for all reasons for acts to have the same nature or derive from the same property. NEC will still have to explain why certain states are good or bad, but so will every other moral theory. The difference is that **other theories will also have to explain why there are two kinds of reasons for acts** and how these reasons are connected. This is what other theories cannot explain. **This** additional explanatory **gap is avoided by the unified nature of reasons in NEC.**” (415-417)

#### Second, psychological evidence proves we don’t identify with our future selves. Continuous personal identity doesn’t exist.

Opar 14 [(Alisa Opar is the articles editor at Audubon magazine; cites Hal Hershfield, an assistant professor at New York University’s Stern School of Business; and Emily Pronin, a psychologist at Princeton) “Why We Procrastinate” Nautilus January 2014]

The British philosopher Derek Parfit espoused a severely reductionist view of personal identity in his seminal book, Reasons and Persons: It does not exist, at least not in the way we usually consider it. We humans, Parfit argued, are not a consistent identity moving through time, but a chain of successive selves, each tangentially linked to, and yet distinct from**,** the previous and subsequent ones. The boy who begins to smoke despite knowing that he may suffer from the habit decades later should not be judged harshly: “This boy does not identify with his future self,” Parfit wrote. “His attitude towards this future self is in some ways like his attitude to other people.” Parfit’s view was controversial even among philosophers. But psychologists are beginning to understand that it may accurately describe our attitudes towards our own decision-making: It turns out that we see our future selves as strangers. Though we will inevitably share their fates, the people we will become in a decade, quarter century, or more, are unknown to us. This impedes our ability to make good choices on their—which of course is our own—behalf. That bright, shiny New Year’s resolution? If you feel perfectly justified in breaking it, it may be because it feels like it was a promise someone else made. “It’s kind of a weird notion,” says Hal Hershfield, an assistant professor at New York University’s Stern School of Business. “On a psychological and emotional level we really consider that future self as if it’s another person.” Using fMRI, Hershfield and colleagues studied brain activity changes when people imagine their future and consider their present. They homed in on two areas of the brain called the medial prefrontal cortex and the rostral anterior cingulate cortex, which are more active when a subject thinks about himself than when he thinks of someone else. They found these same areas were more strongly activated when subjects thought of themselves today, than of themselves in the future. Their future self “felt” like somebody else. In fact, their neural activity when they described themselves in a decade was similar to that when they described Matt Damon or Natalie Portman. And subjects whose brain activity changed the most when they spoke about their future selves were the least likely to favor large long-term financial gains over small immediate ones. Emily Pronin, a psychologist at Princeton, has come to similar conclusions in her research. In a 2008 study, Pronin and her team told college students that they were taking part in an experiment on disgust that required drinking a concoction made of ketchup and soy sauce. The more they, their future selves, or other students consumed, they were told, the greater the benefit to science. Students who were told they’d have to down the distasteful quaff that day committed to consuming two tablespoons. But those that were committing their future selves (the following semester) or other students to participate agreed to guzzle an average of half a cup.We think of our future selves, says Pronin, like we think of others: in the third person. The disconnect between our present and time-shifted selves has real implications for how we make decisions. We might choose to procrastinate, and let some other version of our self deal with problems or chores. Or, as in the case of Parfit’s smoking boy, we can focus on that version of our self that derives pleasure, and ignore the one that pays the price. But if procrastination or irresponsibility can derive from a poor connection to your future self, strengthening this connection may prove to be an effective remedy. This is exactly the tactic that some researchers are taking. Anne Wilson, a psychologist at Wilfrid Laurier University in Canada, has manipulated people’s perception of time by presenting participants with timelines scaled to make an upcoming event, such as a paper due date, seem either very close or far off. “Using a longer timeline makes people feel more connected to their future selves,” says Wilson. That, in turn, spurred students to finish their assignment earlier, saving their end-of-semester self the stress of banging it out at the last minute. We think of our future selves, says Pronin, like we think of others: in the third person. Hershfield has taken a more high-tech approach. Inspired by the use of images to spur charitable donations, he and colleagues took subjects into a virtual reality room and asked them to look into a mirror. The subjects saw either their current self, or a digitally aged image of themselves (see the figure, Digital Old Age). When they exited the room, they were asked how they’d spend $1,000. Those exposed to the aged photo said they’d put twice as much into a retirement account as those who saw themselves unaged. This might be important news for parts of the finance industry. Insurance giant Allianz is funding a pilot project in the midwest in which Hershfield’s team will show state employees their aged faces when they make pension allocations. Merrill Edge, the online discount unit of Bank of America Merrill Lynch, has taken this approach online, with a service called Face Retirement. Each decade-jumping image is accompanied by startling cost-of-living projections and suggestions to invest in your golden years. Hershfield is currently investigating whether morphed images can help people lose weight. Of course, the way we treat our future self is not necessarily negative: Since we think of our future self as someone else, our own decision making reflects how we treat other people.

#### This proves util – a. If a person isn’t a continuous unit, it doesn’t matter how goods are distributed among people, which supports util since util only maximizes benefits, ignoring distribution across people. b. Other theories assume identity matters. Util’s the only possible theory if identity is irrelevant.

#### Third, states have no act-omission distinction which means they are responsible for the state of affairs they bring about, so constraint based theories collapse to util.

Sunstein and Vermule 05 (Cass Sunstein and Adrian Vermuele, “Is Capital Punishment Morally Required? The Relevance of Life-Life Tradeoffs,” Chicago Public Law & Legal Theory Working Paper No. 85 (March 2005), p. 17.)

In our view, both the argument from causation and the argument from intention go wrong by overlooking the distinctive features of government as a moral agent. Whatever the general status of the act-omission distinction as a matter of moral philosophy,38 the distinction is least impressive when applied to government.39 The most fundamental point is that unlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties.The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything, or refusing to act.40 Moreover, the distinction between authorized and unauthorized private action—for example, private killing—becomes obscure when the government formally forbids private action, but chooses a set of policy instruments that do not adequately or fully discourage it. **If there is no act-omission distinction, then government is fully complicit with any harm it allows, so decisions are moral if they minimize harm. All means based and side constraint theories collapse because two violations require aggregation.**

#### Fourth, phenomenal introspection is the only accessible process for normative judgments, and entails happiness is good.

**Sinhababu** Neil Sinhababu (National University of Singapore). “The epistemic argument for hedonism.” No date.

“Phenomenal introspection, a reliable way of forming true beliefs about our experiences, tells us that pleasure is good and displeasure is bad. Even as our other processes of moral belief formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are, and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. To use **phenomenal introspection is to look** inward **at one's subjective experience**, or phenomenology, **and determine what [it’s]** it is **like.** One can use phenomenal introspection reliably while dreaming or hallucinating, as long as one can determine what the dream or hallucination is like. By itself, **p**henomenal **i**ntrospection **produces no beliefs about things outside experience**, or about relations between our experiences and non-experiential things. It cannot by itself produce judgments about the rightness of actions or the goodness of non-experiential things, as these are located outside of experience. Phenomenal introspection can be wrong, but is generally reliable. As experience is rich in detail, one could get some of the details wrong in one's belief. Under adverse conditions when one has false expectations about what one's experiences will be, or when one is in an extreme emotional state, one might make larger errors. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we are looking at complex things. It is, nevertheless, fairly reliable. The view that phenomenal introspection is unreliable about our phenomenal states is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”20 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that **[if]** **we can** reliably **introspect whether we are in** serious **pain.** Then **we should be able to introspectively determine what pain is like.** I assume the reliability of phenomenal introspection in what follows. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they are bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they are good experiences. Just as one can look inward at one's experience of lemon yellow and appreciate its brightness, **one can look** inward **at one's experience of pleasure and appreciate its goodness.** When I **consider a situation of increasing pleasure, I can form the belief that things are better than they were before**, in the same way I form the belief that there is more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. "Pleasure" here refers to the hedonic tone of experience. Having pleasure consists in one's experience having this hedonic tone. Without descending into metaphor, it is hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.””  (712)

#### This justifies util.

**Sinhababu 2** Neil Sinhababu (National University of Singapore). “The epistemic argument for hedonism.” No date.

 “Even though phenomenal introspection only tells me about my own phenomenal states**, I can know that others' pleasure is good.** Of course, I cannot phenomenally introspect their pleasures any more than I can phenomenally introspect pleasures that I will experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, **if in a pleasant moment I consider what** it is **[it’s] like when others have exactly the experience** I am **[I’m] having, I must think that they are having good experiences.** If they have exactly the same experiences I am having, **their experiences will have** exactly **the same** intrinsic **properties as mine.** This is also how I know that if I have the same experience in the future, it will have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, **[Thus] I should believe that pleasures experienced by others** and myself at other times **are good**, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism”

#### Thus, the standard is maximizing expected well-being.

### Inherency

#### The housing agency currently uses a 1-strike policy in which any arrest is sufficient for denial of housing.

**Cammett 16** [Cammett, Ann (Professor of Law, Director, Family Law Practice Clinic, City University of New York School of Law). "Confronting Race and Collateral Consequences in Public Housing." Seattle UL Rev. 39 (Summer 2016): 1123.]

