Good [Morning/Afternoon/Evening/Night], my name is Arjun Chopra and I stand in strong negation of the proposed resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system.

 To prove my thesis my highest value is teleological ethics. It is a philosophical study and school of thought based on the idea that means do not justify the ends, and does not necessarily mean the inverse. The crux of this philosophical backbone opposes fully any other structure of deontology that states that the morality of an action is independent of the good or evil produced. Instead teleological ethics states that for an action to be moral it must produce goodness and an immoral action will in turn produce evil.

In addition, my value criterion in this debate will be constitutionality. The constitution is the founding document of the US governance system which includes the justice system. It would cause a grounds for a chaotic principle of destruction such that our entire governance system would collapse such as it would cause far more evil than any amount of good. This is because many developing nations as well as first world countries all across the world look to the United States for guidance which only makes the value of the constitutionality higher. This value is linked closely to the constitution and supports the negative case as to be constitutional legal proceedings must adhere to the values in the constitution, a living document that embodies the American way of justice and freedom.

Before I begin my case I will define some key terms in the resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system. Term one: Plea Bargaining: From Black’s Legal dictionary the process where the defendant and the prosecutor work out a deposition usually involving a defendant's guilty plea, this term includes fact, charge, and sentence bargaining. Term two: ought: from the oxford english dictionary, with infinitive used to indicate duty or correctness typically when criticizing someone's actions.

**Contention one: Backlog impedes justice.** By abolishing plea bargaining about 10 times the number of cases currently brought to court will flow into trial. As there will be too many cases for the current justice system to handle courts would be backlogged and many people would be on trial for too long. Already courts are overcrowded some defendants have to wait up to six months for a hearing. Those who have committed crimes will be able to go free if they can afford bail, and those who are wrongfully accused will be unable to live a normal life as they will be kept in jail unless habeas corpus is invoked. By abolishing plea bargaining the backlog created will delay justice and justice delayed is justice denied. The aff may try and convince you that justice will not be denied and by placing a case before a jury a higher level of justice will be attained, but according to Dr. Michelle Alexander of Vanderbilt University “if the number of people exercising their trial rights suddenly doubled or tripled… it would create chaos.” If we were to abolish plea bargaining it would not be double or triple the number of cases, it would be ten times the status quo. This kind of backlog is also in breach of my value criterion as it would be unconstitutional under the fifth and sixth amendment to the united states constitution. From the constitution project, they reserve the right for the accused the right to ‘a speedy and public trial.’ or ‘be deprived of life, liberty, or property without due process of law’ and because of the backlogged caused, people would be placed in jail with their assets including their freedom being seized without due process, and as it may take up to years for trials to conclude, a speedy and public trial could almost never be a possibility. Which upholds my value criterion and value of teleological ethics.

**Contention two: The abolition of plea bargaining causes prison overcrowding.** When plea bargaining was abolished in 1975 on a statewide level, the number of jail convictions increased by 50 percent from twelve to eighteen percent of trials. Our prisons are already overcrowded with facilities at 137% capacity. And as was proven, by abolishing plea bargaining prisons would face even more overcrowding. There are a variety of issues that stem from overcrowded prisons. Violence is very prevalent in overcrowded prisons, making them incredibly dangerous and torturous. According to the the Director of Homeland Security and Justice David Maurer. “If you start cramming more and more people into a confined space, you’re going to create more tensions and problems,” “It creates the possibility that someone’s going to snap and have a violent incident.” This is interchanging prisons for mental health facilities making them less effective and more expensive. According to Michael Mclaughlin, a criminal justice reporter, “The hazards of overcrowding could eventually ripple outside prison walls. Inmates will have less access to job training, education and drug treatment programs, which could increase the likelihood that they’ll commit crimes again after their release.” According to Gina M. Florio, of Harvard University, the prison system has a very close resemblance to involuntary servitude in the modern era. These practices caused by prison overpopulation violate the constitution, the basis of my value criterion, as it is in breach of the eighth amendment to the constitution of the United States which reserves the right to not “undergo cruel and unusual punishment”.

 In conclusion, I still stand in strong negation of the resolution: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system. The neg has won this debate so far because the aff’s points fails hold up to scrutiny when addressed with two contentions, one that the backlog caused by the abolition of plea bargaining will impede justice, and two, that the abolition of plea bargaining will cause vast prison overcrowding. In summary of the philosophical backwork of this case, the aff’s value has failed to compete with the neg’s value of teleological ethics with a criterion of constitutionality. By abolishing plea bargaining, regardless of what the aff claims is moral or immoral, the outcome would be catastrophic such outcomes would produce so much chaos and evil that they would be classified as immoral by the value of teleological ethics. Additionally, as the resolution references the US criminal justice system the neg’s value criterion of constitutionality supersedes any other as it is more prevalent to this case.

I negate: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system.

My philosophical value today will be Justice. Justice is a broad and vague topic, so in order for it to fit into adequate framework I will define justice in accordance with the justice system. Justice is the upholding of law in order to prevent chaos and instill order. In order to achieve justice, my value criterion in this debate will be upholding pragmatism in policy. As, to uphold justice we must be pragmatic above all other values. As much as the aff may try and make a philosophical case one must, when debating a resolution of merit, look to what is realistic as that is the only policy that can be feasibly applied.

