## 1NC

### 1NC – OFF

#### Counterplan Text:

#### The United States Congress should do the aff plan.

#### The counterplan builds on current legislative momentum and buys federal follow-on.

Talbot et al. ’21 (Haley; writer for NBC News; 3-9-2021; “House passes ‘Protect the Right to Organize Act,’ 255-206, sends bill to Senate”; NBC News; https://www.nbcnews.com/politics/congress/house-passes-protect-right-organize-act-225-206-sends-bill-n1260312; Accessed: 10-30-2021; AU)

WASHINGTON — With no major labor reform since the 1930s, Democrats are **seizing** on the opportunity to **strengthen workers' rights** — including their ability to unionize. The House voted 225-206 Tuesday to pass the Protect the Right to Organize Act, or PRO Act, the **most pro-worker labor reform** in decades, according to the bill's sponsors. It faces an uphill battle in the 50/50 split Senate; President Joe Biden has said labor reform is one of his administration's **top priorities**. As a presidential candidate, Biden stressed that he would be "the most pro-union president you've ever seen." Last week, while Amazon workers gathered in Alabama to vote to unionize, Biden called it "a vitally important choice." "As America grapples with the deadly pandemic, the economic crisis and the reckoning on race — what it reveals is the deep disparities that still exist in our country," Biden said on Twitter. "I urge Congress to send [the PRO Act] to my desk so we can summon a new wave of worker power and create an economy that works for everyone." The PRO Act would strengthen workers' **rights to strike** for better wages and working conditions, strengthen safeguards to ensure that workers can hold fair union elections and allow the National Labor Relations Board to fine bosses who violate workers' rights.

#### Congress is key to addressing fundamental flaws with striking laws – spills over to broader reform.

Rhinehart ’21 (Lynn; writer for the Economic Policy Institute; 2-26-2021; “Six ways the Protecting the Right to Organize (PRO) Act **restores** workers’ **bargaining power**”; Economic Policy Institute; https://www.epi.org/blog/six-ways-the-protecting-the-right-to-organize-pro-act-restores-workers-bargaining-power/; Accessed: 10-30-2021; AU)