One Strike remained in place as the default policy in many places, and **most PHAs** throughout the country have **prevent**ed **formerly incarcerated people from** returning to their homes or **living** with their family members **in subsidized housing.** In response to this problem, cities such as New York, Oakland, and Chicago have implemented reforms in tenant-selection criteria that ensure a person's application for housing is not negatively impacted by a criminal record. While commendable, these [\*1148] are pilot projects and do not represent an overall shift in policy. **Since Rucker** unanimously **upheld** the **One Strike provisions, PHAs had no incentive to** radically **change course and**, instead, **continued to vest decisionmaking on individual cases to** local housing managers who either apply the strict liability standard or use vague criteria to exercise discretion. **However**, in 2015, **HUD** released guidance clarifying **[clarified] the One Strike policy** and laying out best practices **for [PHAs] public housing authorities**. It reminds PHAs that **HUD does not require them to adopt or enforce One Strike rules that deny admission to anyone with a criminal record or require automatic eviction any time a household member engages in criminal activity in violation of their lease.** It also makes clear that **arrests without conviction are not sufficient grounds for** eviction or **denial of housing**. To this end, PHAs were put on notice that they could not afford to ignore the disparate racial impact of arrest record screening. As noted in a report from the Shriver Center, "**These entities are** specifically **tasked** with the duty **to administer** these federally assisted **housing programs** in a manner **that will affirmatively further fair housing.**" The Fair Housing Act outlaws housing discrimination, including racially neutral policies that have an unjustified disparate impact on racial minorities. Though facially neutral, arrest record screening disparately impacts racial minorities because their rate of arrest is disproportionate to that of the general population. Thus, HUD has an interest in monitoring the criteria that PHAs use to screen out tenants for arrests that did not result in conviction. Regardless of the nature of the criminal activity, **all PHAs should establish and clarify their criteria for tenant selection and evictions and**, at the very least, **adopt the 2015 clarifying recommendations of HUD.**

### Plan

#### Plan: Resolved: The USFG should implement the right to housing by rejecting automatic exclusion and 1-strike laws.

**Carey 1**, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

**The United States should abandon "one strike" policies, reject all automatic federal exclusions, and prohibit local housing authorities from establishing their own**. PHAs should be required to undertake individualized and meaningful assessments of each applicant to ascertain whether they pose a risk to the safety, health, and welfare of existing tenants. **The United States must recognize that all its residents** - even those who may not be appropriate for traditional public housing because of the risks they pose - **have a right to** decent and affordable **housing.**

**Policies that** arbitrarily **exclude people from public housing do not advance public safety** - **they undermine it**. **Denying housing to those with the fewest options threatens the health and safety of people with criminal records and**, indeed, **the safety of entire communities.**

#### Independent of solvency, the 1AC leads to a spillover effect- rights based approach to housing is key to spurring more positive policy reform,

**Adams 08,** Kristen David (Professor of Law, Stetson University College of Law). "Do we need a right to housing." Nev. LJ 9 (2008): 275.

**Rights are more powerful than goals, policies**, commitments, and other non-rights. One illustration of this truth is that the United States has recognized a commitment to “a decent home and a suitable living environment for every American family” dating back to 1949.162 This resolution came from President Franklin Delano Roosevelt’s 1944 State of the Union Address, in which he urged the adoption of a “Second Bill of Rights” that would include a right to housing.163 Congress officially adopted Roosevelt’s housing goal in 1949.164 Thus, **a commitment to housing** for all persons in the United States is not an entirely new concept, but creating an affirmative right to housing **would take Congress’ previous commitment to a whole new level and require that it be met.** The 1949 commitment lacked specific goals that would have made it enforceable and meaningful.165 Currently, the United States falls far short of providing housing to every family in America who needs it; instead, only about one-fourth of those who qualify for housing assistance actually receive it.166 The 1949 commitment can therefore be seen as an example of why affordable housing goals are not sufficient. Instead, **rights are required.**167 Rights, unlike goals, tend to provide the level of specificity needed to motivate follow through. Unlike goals, rights also create grounds for litigation if no follow through is forthcoming.168 In addition to having greater power than non-rights, **rights create legitimacy for programs to enforce those rights. Having a right to housing should put the brakes on continual budget cuts for housing programs in the legislative appropriations process. Making housing a right may also motivate increased construction of affordable housing.**

#### Moreover, a right to housing would be key to solving for housing segregation, which divides and excludes people from the city.

Bryson 06 [David Bryson (Attorney for the National Housing Law Project) A Right to Housing, edited by Rachel Bratt, et al., Temple University Press, 2006.]

From a constitutional Right to Housing, the courts also may develop local governmental responsibility to ensure security from crime. **The provider of housing may have certain responsibilities regarding security**—for example, installing and maintaining adequate locks and lighting—**but landlords’ and developers’ ability to protect residents from criminal activities is limited.** Courts interpreting a constitutional Right to Housing would eventually have to decide what obligations a local government must assume in that regard. A similar analytical process would be undertaken with respect to other neighborhood conditions. **As attributes of a Right to Housing that relate to location work their way through the judicial system, there will be details regarding local governments’ obligations to ensure adequate** municipal services, insulation from environmental hazards and accessibility to commercial and professional **facilities**. New life may be breathed into the original equalization of municipal services cases. More work also will be done on the remedies for those local governments and public housing authorities that have operated racially segregated housing systems since the 1930s. Strategies need to be developed, now that the federal government is putting so much effort into tearing down large components of those systems, to impose liability upon the government agencies involved to replace the demolished units with decent, affordable housing that is made available to the individuals and groups that have suffered the discrimination in the past. **It** also **may be possible to expand the bases for governmental liability beyond their having operated segregated public and assisted housing programs.** **Many other governmental actions have contributed to racial segregation** in housing and the unequal neighborhood conditions that people of color have suffered and are still suffering. One example is stimulation of the development of virtually all-white suburban neighborhoods of single-family homes with racially restricted FHA and VA mortgage insurance and guarantees, the funding of highways and other commuter transportation systems and the maintenance of the federal and state mortgage interest deductions and other tax deductions that made homeownership affordable to the white middle class. Another is government choice to locate highways, industry, waste disposal facilities and other uses with deleterious consequences in or near neighborhoods where people of color live, while withholding from such neighborhoods the services and funding that they need to be equally decent places to live (see South Camden Citizens in Action). A third is the use of state governmental power to establish separate local governments with their own taxing and spending powers that enable the more wealthy, predominantly white communities to achieve residential environments that are in better physical condition, more secure from crime, better served by governmental agencies, more endowed with commercial facilities and, of course, served by better schools. **Litigation based upon these theories would be ambitious to say the least, but achieving a Right to Housing that includes freedom from discrimination will add strength to the litigation theories.**

### Advantage 1 is Accessibility

#### **One strike laws lead to people coming out of prison struggling with housing access.**

Moraff 14 Cristopher Moraff “Housing first Helps Keep Ex-Inmates off the streets (and Out of Prison)” July 23, 2014 <https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness>

Many of the roughly 10,000 inmates who exit U.S. prisons each week following incarceration face an immediate critical question: Where will I live? While precise numbers are hard to come by, research suggests that, on average, about 10 percent of parolees are homeless immediately following their release. In large urban areas, and among those addicted to drugs, the number is even higher — exceeding 30 percent. “Without a safe and stable place to live where they can focus on improving themselves and securing their future, all of their energy is focused on the immediate need to survive the streets,” says Faith Lutze, criminal justice professor at Washington State University. “Being homeless makes it hard to move forward or to find the social support from others necessary to be successful.” Although education, employment, and treatment for drug and mental health issues all play a role in successful reintegration, these factors have little hope in the absence of stable housing. Yet, few leaving prison have the three months’ rent typically required to get an apartment. Even if they did, landlords are given wide latitude in denying leases to people with a criminal record in many states. Further, policies enacted under the Clinton administration continue to deny public housing benefits to thousands of convicted felons — the majority of whom were rounded up for non-violent offenses during the decades-long War on Drugs. Some are barred for life from ever receiving federal housing support. As a result, tens of thousands of inmates a year trade life in a cell for life on the street. According to Lutze, with each passing day, the likelihood that these people will reoffend or abscond on their parole increases considerably.

#### And, the impact is massive- broad definitions lead to many people being denied access to resources they desparately need.