K1: The aff has tried to convince you, that by abolishing plea bargaining we are doing away with a system that is corrupt or flawed, however, currently there are laws that allow for the exact same thing to occur. During a plea bargain, the prosecution approaches the accused and offers a plea deal, to confess to a crime in return for a lesser sentence. Nolo contendere is not a plea bargain, during a trial when the court asks the plaintiff how they plead, they may respond Nolo contendere, latin for, they do not contest, here, they are not contesting and can incur lesser charges. Should we follow the aff’s plan of the federalized abolition of plea bargaining, we would not be getting rid of any problems plea bargaining has, however, we would be resolving current cases through Nolo Contendere. The impact of this is nothing would change, all the problems the aff brought up in their case would not change. Judge the voter behind this kritik is that we are here to discuss how to solve problems our criminal justice system undoubtedly has, yes it may be better to take steps in the direction of solving a problem, however, the reality of this issue is that my opponents policy does not do what it is supposed to.

K2: Bias. The aff has tried to convince you, judge that racial bias occurs through plea bargaining, which it does, however, through the abolition, jury trials would be just as racially biased if not more. This is because juries consist of members, each of them hand picked to be biased. When juries are selected, they are selected to be biased. During Voir Dire, the opening phase of a court procedure, the prosecution and the defense pick out jurors that they think will vote for their respective sides. Even if plea bargaining is racially biased, jury trials can be equally as biased as cited by Washington ‘17. In respect to the voter issues, I respond to my opponents with a single Disad on this kritik, this is nonunique, their ideals of somehow solving all the problems with bias in the criminal justice system is impossible and the neg has won this issue because the affs case is non unique.

Contention X: court clog. Through the philosophy of pragmatism under occam's razor, we must, when solving a problem look to the path of least resistance. Right now plea bargaining is deeply embedded into our justice system with, over 90 percent of all cases being solved by a plea bargain. By abolishing plea bargaining about 10 times the number of cases currently brought to court will flow into trial. Already courts are overcrowded some defendants have to wait up to six months for a hearing. Alexander ‘12 states that: “if the number of people [going to] trial... suddenly doubled or tripled… it would create chaos.” If we were to abolish plea bargaining it would not be double or triple the number of cases, it would be ten times the status quo.

Contention X: Plea bargaining provides a faster path through the justice system. It is evident that the justice system is more speedy and convenient when plea bargaining takes place. But, unfortunately even with plea bargaining the courts are overfilled and judges overworked. In order for judges to do their jobs effectively, they need to face a manageable workload. Because in the justice system the judge has the final say in all cases, having overworked judges may lead to unjust results, and if the judge themself is not displaying justice how can we even think to start working on all the other issues with the system. Delayed justice means no justice at all. Since 2000, cases that are more than three years old have made up an average of 12 percent of the district court, compared to an average of 7 percent from 1992-1999. Misdemeanors are the most common case to go to trial. Misdemeanor trials often don’t have lawyers or hearing and finish in less than three days. Misdemeanor charges, which typically carry fines or jail terms of less than a year, account for about 70% to 80% of criminal cases annually, according to data from the National Center for State Courts, Felonies such as murder, rape and armed robbery, and miscellaneous criminal traffic and appellate cases, make up the rest. If we get rid of plea bargaining that would make the courts 80% more full. Not saying that misdemeanor cases are not important but I think that we can all agree that cases or murder, rape, and armed robbery should be the priority of the criminal justice system, and as I proved before overfilled courts can take away justice and we should not let these 80% misdemeanor cases take away attention from the real threats to the public. This is in compliance with my value criterion as it is completely unrealistic to abolish plea bargaining, and the more pragmatic route would be to leave plea bargaining the way it is.

Contention X: If the government has the power to change every individual criminal justice system in America, it threatens federalism. The criminal justice system is a fragmented system, because the framers of the Constitution feared overreaching federal power, they limited the jurisdiction, of the federal courts. Criminal justice, particularly the regulation of plea deals, is reserved to localities. For the federal government to abolish plea bargaining nationwide, it would require them to assume additional authority over criminal proceedings reserved to the states. Luna ’17 the 82nd Attorney General of the US stated, “ A more flexible federal criminal justice system, in which prosecutorial charging priorities are more specifically tailored to meet local needs, is needed. A more flexible system can achieve better public-safety results at a lesser cost than a system in which preserving the integrity of the federal sentencing guidelines is the overriding value.” If the government has the power to change every individual criminal justice system in America, it will directly breach the Constitution and the balance of power it instates. True justice can only be served when problems are addressed with the specialized understanding and knowledge that individual, regional criminal justice systems possess.

In conclusion: I strongly negate the: Resolved: Plea bargaining ought to be abolished in the United States criminal justice system. And for the aforementioned reasons I implore the judge to vote a negative ballot.

2 PB allows a jury to spend precious time and limited time on cases which most need it. Do we really need a full jury to consider every single case which the current PB system handles?

THEN

Spend at least half of speech showing how Aff’s zeal for abolishing PB fails to consider the realities of the CJ system, and the dangers if pragmatism isn’t fully considered.

If I was to say that PB is the current system, it has problems, but all of those problems are non unique (K/Disad) and that keeping PB is the path of least resistance