1. **Counterplan Text:** Do the aff after commutation for people in jail for drug offenses right now. **Harris:** 15 “Obama Commutes Sentences for 46 Drug Offenders” <http://www.nytimes.com/2015/07/14/us/obama-commutes-sentences-for-46-drug-offenders.html> July 13th PE

**The 46 commutations issued Monday were the most issued in a single day since J**uly 26, **1935**, when President Franklin D. Roosevelt commuted 151 sentences, according to data collected by P. S. Ruckman Jr., a scholar who maintains a blog on pardon power and is writing a book on the subject with George Lardner Jr. Still, they reflect just a small fraction of the more than 6,600 petitions submitted to the Justice Department since the administration announced its initiative last year. Some lawyers representing prisoners have complained that the review process has been overwhelmed. The administration has asked Congress for more money for lawyers, and said it was committed to issuing more commutations over the next 18 months. Cynthia W. Roseberry, the project manager of [Clemency Project 2014](https://www.clemencyproject2014.org/), a coalition of lawyers, law firms and law schools formed to answer the Justice Department’s call, said that she was heartened by Mr. Obama’s action, but that the government and the consortium “have quite a bit of work ahead.” **Overhauling the criminal justice system has become a bipartisan ventur**e. Like Mr. Obama, Republicans running for president are calling for systemic changes. **Lawmakers from both parties are collaborating on legislation. And the**[**United States Sentencing Commission**](http://www.ussc.gov/)**has revised guidelines for drug offenses, retroactively reducing sentences for more than 9,500 inmates, nearly three-quarters of them black or Hispanic.**

Ending the war on drugs now is perceived as helping white defendants. **Seelye:** 15 SEELYE, KATHARINE. 2015. 'In Heroin Crisis, White Families Seek Gentler War On Drugs'. Nytimes.Com. Accessed November 9 2015. <http://www.nytimes.com/2015/10/31/us/heroin-war-on-drugs-parents.html.>

When **the nation’s long-running war against drugs was defined by the crack epidemic and based in poor, predominantly black urban areas,** the public response was defined by zero tolerance and stiff prison sentences. **But today’s heroin crisis is different**. While heroin use has climbed among all demographic groups, **it has skyrocketed among whites; nearly 90 percent of those who tried heroin for the first time in the last decade**[**were white**](http://www.ncbi.nlm.nih.gov/pubmed/24871348). And the growing army of families of those lost to heroin — many of them in the suburbs and small towns — are now using their influence, anger and grief to cushion the country’s approach to drugs, from altering the language around addiction to prodding government to treat it not as a crime, but as a disease. “**Because the demographic of people affected are more white, more middle class, these are parents who are empowered**,” said [Michael Botticelli](http://www.nytimes.com/2015/04/26/us/michael-botticelli-is-a-drug-czar-who-knows-addiction-firsthand.html), director of the White House Office of National Drug Control Policy, better known as the nation’s drug czar. “They know how to call a legislator, they know how to get angry with their insurance company, they know how to advocate. They have been so instrumental in changing the conversation.” Mr. Botticelli, a recovering alcoholic who has been sober for 26 years, speaks to some of these parents regularly. Their efforts also include lobbying statehouses, holding rallies and starting nonprofit organizations, making these mothers and fathers part of a growing backlash against the harsh tactics of traditional drug enforcement. These days, in rare bipartisan or even nonpartisan agreement, punishment is out and compassion is in.

Quare bodies are subject to state oppression and placed in violent prisons just for expressing themselves; brackets in the original card. **Goodman:** 15 Nathan Goodman (Lysander Spooner Research Scholar in Abolitionist Studies at the Center for a Stateless Society (C4SS)) “Queer Liberation and Jury Nullification” Center for a Stateless Society June 11th 2015 <https://c4ss.org/content/38208>

**While queer and trans people are no longer explicitly criminalized under the** letter of the **law**, **they** still **face** **unjust state violence and criminalization.** Officers profile transgender women of color as sex workers and frequently arrest them on charges of solicitation. **Queer and trans people who defend themselves from hate crimes, s**uch as CeCe McDonald and the New Jersey Four, **are themselves charged with violent crimes and incarcerated**. LGBTQ homeless youth find themselves arrested for “quality of life” crimes such as sleeping in public, panhandling, and a variety of other crimes that primarily exist to criminalize the **poor. Once they’re incarcerated, members of the LGBTQ community face outright brutality in prison. A 2007**[**study**](http://nicic.gov/Library/022362)**found that “[s]exual assault is 13 times more prevalent among transgender inmates, with 59 percent reporting being sexually assaulted.” This same study found that 67% of inmates who identified as LGBTQ reported being sexually assaulted while incarcerated**, a rate 15 times more prevalent than that of the general inmate population. Transgender women are often incarcerated alongside male inmates and guards, who rape and abuse them. Supposedly to protect them from this violence, they can be sent to [solitary confinement](http://solitarywatch.com/2014/08/07/transgender-women-in-new-york-state-prisons-face-solitary-confinement-and-sexual-assault/" \t "_blank), which is widely recognized as a form of torture.

Criminal law is white supremacist and punishes black people for crimes they were forced to commit. **Butler**: 95 Paul Butler (Professor of Law at Georgetown) “Racially Based Jury Nullification: Black Power in the Criminal Justice System” The Yale Law Journal, Vol. 105, No. 3 (Dec., 1995), pp. 677-725

It suggests that **criminal law is racist because,** like other American law, **it is an instrument of white supremacy**.**84 Law is made by white elites to protect their interests and, especially, to preserve the economic status quo**, **which benefits those elites at the expense of blacks,** among others.85 Due to discrimination and segregation, the majority of African-Americans receive few meaningful educational and employment opportunities and, accordingly, are unable to succeed, at least in the terms of the capitalist ideal.86 **Some property crimes committed by blacks may be understood as an inevitable result of the tension between the dominant societal message equating possession of material resources with success and happiness and the power of white supremacy to prevent most African-Americans from acquiring "enough" of those resources in a legal manner**. "Black-on-black" violent crime, and even "victimless" crime like drug offenses, can be attributed to internalized racism, which causes some African-Americans to devalue black lives? either those of others or their own. The political process does not allow for the creation or implementation of effective "legal" solutions to this plight,87 and the criminal law punishes predictable reactions to it. I am persuaded by the radical critique when I wonder about the roots of the ugly truth that blacks commit many crimes at substantially higher rates than whites. Most white Americans**,** especially liberals, would publicly offer an environmental, as opposed to genetic, explanation for this fact.89 They would probably concede that racism, historical and current, plays a major role in creating an environment that breeds criminal conduct. From this premise, the radical critic deduces that but for the (racist) environment, the African American criminal would not be a criminal. In other words, racism creates and sustains the criminal breeding ground, which produces the black criminal. Thus, when many African-Americans are locked up, it is because of a situation that white supremacy created.