**Carey 2,**, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

Using the authority given to them by HUD, **PHAs have adopted a variety of definitions, graphs, and matrices to guide staff evaluating applicants with criminal records**. All too often, **however, the criteria they have adopted are unduly broad, failing to provide any guidance on how to determine when ex-offenders** or people with arrest records pose a risk to other tenants and when they do not, and which crimes warrant particular scrutiny. In addition, **the periods of time during which applicants with criminal records are excluded are often unreasonably long. The impact** of existing criteria **is enhanced because most PHAs do not conduct an individualized assessment or consider evidence of rehabilitation** or mitigation before rejecting an applicant. **They have, in effect, adopted misguided "zero tolerance" policies that arbitrarily exclude needy applicants from public housing.**

#### One strike laws massively over-expand state power, leading to enhanced militarization over life and racially biased tensions.

**Cammett 2**, Ann (Professor of Law, Director, Family Law Practice Clinic, City University of New York School of Law). "Confronting Race and Collateral Consequences in Public Housing." Seattle UL Rev. 39 (Summer 2016): 1123.

Stated differently, the impact of **One Strike redounds** **to the detriment of** some **innocent people who have the least power and economic resources** to resist its full impact. **Low-income tenants**, especially older mothers trying to old families together, are the ones that **invoke** the most **compelling claims of unfairness.** As Austin notes, "[c]ultural norms suggest that mothers are supposed to have sufficient social or moral authority with which to deter criminal behavior by their children." n104 However, **evictions** can and do **routinely occur for minor marijuana use, an activity** which is fairly common among youth. n105 It is well established that this type of recreational drug use exists among all racial and economic [\*1142] groups, and is not more prevalent among African Americans. n106 However, parents and children living in public housing, especially **African Americans [living in public housing]**, **are especially vulnerable to surveillance and state intervention in the form of police presence, selective prosecutions, and disparate outcomes in criminal courts**. n107 If the goal of **zero-tolerance statutes** is to **invest these authorities** **with** the **power** to evict violent drug dealers, **they** already **possess** the tools to do so under the criminal law, infused with **enhanced militarization** of policing. n108 It might seem obvious, but targeting criminal gangs who are running amok in housing projects is the job of law enforcement, which has at its disposal a panoply of criminal statutes to do its work. n109 Since knowledge or fault is not a predicate for evictions for tenants like Pearlie Rucker, **local PHAs are wielding power to evict innocent tenants in an overinclusive way**, and in doing so have the imprimatur of the U.S. Supreme Court and many policymakers.

### Advantage 2 is Crime

#### Stable Housing decreases recidivism rates

Moraff 2 Cristopher Moraff “Housing first Helps Keep Ex-Inmates off the streets (and Out of Prison)” July 23, 2014 <https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness>

Lutze says stable housing not only reduces violations of public order laws related to living and working on the street, but it increases exposure to pro-social networks and provides a sense of safety and well-being conducive to participating in treatment and other services. That not only improves community safety, she says, but it “reduces the economic and human costs of ex-offenders cycling through our jails and prisons just because they do not have a safe place to live.” While this seems like a common sense strategy, programs that place housing at the forefront of prisoner reentry are actually relatively scarce in the U.S., and have historically been driven by a handful of pioneering non-profits. Since the 1990s, the New York-based Fortune Society has graduated hundreds of ex-offenders from its transitional housing facility in West Harlem, known as “The Castle.” The program has been so successful — with recidivism rates as low as one percent — that the group received city support to open a second facility, Castle Gardens, in 2010. A similar program run by the Delancey Street Foundation in San Francisco, offers housing and support services to drug addicts, many of them ex-offenders, in six cities. For all their success, access to these programs is limited, and demand regularly exceeds supply.

#### That’s key to stability of families- millions of families are disproportionately affected when their loved ones are denied housing.

**Cammett 3** [Cammett, Ann (Professor of Law, Director, Family Law Practice Clinic, City University of New York School of Law). "Confronting Race and Collateral Consequences in Public Housing." Seattle UL Rev. 39 (Summer 2016): 1123.]

While barriers to public housing are typically framed as an individual problem, the more profound impact of housing instability may be on the family as a whole. Affordable **housing is foundational to the** economic **security of** individuals, and especially **low-income families**. The Center for American Progress estimates that between 33 million and **36.5 million children** in the United States--nearly half of U.S. children--now **have at least one parent with a criminal record.** n118 Having **a stable home,** along with employment**, has powerful anti-recidivism effects for parents with criminal histories.** n119 When parents are rejected from public housing through the One Strike policy they are at greater risk of homelessness [\*1144] and family disintegration. n120 Moreover, the inability to establish safe and consistent housing can leave some families vulnerable to intervention by child welfare agencies.

#### The plan is also key to public safety- 1-strike laws cause many ex-cons to live on the street or bounce around, increasing the chance of more violence, creating a vicious cycle.

**Carey 3** , Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

Many of **those excluded from public housing live on the streets**, in **overcrowded shelters**, **and** in squalid transient or **SRO hotels**. In the best of circumstances, **they crowd into the homes of family or friends for short periods of time** **or** live **in apartments they cannot afford** the following month. Many of them had no housing options other than those which were rife with domestic abuse, violence, crime, and surrounded by harmful drug and alcohol use. Indeed, **denying people with criminal records** some form of **affordable housing** may **create[s]** **a greater threat to public safety for communities** surrounding PHA developments. **Life on the streets can create desperation and incentives to break the law.** "**Homeless people are much more likely to collect criminal records just for being there** - for living private lives in public places," explained the director of Baltimore's Healthcare for the Homeless. "If I want to drink a couple of bottles of wine, no problem. On a street corner, there are consequences." n96

#### That also forces difficult choices for families with children- families are either forced to split up or live without a house destroying lives.

**Carey 4**, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

Lacking stable housing, **parents returning from incarceration are unable to regain custody of their children**. n97 Child welfare officials remove children [\*565] from families that cannot provide them with stable housing. **Families are forced to choose between staying together or excluding a member of the household with a criminal record**, in order to secure affordable housing for the rest of the family. **Policies that** so obviously **impede the ability of families to** reunite or **remain together flatly contradict the "family values" espoused in the United States.** n98 These policies also violate principles of international law. n99 . **Transient living disrupts a child's education, emotional development, and sense of well-being.** There is no way to know how many children are excluded along with their parents from public housing. But we do know that an estimated **1.5 million minor children have** at least **one parent in prison** on any given day **in the United States**, **and over ten million had a parent in prison at one point in their lives.** n100 **Children are** "in some ways ... **the unseen victims** of the prison boom and war on drugs[,]" n101 and, hence, they are the unseen victims of exclusionary housing policies.

### theory uv

#### Aff gets 1ar theory; Otherwise neg can be infinitely abusive and there’s no way to check against this.

#### No Neg RVI; The 6 minute 2NR has more than enough time to win both theory and substance and a 6 minute 2NR that can go all in on theory and read me out which prevents theory from being recourse against even truly abusive positions.

#### Use reasonability on T and theory against my advocacy with a brightline of link and impact turn ground- you still have access to your generics such as a Kant NC, interference disads, or dependency disads. a) There are multiple legitimate interpretations of the topic and the aff goes into the round with no knowledge of 1NC strategy. I had to choose between mutually exclusive interps and the neg can always read T so don’t punish me for having to set grounds. b) Good is good enough specifically on T- the most fair or educational advocacy under competing interps is a race to the top which would mean I can only read one aff, which makes the aff a sitting duck and makes the round impossible to win.

#### Don’t vote on theory about our AFF being substantively hard to answer: a) They punish the AFF for doing good research, which kills fairness since the AFF is expected to find the best args for their side and the neg doesn’t get to choose exactly what ground they want as long as they have ground – their interp justifies shells like “may not read good cards because they’re slightly harder to answer” b) Specific plans are good- they check back against neg side bias and create more variance. That outweighs- recent empirics prove neg side bias is massive in elims, meaning I need new specific plans to compensate.

Adler 15, Are Judges Just Guessing? A Statistical Analysis of LD Elimination Round Panels by Steven Adler http://nsdupdate.com/2015/03/30/are-judges-just-guessing-a-statistical-analysis-of-ld-elimination-round-panels-by-steven-adler/

Yet a plausible objection here might be that maybe the elimination round data need to be further segmented. For instance, perhaps the data do not meet this randomization because judges can easily distinguish between winners and losers in early elimination rounds, which typically contain more-lopsided matchups, but that in late elimination rounds the decision is much murkier. In fact, I find some support for this hypothesis, though it may be an artifact of a smaller sample-size for this segment.To evaluate this hypothesis, I replicated the above analysis, but pared down to the 36 coded rounds that took place in quarterfinals or later. In these rounds, the Neg side-bias was even more pronounced, with Neg win[s]ning 61% of elimination rounds, so the ‘expected’ randomization rate on ballots to achieve such an overall win-rate would be 57% for the Neg and 43% for the Aff. This creates the following expected distribution, compared to the actual observed distribution for these late elimination rounds:

#### Topicality and theory about my advocacy is an RVI- a) only the negative has access to T ground so to make it reciprocal, I should get to win on T too via an RVI. b) with only 3 minutes to respond to a 6 minute 2NR I need to be able to collapse on the highest layer. 1AR theory cannot solve because I don’t have time in the 4 minute 1ar.

