

2022 POLICY RESOLUTION #1

The United States Federal Government should significantly reform its policies regarding convicted prisoners under federal jurisdiction.

BACKGROUND

A key marker of a culture's civility is how they treat their prisoners. America, for better or worse, looms well above the rest of the world with a prison population rate of 639 per 100,000 citizens.¹ The question of how we treat our prisoners is a matter of fierce debate that has raged from our country's inception to today. One of President Biden's first executive orders addressed the federal government's partnerships with private prisons.² This resolution challenges debaters to step into the federal government's shoes and uphold justice alongside rehabilitation.

The resolution's wording is highly specific for a reason. Debaters will be discussing how the US treats convicted prisoners under federal jurisdiction. This excludes pre-trial imprisonment handled by the United States Marshals Service.³ It drives the debate directly to a simple question with complex answers: if we agree a person is guilty of breaking society's laws, what then should we do? The debate will revolve around prison conditions, rehabilitation programs, clemency, and even the federal death penalty.

The debate's internal tension is highly relevant to society at large. Sentencing

policy balances four pillars: retribution (punishment), rehabilitation (aiding a safe re-entry), incapacitation (keeping the public safe in the meantime) and deterrence (preventing others from making the same mistake). These four pillars in turn balance public safety and justice.⁴ Are justice and safety balanced well? Our fundamental concept of justice will inform our answer and be challenged by other persuasive ethical norms. Is protecting the public the priority? Is delivering a punishment that fits the crime the priority? If we increase the severity of punishment but decrease effective rehabilitation in the process, was it worth it?

Other considerations exist alongside this core clash. The realities of imprisonment are a large economic and societal cost to America.⁵ Are there cheaper ways of achieving the same results while balancing the goals of sentencing? Society must also weigh the cost of wrongful convictions. As science pushes new frontiers of forensic evidence, the justice system has learned the crushing reality that innocent people have been convicted and even executed.⁶ Should this affect how we treat those we believe are guilty?

Debaters will have a wealth of research at their disposal, but access to information doesn't make answering these questions easy. This resolution will force hotly contested debates that balance impressive policy nuance with a firm foundation of ethical priorities. Ultimately, the question is left for the debaters to answer: is our treatment of prisoners a mark of our civility or proof to the contrary?

STRENGTHS

The balance of value and practical considerations in this topic is superb. Nearly every case asks both, “what should our priorities be?” and “how can we achieve these goals?” with plenty of ground for disagreement on both fronts. Debaters will have no problem gathering evidence and studying the psychological, sociological, and economic factors that affect how different policies may affect outcomes. This topic covers a fascinating range of demographics: those severely disadvantaged, those vulnerable,⁷ those in desperate need of mental health therapy, and those who have willfully made poor choices. Debaters will wrestle with multi-faceted policies designed to accommodate people from all walks of life in accordance with challenging ethical values.

WEAKNESSES

The wording initially may feel unnatural but serves to focus the discussion to a reasonable scope. Many organizations discuss state and federal prison policy side-by-side. Because federal and state corrections have significant differences, debaters must therefore carefully consider their research and its applicability. While this may initially frustrate debaters, it will also result in a higher appreciation for evidentiary relevance. Adjustments to treatment of federal prisoners are inherently high-risk. Federal prisoners are typically significant threats—perceived or real—to public safety.⁹ Affirmative teams will need ingenuity and nuance to overcome this reluctance to change.

AFFIRMATIVE TOPICS

- Prison overcrowding
- Recidivism
- Resentencing
- Solitary confinement
- Re-entry through education
- Oversight for the Bureau of Prisons
- Clemency
- Expungement
- Federal death penalty
- Alternatives for non-violent offenders.

NEGATIVE TOPICS

Negative teams, if they desire, should be able to create interesting and convincing arguments for a number of different approaches to justice that can apply to a large number of affirmative cases. If the affirmative goal is fundamentally opposed to a certain conception of justice, it doesn't matter if it's effective or not.

More conventionally, negative research should be quite focused with this topic, with a lot of research out there against any given area of reform that affirmative teams might present. Counterplans for mutually exclusive policies that are attempting to solve the same categories of problems may be possible.

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SUGGESTED READING

Federal Bureau of Prisons.

<https://www.bop.gov/resources/>

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