When it was passed in 1935, the National Labor Relations Act declared that its purpose was to promote the practice of collective bargaining, where workers and their union sit down with their employer to negotiate over wages, safety, fairness, and other important issues. But over time, this promise has become hollow because weaknesses in the law have been exploited by employers and the courts to undermine workers’ bargaining power. Here are six ways the Protecting the Right to Organize (PRO) Act helps to level the playing field and restore workers’ bargaining power: The PRO Act has a process for reaching a first collective bargaining agreement. When workers first form a union, too often employers drag out the bargaining process and avoid reaching an initial agreement, because there are no monetary penalties in the law for bad faith bargaining. A year after forming their union, more than half of all workers do not yet have an initial bargaining agreement with their employer. This leads to worker frustration, which employers exploit to undermine the new union. The PRO Act addresses this problem by establishing a mediation and arbitration process for reaching an initial agreement. The PRO Act requires employers to continue bargaining instead of taking unilateral action. Current law gives employers too much power to force its position on workers by unilaterally declaring that the parties have reached an impasse in bargaining and then either locking out workers—preventing them from working and getting paid—or implementing the employer’s proposals. This power, either alone or combined with the restrictions on workers’ ability to strike or put other economic pressure on the employer, puts employers in the driver’s seat in bargaining and greatly undermines workers’ bargaining power. To address this problem, the PRO Act prohibits employers from declaring impasse and locking out workers—a so-called “offensive lockout.” And the PRO Act requires employers to maintain the status quo on wages and benefits during bargaining—no more unilateral changes to put pressure on workers to cave in to the employer’s demands. The PRO Act gets the economic players to the bargaining table. Under current law, staffing firms, contractors, temporary agencies, and other employers try to evade their responsibility to bargain with workers and their union even when they have power over workers’ health and safety, schedules, wages, and other key issues. This leaves workers without the real economic players at the bargaining table. The PRO Act fixes this problem by adopting a strong joint-employer standard that will bring employers with power over wages or working conditions to the bargaining table. The PRO Act eliminates the ban on so-called “secondary” activity. In order to win a wage increase, a voice on new technology, safety improvements, or other bargaining priorities, workers need leverage to put economic pressure on their employer to accept their demands. But current law robs workers of their leverage in many ways, including a prohibition on so-called “secondary” activity that was enacted by Congress in 1947. In fact, current law instructs the National Labor Relations Board (NLRB) to give top priority to shutting down so-called “secondary” activity. These cases are given even higher priority than cases alleging that employers have illegally fired union activists, and statistics show this has in fact been the case. For example, in the first 12 years after the restriction on secondary activity was first implemented, the number of injunction proceedings against unions for engaging in illegal secondary activity skyrocketed by 1,188%, while virtually no injunction proceedings were brought against employers for violating workers’ rights. This restriction on secondary activity forbids workers from picketing or otherwise putting pressure on so-called “neutral” companies other than their employer, even if those companies could influence their employer’s practices by, for example, withholding purchases until workers and their employer reach a collective bargaining agreement. The restriction has been interpreted so broadly as to prohibit janitors from picketing a building management company over sexual harassment by its janitorial subcontractor. The Trump NLRB General Counsel unsuccessfully tried to argue that floating an inflatable Scabby the Rat balloon at a labor protest was illegal secondary activity, even though courts have consistently said such protests are protected by the First Amendment. Given the prevalence of subcontracting and the interrelated nature of business relationships, the ban on secondary activity does not reflect the realities of today’s business structures. It deprives workers of an important tool in the bargaining process and unfairly tips the power balance to employers. To correct this imbalance, the PRO Act repeals the ban on secondary activity. The PRO Act **prohibits employers** from permanently **replacing** strikers. Workers’ **ultimate leverage** in bargaining is to **withhold their labor**—in other words, to strike. The law technically **protects** workers from being fired when they go on a lawful strike, but **this right has been gutted** by a 1938 decision by the U.S. Supreme Court that stated that employers can permanently replace, i.e., terminate, workers who are on strike over economic issues. Despite a slight increase in strike activity last year, the number of strikes continues to be at a **historic low** in part because of this weakness in the law. The PRO Act restores the right to strike by **prohibiting employers** from permanently replacing economic strikers. The PRO Act overrides state “right-to-work” laws that weaken unions. So-called right-to-work laws have nothing to do with getting or keeping a job—they are about weakening workers’ collective voice on the job. Under the law, unions are required to represent all workers protected by the collective bargaining agreement, but so-called right-to-work laws prohibit unions and employers from voluntarily agreeing that all workers covered and protected by the agreement should share in the costs of union representation through union dues or fees. This creates a “free rider” problem, where workers get the benefits of unionization but do not contribute toward the costs, creating a financial drain on unions. The PRO Act overrides state right-to-work laws and allows unions and employers to negotiate fair share agreements whereby all workers covered by the collective bargaining agreement share in the cost of representation.

#### The issue with RTS isn’t legality – it’s legislative loopholes, which only Congress can amend.

Reddy ’21 (Diana; contributor to The Yale Law Journal; 1-6-2021; “’There Is no Such Thing as an Illegal Strike’: Reconceptualizing the Strike in Law and Political Economy”; The Yale Law Journal; https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy; Accessed: 10-30-2021; AU)