#### Should the aff read 1AR theory, it’s legitimate and a reason to drop the debater—its key to aff strat since the neg has no incentive to not be abusive since they can just go for drop the arg and win off time skew screwing over the 1AR. And neg abuse outweighs aff abuse- there’s a side bias against me meaning neg is proactively worse- also implies competing interps on 1ar theory since there is no reasonable neg abuse in a world where they already have the advantage.

### k underview

#### Solutions to oppression need to be grounded in policy rather than abstraction. K’s must be tied to an implementable, political solution to be effective.

Bryant 12: Left,” Larval Subjects—Levi R. Bryant’s philosophy blog, November 11th, Available Online at http://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/, Accessed 02-21-2014)

**Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignoring how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative.** Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. **We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition** (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). **This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology** than to undermine reigning ideology. **These are the people that keep Rush Limbaugh in business.** Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. **We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals?** We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc. What are your proposals? How will you meet these problems? How will you navigate the existing mediations or semiotic and material features of infrastructure? Marx and Lenin had proposals. Do you? Have you even explored the cartography of the problem? Today we are so intellectually bankrupt on these points that we even have theorists speaking of events and acts and talking about a return to the old socialist party systems, ignoring the horror they generated, their failures, and not even proposing ways of avoiding the repetition of these horrors in a new system of organization. Who among our critical theorists is thinking seriously about how to build a distribution and production system that is responsive to the needs of global consumption, avoiding the problems of planned economy, ie., who is doing this in a way that gets notice in our circles? Who is addressing the problems of micro-fascism that arise with party systems (there’s a reason that it was the Negri & Hardt contingent, not the Badiou contingent that has been the heart of the occupy movement). At least the ecologists are thinking about these things in these terms because, well, they think ecologically. Sadly we need something more, a melding of the ecologists, the Marxists, and the anarchists. We’re not getting it yet though, as far as I can tell. Indeed, folks seem attracted to yet another critical paradigm, Laruelle. I would love, just for a moment, to hear a radical environmentalist talk about his ideal high school that would be academically sound. How would he provide for the energy needs of that school? How would he meet building codes in an environmentally sound way? How would she provide food for the students? What would be her plan for waste disposal? And most importantly, how would she navigate the school board, the state legislature, the federal government, and all the families of these students? What is your plan? What is your alternative? I think there are alternatives. I saw one that approached an alternative in Rotterdam. If you want to make a truly revolutionary contribution, this is where you should start. Why should anyone even bother listening to you if you aren’t proposing real plans? But we haven’t even gotten to that point. Instead **we’re like underpants gnomes, saying “revolution is the answer!” without addressing any of the infrastructural questions** of just how revolution is to be produced, what alternatives it would offer, and how we would concretely go about building those alternatives. Masturbation. “Underpants gnome” deserves to be a category in critical theory; a sort of synonym for self-congratulatory masturbation. We need less critique not because critique isn’t important or necessary– it is –but because we know the critiques, we know the problems. **We’re intoxicated with critique because it’s easy and safe. We best every opponent with critique. We occupy a position of moral superiority with critique. But do we really do anything with critique? What we need today, more than ever, is composition or carpentry.** Everyone knows something is wrong. Everyone knows **this system is destructive** and stacked against them. Even the Tea Party knows something is wrong with the economic system, despite having the wrong economic theory. None of us, however, are proposing alternatives. Instead we prefer to shout and denounce. Good luck with that.

#### Government-as-heuristic is not an abstraction, but rather provides a means of understanding the state and breaking it down.

Zanotti 14: Dr. Laura Zanotti is an Associate Professor of Political Science at Virginia Tech. Her research and teaching include critical political theory as well as international organizations, UN peacekeeping, democratization and the role of NGOs in post-conflict governance.“Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World” – Alternatives: Global, Local, Political – vol 38(4):p. 288-304,. A little unclear if this is late 2013 or early 2014 – The Stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013. Obtained via Sage Database.

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. **Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted within the scripts of governmental rationalities and at the same time exceed and transform them.** This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Gov**ernmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’** romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. **These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’**’83 **Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices.** To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’84

The aff deploys the state to learn scenario planning- even if politics is bad, scenario analysis of politics is pedagogically valuable- it enhances creativity, deconstructs biases and teaches advocacy skills

Barma et al 16 May 2016, [Advance Publication Online on 11/6/15], Naazneen Barma, PhD in Political Science from UC-Berkeley, Assistant Professor of National Security Affairs at the Naval Postgraduate School, Brent Durbin, PhD in Political Science from UC-Berkeley, Professor of Government at Smith College, Eric Lorber, JD from UPenn and PhD in Political Science from Duke, Gibson, Dunn & Crutcher, Rachel Whitlark, PhD in Political Science from GWU, Post-Doctoral Research Fellow with the Project on Managing the Atom and International Security Program within the Belfer Center for Science and International Affairs at Harvard, “‘Imagine a World in Which’: Using Scenarios in Political Science,” International Studies Perspectives 17 (2), pp. 1-19,

What Are Scenarios and Why Use Them in Political Science? Scenario analysis is perceived most commonly as a technique for examining the robustness of strategy. It can immerse decision makers in future states that go beyond conventional extrapolations of current trends, preparing them to take advantage of unexpected opportunities and to protect themselves from adverse exogenous shocks. The global petroleum company Shell, a pioneer of the technique, characterizes scenario analysis as the art of considering “what if” questions about possible future worlds. Scenario analysis is thus typically seen as serving the purposes of corporate planning or as a policy tool to be used in combination with simulations of decision making. Yet scenario analysis is not inherently limited to these uses. This section provides a brief overview of the practice of scenario analysis and the motivations underpinning its uses. It then makes a case for the utility of the technique for political science scholarship and describes how the scenarios deployed at NEFPC were created. The Art of Scenario Analysis We characterize scenario analysis as the art of juxtaposing current trends in unexpected combinations in order to articulate surprising and yet plausible futures, often referred to as “alternative worlds.” Scenarios are thus explicitly not forecasts or projections based on linear extrapolations of contemporary patterns, and they are not hypothesis-based expert predictions. Nor should they be equated with simulations, which are best characterized as functional representations of real institutions or decision-making processes (Asal 2005). Instead, they are depictions of possible future states of the world, offered together with a narrative of the driving causal forces and potential exogenous shocks that could lead to those futures. Good scenarios thus rely on explicit causal propositions that, independent of one another, are plausible—yet, when combined, suggest surprising and sometimes controversial future worlds. For example, few predicted the dramatic fall in oil prices toward the end of 2014. Yet independent driving forces, such as the shale gas revolution in the United States, China’s slowing economic growth, and declining conflict in major Middle Eastern oil producers such as Libya, were all recognized secular trends that—combined with OPEC’s decision not to take concerted action as prices began to decline—came together in an unexpected way. While scenario analysis played a role in war gaming and strategic planning during the Cold War, the real antecedents of the contemporary practice are found in corporate futures studies of the late 1960s and early 1970s (Raskin et al. 2005). Scenario analysis was essentially initiated at Royal Dutch Shell in 1965, with the realization that the usual forecasting techniques and models were not capturing the rapidly changing environment in which the company operated (Wack 1985; Schwartz 1991). In particular, it had become evident that straight-line extrapolations of past global trends were inadequate for anticipating the evolving business environment. Shell-style scenario planning “helped break the habit, ingrained in most corporate planning, of assuming that the future will look much like the present” (Wilkinson and Kupers 2013, 4). Using scenario thinking, Shell anticipated the possibility of two Arab-induced oil shocks in the 1970s and hence was able to position itself for major disruptions in the global petroleum sector. Building on its corporate roots, scenario analysis has become a standard policymaking tool. For example, the Project on Forward Engagement advocates linking systematic foresight, which it defines as the disciplined analysis of alternative futures, to planning and feedback loops to better equip the United States to meet contemporary governance challenges (Fuerth 2011). Another prominent application of scenario thinking is found in the National Intelligence Council’s series of Global Trends reports, issued every four years to aid policymakers in anticipating and planning for future challenges. These reports present a handful of “alternative worlds” approximately twenty years into the future, carefully constructed on the basis of emerging global trends, risks, and opportunities, and intended to stimulate thinking about geopolitical change and its effects.4 As with corporate scenario analysis, the technique can be used in foreign policymaking for long-range general planning purposes as well as for anticipating and coping with more narrow and immediate challenges. An example of the latter is the German Marshall Fund’s EuroFutures project, which uses four scenarios to map the potential consequences of the Euro-area financial crisis (German Marshall Fund 2013). Several features make scenario analysis particularly useful for policymaking.5 Long-term global trends across a number of different realms—social, technological, environmental, economic, and political—combine in often-unexpected ways to produce unforeseen challenges. Yet the ability of decision makers to imagine, let alone prepare for, discontinuities in the policy realm is constrained by their existing mental models and maps. This limitation is exacerbated by well-known cognitive bias tendencies such as groupthink and confirmation bias (Jervis 1976; Janis 1982; Tetlock 2005). The power of scenarios lies in their ability to help individuals break out of conventional modes of thinking and analysis by introducing unusual combinations of trends and deliberate discontinuities in narratives about the future. Imagining alternative future worlds through a structured analytical process enables policymakers to envision and thereby adapt to something altogether different from the known present. Designing Scenarios for Political Science Inquiry The characteristics of scenario analysis that commend its use to policymakers also make it well suited to helping political scientists generate and develop policy-relevant research programs. Scenarios are essentially textured, plausible, and relevant stories that help us imagine how the future political-economic world could be different from the past in a manner that highlights policy challenges and opportunities. For example, terrorist organizations are a known threat that have captured the attention of the policy community, yet our responses to them tend to be linear and reactive. Scenarios that explore how seemingly unrelated vectors of change—the rise of a new peer competitor in the East that diverts strategic attention, volatile commodity prices that empower and disempower various state and nonstate actors in surprising ways, and the destabilizing effects of climate change or infectious disease pandemics—can be useful for illuminating the nature and limits of the terrorist threat in ways that may be missed by a narrower focus on recognized states and groups. By illuminating the potential strategic significance of specific and yet poorly understood opportunities and threats, scenario analysis helps to identify crucial gaps in our collective understanding of global politicaleconomic trends and dynamics. The notion of “exogeneity”—so prevalent in social science scholarship—applies to models of reality, not to reality itself. Very simply, scenario analysis can throw into sharp relief often-overlooked yet pressing questions in international affairs that demand focused investigation. Scenarios thus offer, in principle, an innovative tool for developing a political science research agenda. In practice, achieving this objective requires careful tailoring of the approach. The specific scenario analysis technique we outline below was designed and refined to provide a structured experiential process for generating problem-based research questions with contemporary international policy relevance.6 The first step in the process of creating the scenario set described here was to identify important causal forces in contemporary global affairs. Consensus was not the goal; on the contrary, some of these causal statements represented competing theories about global change (e.g., a resurgence of the nation-state vs. border-evading globalizing forces). A major principle underpinning the transformation of these causal drivers into possible future worlds was to “simplify, then exaggerate” them, before fleshing out the emerging story with more details.7 Thus, the contours of the future world were drawn first in the scenario, with details about the possible pathways to that point filled in second. It is entirely possible, indeed probable, that some of the causal claims that turned into parts of scenarios were exaggerated so much as to be implausible, and that an unavoidable degree of bias or our own form of groupthink went into construction of the scenarios. One of the great strengths of scenario analysis, however, is that the scenario discussions themselves, as described below, lay bare these especially implausible claims and systematic biases.8 An explicit methodological approach underlies the written scenarios themselves as well as the analytical process around them—that of case-centered, structured, focused comparison, intended especially to shed light on new causal mechanisms (George and Bennett 2005). The use of scenarios is similar to counterfactual analysis in that it modifies certain variables in a given situation in order to analyze the resulting effects (Fearon 1991). Whereas counterfactuals are traditionally retrospective in nature and explore events that did not actually occur in the context of known history, our scenarios are deliberately forward-looking and are designed to explore potential futures that could unfold. As such, counterfactual analysis is especially well suited to identifying how individual events might expand or shift the “funnel of choices” available to political actors and thus lead to different historical outcomes (Nye 2005, 68–69), while forward-looking scenario analysis can better illuminate surprising intersections and sociopolitical dynamics without the perceptual constraints imposed by fine-grained historical knowledge. We see scenarios as a complementary resource for exploring these dynamics in international affairs, rather than as a replacement for counterfactual analysis, historical case studies, or other methodological tools. In the scenario process developed for NEFPC, three distinct scenarios are employed, acting as cases for analytical comparison. Each scenario, as detailed below, includes a set of explicit “driving forces” which represent hypotheses about causal mechanisms worth investigating in evolving international affairs. The scenario analysis process itself employs templates (discussed further below) to serve as a graphical representation of a structured, focused investigation and thereby as the research tool for conducting case-centered comparative analysis (George and Bennett 2005). In essence, these templates articulate key observable implications within the alternative worlds of the scenarios and serve as a framework for capturing the data that emerge (King, Keohane, and Verba 1994). Finally, this structured, focused comparison serves as the basis for the cross-case session emerging from the scenario analysis that leads directly to the articulation of new research agendas. The scenario process described here has thus been carefully designed to offer some guidance to policy-oriented graduate students who are otherwise left to the relatively unstructured norms by which political science dissertation ideas are typically developed. The initial articulation of a dissertation project is generally an idiosyncratic and personal undertaking (Useem 1997; Rothman 2008), whereby students might choose topics based on their coursework, their own previous policy exposure, or the topics studied by their advisors. Research agendas are thus typically developed by looking for “puzzles” in existing research programs (Kuhn 1996). Doctoral students also, understandably, often choose topics that are particularly amenable to garnering research funding. Conventional grant programs typically base their funding priorities on extrapolations from what has been important in the recent past—leading to, for example, the prevalence of Japan and Soviet studies in the mid-1980s or terrorism studies in the 2000s—in the absence of any alternative method for identifying questions of likely future significance. The scenario approach to generating research ideas is grounded in the belief that these traditional approaches can be complemented by identifying questions likely to be of great empirical importance in the real world, even if these do not appear as puzzles in existing research programs or as clear extrapolations from past events. The scenarios analyzed at NEFPC envision alternative worlds that could develop in the medium (five to seven year) term and are designed to tease out issues scholars and policymakers may encounter in the relatively near future so that they can begin thinking critically about them now. This timeframe offers a period distant enough from the present as to avoid falling into current events analysis, but not so far into the future as to seem like science fiction. In imagining the worlds in which these scenarios might come to pass, participants learn strategies for avoiding failures of creativity and for overturning the assumptions that prevent scholars and analysts from anticipating and understanding the pivotal junctures that arise in international affairs.

#### Oppression is created by social systems so only a focus on material conditions can solve.

Johnson no date Allan Johnson (PhD in sociology, he joined the sociology department at Wesleyan University)  http://www.cabrillo.edu/~lroberts/AlanJohnsonWhatCanWeDO001.pdf

Privilege is a feature of social systems, not individuals. People have or don't have privilege depending on the system they're in and the social categories other people put them in. To say, then, that I have race privilege says less about me personally than it does about the society we all live in and how it is organized to assign privilege on the basis of a socially defined set of racial categories that change historically and often overlap. The challenge facing me as an individual has more to do with how I participate in society as a recipient of race privilege and how those choices oppose or support the system itself. In dealing with the problem of privilege, we have to get used to being surrounded by paradox. Very often those who have privilege don't know it, for example, which is a key aspect of privilege. Also paradoxical is the fact that privilege doesn't necessarily lead to a "good life," which can prompt people in privileged groups to deny resentfully that they even have it. But privilege doesn't equate with being happy. It involves having what others don't have and the struggle to hang on to it at their expense, neither of which is a recipe for joy, personal fulfillment, or spiritual contentment.... To be an effective part of the solution, we have to realize that privilege and oppression are not a thing of the past. It's [is] happening right now. It isn't just a collection of wounds inflicted long ago that now need to be healed. The wounding goes on as I write these words and as you read them, and unless people work to change the system that promotes it, personal healing by itself cannot be the answer. Healing wounds is no more a solution to the oppression that causes the wounding than military hospitals are a solution to war. Healing is a necessary process, but it isn't enough.... Since privilege is rooted primarily in systems—such as families, schools, and workplaces—change isn't simply a matter of changing people. People, of course, will have to change in order for systems to change, but the most important point is that changing people isn't enough. The solution also has to include entire systems, such as capitalism, whose paths of least resistance shape how we feel, think, and behave as individuals, how we see ourselves and one another.