Under the NLRA, workers are generally understood to have **a “right” to strike**. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to **interfere with or impede or diminish** in any way the right to strike . . .”80 Note that it is a **testament** to deeply-held disagreements about the strike (is it a **fundamental right** which needs no statutory claim to protection, **or a privilege** to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.81 To say that a strike is ostensibly legal, though, is not to say whether **it is sufficiently protected** as to make it **practicable** for working people. Within the world of labor law, this distinction is often framed as the difference between whether an activity is legal and **whether it is protected**. So long as the state-as-regulator will not punish you for engaging in a strike, that strike is legal. But given that **striking is protest against an employer**, rather than against the state-as-regulator, **being legal is insufficient protection** from the repercussion most likely to deter it—**job loss**. Employees technically cannot be fired for protected concerted activity under the NLRA, including protected strikes. But in a distinction that Getman and Kohler note “only a lawyer could love—or even have imagined,”82, judicial construction of the NLRA permits employers to **permanently replace** them in many cases. Consequently, under the perverse incentives of this regime, strikes can facilitate deunionization. Strikes provide employers an opportunity, unavailable at any other point in the employment relationship, to replace those employees who most support the union—those who go out on strike—in one fell swoop. As employers have increasingly turned to permanent replacement of strikers in recent decades, **strikes have decreased**.83 A law with a stated policy of giving workers “full freedom of association [and] actual liberty of contract” offers a “right” which too many workers cannot afford to invoke.84 It is not just that the right is too “expensive,” however; it is that its scope is **too narrow**, particularly following the Taft-Hartley Amendments. Law cabins legitimate strike activity, based on employees’ motivation, their conduct, and their targets. The legitimate purposes are largely bifurcated, either “economic,” that is to provide workers with leverage in a bargain with their employer, or to punish an employer’s “unfair labor practice,” its violation of labor law (but not other laws). A host of reasons that workers might want to protest are unprotected—Minneapolis bus drivers not wanting their labor to be used to “shut down calls for justice,” for instance. Striking employees also lose their limited protection if they act in ways that are deemed “**disloyal**” to their employer,85 or if they engage in the broad swath of non-violent activity construed to involve “violence,” such as mass picketing.86 Tactically, intermittent strikes, slow-downs, secondary strikes, and sit-down strikes **are unprotected**.87 Strikes are also unprotected if unionized workers engage in them without their union’s approval,88 if they concern nonmandatory subjects of bargaining,89 or if they are inconsistent with a no-strike clause.90 Independent contractors who engage in strikes face antitrust actions.91 Labor unions who sanction unprotected strikes face potentially bankrupting liability.92 The National Labor Relations Board—the institution charged with enforcing the policies of the Act—summarizes these “qualifications and limitations” on the right to strike on its website in the following way: The lawfulness of a strike may depend on the object, or purpose, of the strike, on its timing, or on the conduct of the strikers. The object, or objects, of a strike and whether the objects are lawful are matters that are not always easy to determine. Such issues often have to be decided by the National Labor Relations Board. The consequences can be severe to striking employees and struck employers, involving as they do questions of reinstatement and backpay.93 The “**right” to strike**, it seems, is filled with **uncertainty and peril**. Collectively, these rules **prohibit** **many** of the strikes which helped build the labor movement in its current form. Ahmed White accordingly argues that law prohibits effective strikes, strikes which could actually change employer behavior: “Their inherent affronts to property and public order place them well beyond the purview of what could ever constitute a viable legal right in liberal society; and they have been treated accordingly by courts, Congress, and other elite authorities.”94

#### Labor reform is key to restoring congressional legitimacy

**AFL-CIO 19** [The American Federation of Labor and Congress of Industrial Organizations, 9-12-2019, "Make Labor Law Reform a Priority in 2020," AFL-CIO, <https://aflcio.org/about/leadership/statements/make-labor-law-reform-priority-2020>] Adam

Workers are demanding change. At the AFL-CIO’s 2019 District Meetings held across the country, union members and local leaders selected labor law reform as the most important public policy challenge facing our nation. For too long, politicians have paid lip service to the labor movement’s demand that Congress modernize and strengthen the laws protecting our freedom to join together and negotiate for better pay and a voice on the job.

As a result of their inaction, the gap between rich and poor has reached record levels. With union density reaching historic lows, fewer and fewer Americans are getting the benefits of a union contract: higher wages, better health care and a more secure retirement. The latest research shows that union density has been a direct cause of the rise and fall of inequality over the past century.

Despite the challenges, more and more Americans want to join unions. A recent Massachusetts Institute of Technology study found that nearly half of all nonunion workers would join a union if they could, and public approval of unions (at 64%) is the highest it has been in nearly 50 years.