## 1AC - Kant

### Framework

same as normal Kant AC

### AD 1: Dependability

#### One Strike Laws Prevent Ex-convicts from getting access to housing. Landlords Exploit Ex-convicts creating dependency from the ex-convicts on landlords.

#### Moraff 14 Cristopher Moraff “Housing first Helps Keep Ex-Inmates off the streets (and Out of Prison)” July 23, 2014 <https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness>

**Many** of the roughly 10,000 **inmates who exit** U.S. prisons each week following **incarceration** face an immediate critical question: Where will I live? While precise numbers **are** hard to come by, research suggests that, on average, about 10 percent of parolees are homeless immediately following their release. In large urban areas, and among those addicted to drugs, the number is even higher — exceeding 30 percent. “**Without a** safe and **stable place to live** where they can focus on improving themselves and securing their future, all of their energy is focused on the immediate need to survive the streets,” says Faith Lutze, criminal justice professor at Washington State University. “Being homeless makes it hard to move forward or to find the social support from others necessary to be successful.” Although education, employment, and treatment for drug and mental health issues all play a role in successful reintegration, these factors have little hope in the absence of stable housing. Yet, **few leaving prison have the three months’ rent** typically required to get an apartment. Even if they did, **landlords** are given wide latitude in **deny**ing **leases** to people with a criminal record in many states. Further, **policies** enacted under the Clinton administration continue to **deny public housing benefits to** thousands of convicted **felons** — the majority of whom were rounded up for non-violent offenses during the decades-long War on Drugs. **Some are barred for life from ever receiving federal housing support**. As a result, tens of thousands of **inmates** a year **trade life in a cell for life on the street**. According to Lutze, with each passing day, the likelihood that these people will reoffend or abscond on their parole increases considerably.

#### This Means You Affirm. Dependency is Never justifiable. It reduces an Agent to a thing, and impedes them from willing freely. Ripstein[[1]](#footnote-1)

The parallel between charity and slavery may seem surprising. **Slave owners are** often **thought of as** cruel and **immoral, and those who give charity as benevolent** and gracious. To understand either slavery or char- ity in this way is, however, to focus on the matter of choice instead of its form. The conceptually possible cases of a slave who is well cared for by her master, and another who is happy with his status, remind us that the moral outrage of slavery is not that it is cruel or that it diminishes welfare, any more than that it is inefficient because of supervision costs. The moral outrage of slavery [but] is **the way in which one person is subject to the choice of another**; not only that what the slave must do, but that what he or she may do, and whether he or she may even continue to exist, **is solely at the discretion of the master**. Kant’s argument shows that **depending** on private charity to meet even a person’s “most necessary needs”21 **is no different from slavery** along these dimensions. The mendicant, like a slave, depends on the specific choices of another person, or on the combined choices of the various passersby who decide whether to favor him in the course of the day. **To depend on the grace of another** is inconsistent with rightful honor, because it **reduces a person to the status of a thing.**

#### The State will has an obligation to stop dependency. Ripstein[[2]](#footnote-2)

The requirement **that the state support those** who are **unable to support themselves follows from the need** for the people to be able **to share a united will**, as a precondition of their giving themselves laws together. As a matter of private right, nobody has a right to means that are not already his or her own, and, as Kant coldly remarks, “need or wish” is irrelevant. The duty to support the poor is not a way of coordinating efforts to dis- charge prior obligations to support those in need. There are no enforceable private obligations to do so. The only private obligation to support the needy is an obligation of charity, which does not dictate specific actions, but requires only that each person make the needs of (some) others one of her ends.43 The state’s duty to support the poor enters in a different way. A rightful condition makes property rights, especially the right to exclude others, conclusive. **In a state of nature, a person does others no wrong by taking from them**; in a rightful condition, such forms of self- help are prohibited, and the person who takes what is needed to survive wrongs those from whom it is taken. **Such a person is subject to the grace of those who have more**. Kant’s argument is that such a condition of dependency is inconsistent with the rightful honor of the dependent person. Citizens lack the rightful power to bind themselves to such a situation; as a result, enforceable private property is only rightful under a law that precludes that possibility.44 **The only way** in which **the right to exclude can be made the object of the general will is to guarantee public support for those unable to support themselves.**

#### And, The situated nature of existence requires we own property before we are able to freely will actions. Housing ensures that everyone can wills freely regardless of your starting point. This means that One Strike Laws, which impede access to housing, are never justifiable.

**King 5**Housing as a Freedom Right” PETER KING Housing Studies, Vol. 18, No. 5, 661–672, September 2003 Centre for Comparative Housing Research, Department of Public Policy, De Montfort University, Leicester

“**Property rules determine where one has a right to be.** They define rights of use and exclusion. Thus **they grant the owner the power to exclude** those with whom they do not wish to share the property. This situation applies whether the property is owned privately or by some public body. This means that some agents have property rights that they can legitimately exercise over their property. This may involve excluding all others from that property. **However, all actions are situated in that they must be done somewhere. One must sleep somewhere**, wash somewhere, urinate somewhere, and so on. **Thus one is not free to perform an action unless there is somewhere where one is free to perform it.** Waldron limits his discussion of actions to those absolutely necessary for human survival. However, his list is not an exhaustive one. Indeed, all actions, be they urinating, love-making, reading a book or discussing philosophy, are situated. As will be seen when Nussbaum’s fuller list of functionings is discussed, it is **the situated nature of** what might be called **higher order functions** that **lead to a** full **right to housing.**” (667)

#### This is offense – Without acess to housing, there is nowhere for ex-convicts to situate their will – They can never freely will actions.

#### Violating an agents inner and outer freedom is not universalizable. The act of coercing someone into conforming to another agent violates their sense of freedom. Since the premise of freedom violations is to expand dominance, an attempt to universalize violations of freedom ultimately fails because a world in which everyone violates each other’s freedom the initial intention of expanding dominance can never be achieved. Thus I contest one strike policies are a violation of individuals inner and outer freedoms because they make agents dependent on another for survival.

### AD 2: Discrimination

**One Strike Policies are empirically discriminatory:** **Carey 1**

Carey, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

This report, however, does not address the broader problem of homelessness in the United States, but assesses public housing exclusionary policies against human rights standards. Our **research demonstrates** that these **policies are arbitrary and unreasonably overbroad**. By singling out whole classes of people for exclusion-in some cases by law; in others, by overly rigid application of screening criteria-these policies violate the rights of individuals who do not actually pose a risk but who are nonetheless denied access to public housing facilities. **Such** exclusionary **policies are** also **discriminatory**. Racial and ethnic minorities suffer disproportionately from exclusionary **housing policies** because of their overrepresentation among those who experience arrest and prosecution, those who currently live in poverty, and those who seek public housing. Human Rights Watch is **no**t aware of any **other country** that **deprives** people of the **right to housing because of** their **criminal histories**.

#### Anyone with a Criminal Record is at Risk.

**Carey 2,**, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

Using the authority given to them by HUD, **PHAs have adopted a variety of definitions, graphs, and matrices to guide staff evaluating applicants with criminal records**. All too often, **however, the criteria they have adopted are unduly broad, failing to provide any guidance on how to determine when ex-offenders** or people with arrest records pose a risk to other tenants and when they do not, and which crimes warrant particular scrutiny. In addition, **the periods of time during which applicants with criminal records are excluded are often unreasonably long. The impact** of existing criteria **is enhanced because most PHAs do not conduct an individualized assessment or consider evidence of rehabilitation** or mitigation before rejecting an applicant. **They have, in effect, adopted misguided "zero tolerance" policies that arbitrarily exclude needy applicants from public housing.**

#### A: The intent of discrimination is to make one agent superior to another. An attempt to universalize discrimination will fail because in willing that maxim every individual gets demeaned. This ultimately prevents the initial intent of making one agent superior. Thus I contest One Strike polices are not universalizible maxims because they blatantly discriminate against individuals with previous criminal records.

#### B: Discrimination is a contradiction in conception – You put others below you but at the same time, they are above you. This means, since One Strike Laws are intrinsically discriminatory, You Affirm.

# Frontlines – Case/CP/DA

## AT DA/Turns TL

#### 1. Top level framing issue – The aff defends a system of negative rights to guarantee housing which means we’re not culpable for any positive action. IE. The aff defends a stance in which we remove restrictions, which means your turns are non-responsive.

#### 2. You’re screwed for conceding/undercovering Bryson. This delinks from all of your turns and DAs that are premised on the link of housing leading to discrimination in the context of federal public housing and not the right to housing. There is a key distinction. The right to housing is uniquely able to increase liability on the government which makes them culpable for any discrimination. Granting this right makes the right enforceable – that’s the distinction.

#### 3. Adams 08 is really good on this issue. The right to housing includes benefits that your disads don’t account for. The ability to enforce the right to housing is the premise of the solvency of the 1AC. Your offense is non-responsive.

#### 4. Moreover, a right to housing would be key to solving for housing segregation, which divides and excludes people from the city.

Bryson 06 [David Bryson (Attorney for the National Housing Law Project) A Right to Housing, edited by Rachel Bratt, et al., Temple University Press, 2006.]

From a constitutional Right to Housing, the courts also may develop local governmental responsibility to ensure security from crime. **The provider of housing may have certain responsibilities regarding security**—for example, installing and maintaining adequate locks and lighting—**but landlords’ and developers’ ability to protect residents from criminal activities is limited.** Courts interpreting a constitutional Right to Housing would eventually have to decide what obligations a local government must assume in that regard. A similar analytical process would be undertaken with respect to other neighborhood conditions. **As attributes of a Right to Housing that relate to location work their way through the judicial system, there will be details regarding local governments’ obligations to ensure adequate** municipal services, insulation from environmental hazards and accessibility to commercial and professional **facilities**. New life may be breathed into the original equalization of municipal services cases. More work also will be done on the remedies for those local governments and public housing authorities that have operated racially segregated housing systems since the 1930s. Strategies need to be developed, now that the federal government is putting so much effort into tearing down large components of those systems, to impose liability upon the government agencies involved to replace the demolished units with decent, affordable housing that is made available to the individuals and groups that have suffered the discrimination in the past. **It** also **may be possible to expand the bases for governmental liability beyond their having operated segregated public and assisted housing programs.** **Many other governmental actions have contributed to racial segregation** in housing and the unequal neighborhood conditions that people of color have suffered and are still suffering. One example is stimulation of the development of virtually all-white suburban neighborhoods of single-family homes with racially restricted FHA and VA mortgage insurance and guarantees, the funding of highways and other commuter transportation systems and the maintenance of the federal and state mortgage interest deductions and other tax deductions that made homeownership affordable to the white middle class. Another is government choice to locate highways, industry, waste disposal facilities and other uses with deleterious consequences in or near neighborhoods where people of color live, while withholding from such neighborhoods the services and funding that they need to be equally decent places to live (see South Camden Citizens in Action). A third is the use of state governmental power to establish separate local governments with their own taxing and spending powers that enable the more wealthy, predominantly white communities to achieve residential environments that are in better physical condition, more secure from crime, better served by governmental agencies, more endowed with commercial facilities and, of course, served by better schools. **Litigation based upon these theories would be ambitious to say the least, but achieving a Right to Housing that includes freedom from discrimination will add strength to the litigation theories.**

#### No link- FEDERAL HOUSING PROGRAMS ARE DISTINCT FROM THE RIGHT TO HOUSING

National Law Center on Homelessness and Poverty (American nonprofit group which engages in impact litigation, policy advocacy, and research on the problem of homelessness), Homelessness in the United States and the Human Right To Housing, January 14, 2004.

**There are also a number of federal programs 219 related specifically to housing that may help address U.S. fulfillment of the right to adequate housing**. 220 These programs, administered by the Department of Housing and Urban Development (HUD), include the Public Housing Program, 221 the Housing Choice Voucher Program (Section 8), 222 the HOME Program 223 and supportive housing for particular vulnerable groups, including those for the elderly (Section 202) 224 and those for persons with disabilities (Section 811). 225 **These programs do not create entitlements; rather, they are “discretionary” programs that provide assistance only to the degree that they are funded.**

On the positive side, these programs serve a vitally important role in helping some inadequately housed and homeless families and individuals. In reference to the definition of the right to adequate housing by the Special Rapporteur, these programs do help some segments of the target population 226 to receive or “access” “housing resources.” 227 Further, the programs arguably do represent “policy and legislative recognition” of some “constituent aspects of the right,” 228 and thus represent “tak[ing] steps” towards a “progressive” realization of the right. In some limited ways, the affected group can make a “claim or demand … upon society” for fulfillment of their right to housing. 229 Members of certain defined groups – low-income families, the elderly and the disabled – can make claims for the “provision of or access to housing resources,” 230 although because the programs are not adequately funded, these claims may not be honored, or the wait for them to be fulfilled may take years. 231 Finally, many of the programs address concerns of adequacy, under the seven-prong definition given in General Comment No. 4. They tend to focus in particular on the prong of “affordability,” which has been widely noted as a special concern in U.S. housing markets. 232

 **However, these programs fall short of fulfilling the right to housing** in important ways. First, they do not represent steps taken to the “maximum of available resources” to realize the right by “all appropriate means.” 233 These terms are imprecise because they are context-driven and written in generalized language; nevertheless, they remain useful benchmarks. Given that the U.S. is the wealthiest nation in the world, the “maximum of available resources” should be more than sufficient to adequately finance these programs. In many of these programs, however, demand well exceeds the inadequate funding available. Under the Public Housing and Section 8 programs, “long waiting periods are common” for just this reason. 234 Prioritization is a key issue here; even in the area of federal housing subsidies, only a relatively small amount goes toward low-income housing.

Similarly, these programs do not “ensure everyone has access to housing resources” [emphasis added]. 236 While this requirement is subject to “progressive” fulfillment, 237 within the context of abundant resources, the qualification should be a minor one. The limitation on eligibility for assistance to certain groups of people in need also is not consistent with access being provided to everyone. The Public Housing program, for example, is limited to low-income families and elderly and the disabled individuals. Further, not all who are eligible are aided, as demonstrated by lengthy – sometime closed – waiting lists for housing assistance.

 Finally and perhaps most obviously, **these programs do not provide that members of society should be able to make a “claim or demand … upon society for provision of or access to housing resources”** 238 [emphasis added]. First of all, as noted in the preceding paragraph, not all of the homeless or inadequately housed can make any demand on society. Most individuals are excluded de jure from making such demands. Second, the value of such a claim on society will be determined by the remedy society provides for that claim. The remedy here is often inadequate or very slow in coming by virtue of the limited resources committed to these programs. This de facto prevents many families from satisfaction of their demands on society. Third, as the ability to make these demands is created by federal program, rather than statute or constitution, it can presumably be more readily abrogated. That which can be so readily extinguished by administrative fiat arguably does not rise to the level of a “right,” which is in part defined by its theoretical (although not practical) inalienability.

## More MPX Stuff

#### This disproportionally affects marginalized communities, such as trans people who are often forced to break the law to survive.

**Kopansky,** Dina (J.D. Candidate, Temple University Beasley School of Law). "Locked out: how the disproportionate criminalization of trans people thwarts equal access to federally subsidized housing." Temp. L. Rev. 87 (2014): 125-1015.

Daily **survival is a challenge for low-income trans people**, who often lack steady employment, housing, and a social support network. n125 Such **roadblocks lead some low-income trans people to survival crimes** in order **to meet** their **basic needs.** n126 In poverty and without other support structures in place, criminalized work, such as sex work, "becomes, perhaps, the only means for survival." n127 **Participating in survival work leads to arrests and** a cycle of **interactions with the** criminal **justice system, which** only **make it more difficult to find** alternate **means of supporting oneself**.

#### The history behind policies like 1-striks is also based in racially biased tensions.

**Carey 3**, Corinne (researcher with the U.S. Program at Human Rights Watch) "No second chance: People with criminal records denied access to public housing." U. Tol. L. Rev. 36 (2005): 545.

By singling out whole classes of people for **exclusion** - in some cases by law; in others, **by overly rigid** application of **screening** criteria - public housing exclusionary policies **violate the rights of individuals who do not** actually **pose a risk** **but** who **are** nonetheless **denied access**. These policies are also discriminatory. **Racial and ethnic minorities suffer** disproportionately **from exclusionary housing policies because of** their overrepresentation among those who experience **arrest and prosecution**, **those who currently live in poverty**, **and** those **who seek public housing.**

## AT Crime DA

#### There’s no evidence that 1-strike laws reduce crime rates.

Corinne A. **Carey 5,** [Researcher with the US Program at Human Rights Watch], “No Second Chance: People With Criminal Records Denied Access to Public Housing,” Uni- versity of Toledo Law Review, Vol. 36, 2005.

**No one argues** that **exclusionary policies reflect a considered effort to balance the rights of** would-be tenants with those of existing **tenants**. They were adopted at a time in the United States when public officials-and **the public at large–were willing to ignore the rights of criminal offenders because of the putative gains of “tough on crime” policies.** And indeed public housing tenants themselves pushed for a response to the violence and crime that plagued public housing developments in the mid-i 980s, many advocat- ing stricter admissions policies. Crime rates have decreased in public housing facilities, as they have decreased nationwide in recent years. **But it is difficult to establish the ex- tent to which exclusionary policies contributed** to the decrease. As one housing official in Cleveland said, **looking at crime statistics as support for exclusionary policies is “use- less. Do we know if it is because of ‘one strike’? It becomes hard to judge whether ‘one strike’ works.”9 Declining crime rates in public housing no doubt reflect many factors. But surely most of them are the same factors responsible for declining rates in cities and rural areas across the country-factors that have nothing to do with housing poli- cies. “Crime is down in public housing,” said Douglas Apple, New York City Housing Authority’s general manager, “but it looks similar to reductions in the city as a whole.”**

# Frontlines – T/Theory

## AT Positive Right

#### Counter-Interp: I can only defend ending 1-strike laws. Solves limits - one aff.

#### Second Counter-Interp: The affirmative may defend the right to housing as a negative right as long as they a) defend a policy of enforcement with a qualified solvency advocate, b) the plan is inherent.

#### Solvency advocate means no abuse- you can cut cards in the lit- someone argues it

#### Inherency solves all the abuse- 1-strike laws exist for a reason- someone likes them- cut the legal justifications for 1 strike laws in the topic lit- the fact that every housing agency allows them means you probably have amazing ground.

#### A right to housing necessitates an end to housing discrimination.

The Yogyakarta Principles. “THE YOGYAKARTA PRINCIPLES on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity”. <http://www.yogyakartaprinciples.org/principles_en.htm> RC

PRINCIPLE 15. **The Right to** Adequate **Housing [means] Everyone has the right to adequate housing**, including protection from eviction, **without discrimination on the basis of** sexual orientation or gender **identity. States shall**: a) **Take** all necessary legislative, administrative and other **measures to ensure security of tenure** and access to affordable, habitable, accessible, culturally appropriate and safe housing, including shelters and other emergency accommodation, **without discrimination on the basis of** sexual orientation, gender **identity** or marital or family status; b) Take all necessary legislative, administrative and other measures to prohibit the execution of evictions that are not in conformity with their international human rights obligations; and ensure that adequate and effective legal or other appropriate remedies areavailable to any person claiming that a right to protection against forced evictions has beenviolated or is under threat of violation, including the right to resettlement, which includes theright to alternative land of better or equal quality and to adequate housing, without discrimination on the basis of sexual orientation, gender identity or marital or family status; c) Ensure equal rights to land and home ownership and inheritance without discrimination on the basis of sexual orientation or gender identity; d) Establish social programmes, including support programmes, to address factors relating to sexual orientation and gender identity that increase vulnerability to homelessness, especially for children and young people, including social exclusion, domestic and other forms of violence, discrimination, lack of financial independence, and rejection by families or cultural communities, as well as to promote schemes of neighbourhood support and security; e) Provide training and awareness-raising programmes to ensure that all relevant agencies are aware of and sensitive to the needs of those facing homelessness or social disadvantage as a result of sexual orientation or gender identity.

#### My interp is not part of the topic, it is the topic. Means no abuse on my part and is terminal defense to all their offense. Even if it might not give them ideal ground, that just means that it’s a shitty topic, not that I was abusive.

#### And, prefer my interp independently:

#### Ground. They kill aff ground—they force the aff to defend things like monetary handouts, which explodes neg DA ground since the US is already in massive dept. Also, different concepts on what constitutes a house means that there is no way for the aff to give everyone a house, just to ensure they have the opportunity to if they want to. At worst non-uniques your offense on ground.

#### 2. Legal precision and field context. The American legal system is founded on negative rights—the courts have struck down any positive right to housing.

Gezim Bajrami 13 (legal scholar). “Negative Constitutional Rights in America versus Positive Constitutional Rights in Other Democratic Nations and Why Our System Should Not Change”. Seton Hall University, 2013. RC

In terms of results, **debate over positive and negative rights in the United States has been more productive in academia than** it has **in** the **courts.** 1 **Judicial opinions have remained** ·· remarkably **consistent with the principle that "the constitution is a charter of negative** rather than positive **liberties**."2 Time and time again, **the** U.S. **Supreme Court has ruled that the government has no affirmative constitutional obligations to the public**. All in the previous fifty years, **the court has denied the right to decent housing** , the right to public education4 , the right to medical care5 , and the right to welfare6 • **The Supreme Court solidified the negative rights theory even further with** its decision **in DeShaney v. Winnebago** County Department of Social Services. In DeShaney, **the Court held that a local social service agency could not be held liable for failing to remove a child from the custody of his father, despite substantial evidence of the father's violent tendencies.** 7 At its core, DeS haney means that the constitution's **Due Process** Clause **imposes no affirmative obligations on state government.** 8 Thus, DeShaney is "perhaps the court's strongest statement sanctioning the negative rights theory as the official guiding principle by which demands for government action will be measured. " 9

#### Impacts: a) I get crap solvency- there’s a reason nobody will defend positive rights in the constitution- it can’t happen b) you win the rollback DA every time sicne it will always fail. Positive rights have NEVER happened in the US.

#### 3. The right to housing is debated as a negative right in implementation so the plan is core to both neg disads and mechanism education.

**Morais 05** Lochner Marais (PhD, University of the Free State, Bloemfonte Professor) in Social Policy) & Johannes Wessels, Housing Standards and Housing Rights: The Case of Welkom in the Free State Province, 16 URB. F. 17, 20 (2005)

In general, it seems as if **the right to housing does not mean that governments are supposed to construct houses for the entire population** (Leckie, 1990; Kok and Gelderblom, 1994). Rather, **it is more concerned with the obligation of the state not to act in a way that will undermine the opportunity of households to gain access to housing**. For example, making laws or regulations that undermine access to housing will not be conducive to the furtherance of the right to housing. In terms of established informal settlements, **the right to housing would probably have the implication that one may not remove informal settlers without providing alternative accommodation** and without meeting all of the legal requirements. Furthermore, **it probably also requires the state to develop an implementation plan as to how it will ensure that this right** is upheld.

### AT Topic Lit

#### Many people defend it either as a positive right or negative right. Existence of Fair Housing Act loopholes proves.

#### Inherency evidence solves the abuse- if it’s not in the squo, then you can find reasons why it’s implementation hasn’t happened yet as solvency responses.

#### Right to housing includes non-interference principles that function as negative rights.

**UN Habitat:** http://www.ohchr.org/Documents/Publications/FS21\_rev\_1\_Housing\_en.pdf

**The right to adequate housing contains** freedoms. These *freedoms* include: **Protection against forced evictions** and the arbitrary destruction and demolition of one’s home; **The right to be free from arbitrary interference** with one’s home, privacy and family; **and the right to choose one’s residence**, to determine where to live and to freedom of movement.

## AT T-Method Spec BAD

## AT T-All

#### I meet T – defend all people- 1) the argument about the 1ac is that most people are secure but ex-cons aren’t so the aff defends all people should have it but just implements non-inherent parts 2) all people have the possibility of becoming ex-cons at some point in their life so the plan applies to all of them. 3) the rejection of automatic exclusion and 1-strike laws applies to everyone

#### Counter-Interp: I can defend only this aff. Solves all limits offense.

#### Counter-Interp: I can defend implementing the plan for a specific group of people.

#### Policymaking – spec lets us focus the debate on a single implementable policy. RTH without context is just an abstraction—the aff lets us focus on individual instances when it becomes important. Key to fairness and education since most of the topic lit is written through specific groups.

#### Strat-skew – whole res means the neg can PIC out of any group, kills fairness since you can scoop the entirety of the aff. Also, moots your standards – if people read PICs then you’ll have to do prep on specific people in both worlds.

#### Ground- obviously defending implementation for all people is terrible for neg ground- your disad links are unbeatable because there’s 300 million people in the US. The only way I can actually implement the right to housing is for specific people that don’t have it.

# Frontlines – Methodology

### Moraff

Cristopher Moraff “Housing first Helps Keep Ex-Inmates off the streets (and Out of Prison)” July 23, 2014 [**https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness**](https://nextcity.org/daily/entry/housing-first-former-prisoners-homelessness)

Lutze and a team of researchers recently completed a comprehensive assessment of a Washington State program that aims to reduce recidivism by providing high-risk offenders with 12 months of housing support when they are released from prison. The study tracked 208 participants in three counties and found statistically significant reductions in new offenses and readmission to prison. It also found lower levels of parole revocations among participants. While housing is the immediate goal of the program, the Re-Entry Housing Pilot Program (RHPP) operates in concert with the Department of Corrections’ Community Justice Centers to provide a range of reentry support services.

Citation Lutze - https://wsicj.wsu.edu/wp-content/uploads/sites/436/2014/11/Criminal-Justice-and-Behavior-2014-Lutze-471-91.pdf

1. Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009 [↑](#footnote-ref-1)
2. Arthur Ripstein, “Force and Freedom”. Harvard University Press, 2009 [↑](#footnote-ref-2)