Now it is time for Congress to replace words with action and pass comprehensive labor law reform. In the spring of 2019, Rep. Bobby Scott (Va.) and Sen. Patty Murray (Wash.) introduced the Protecting the Right to Organize (PRO) Act (H.R. 2474, S. 1306), landmark legislation that modernizes the National Labor Relations Act and makes it possible for workers to exercise their freedom to organize and bargain. The PRO Act stiffens penalties for employer violations, ends “right to work” laws and guarantees bargaining rights for working people who are misclassified as independent contractors. It also protects secondary picketing and the right to strike and establishes a process for helping newly organized workers achieve a first contract.

By the end of August 2019, nearly 200 representatives and 41 senators had agreed to sign onto the PRO Act as co-sponsors. Similarly, congressional support is building for the Public Service Freedom to Negotiate Act (H.R. 3463, S. 1970) and the Public Safety Employer–Employee Cooperation Act (H.R. 1154, S. 1394), which has had bipartisan backing since it was first introduced in 2007. These bills would guarantee collective bargaining rights for hardworking public employees in every state and every jurisdiction.

We urge the leadership of the House of Representatives to make labor law reform a priority in the 116th Congress. No candidate for Congress or the White House should expect the support of organized labor if they are not prepared to stand with workers in their fight for justice by endorsing, co-sponsoring and voting for these important bills.

#### Congressional strength solves effective foreign policy---including foreign assistance

Wright 18 (ANDREW MCCANSE WRIGHT, Associate Professor, Savannah Law School, EXTRATERRITORIAL CONGRESSIONAL OVERSIGHT, 64 Wayne L. Rev. 227, y2k)

Congress has a myriad of legitimate interests in oversight that transcend national boundaries and extend to U.S. interests all over the world. Such interests can even reach as far as a foreign sovereign's stewardship of U.S. resources. Extraterritorial congressional oversight and investigations present a number of practical, legal, and diplomatic challenges. In this Article, I consider those challenges and offer some practical reforms Congress could undertake to enhance its ability to project its power of inquiry overseas.

Text

[\*228] I. INTRODUCTION

Congress has conducted legislative oversight of American foreign policy and overseas military activities since its founding. 1 American emergence as a global superpower further increased congressional oversight interests in overseas activities. Now, amidst multinational corporate consolidation, transnational national security threats, and technological revolution, Congress finds itself investigating fraud, waste, and abuse of U.S. resources in foreign jurisdictions. This Article focuses on jurisdictional and diplomatic issues implicated by congressional investigations that are not purely domestic in character. 2

[\*229] Extraterritorial congressional investigations present a number of unique diplomatic, jurisdictional, and practical challenges. A congressional investigation of the activities of a multilateral international institution that has received federal funds will raise issues of domestic law, federal jurisdiction, foreign relations law, and diplomatic norms. Similarly, United States contractors operating overseas also surface a range of such issues.

In this article, I propose practical legislative provisions that would facilitate Congress's legitimate oversight interests abroad. Many articles address the extraterritorial reach and limitations on criminal and civil litigation. Others examine the diplomatic sensitivities and international law associated with cross-border litigation. This Article offers a systematic analysis of congressional investigative interests in overseas activities and actors. 3

II. EXAMPLES OF CONGRESS'S OVERSEAS OVERSIGHT INTERESTS

Congress's broad oversight power informs its legislative powers, which naturally lead its inquiries to foreign jurisdictions. This section offers some illustrative examples of U.S. government activities and other policy questions that give rise to congressional oversight and investigations.

A. Congressional Oversight Power and Scope

Congress's oversight power is grounded in its constitutional grant of "[a]ll legislative Powers." 4 In McGrain v. Daugherty, 5 the Supreme Court observed that "the power of inquiry--with process to enforce it--is an essential and appropriate auxiliary to the legislative function." 6 While not unlimited, the scope of congressional oversight power is extremely broad because it covers review of the efficacy and administration of previously enacted laws as well as information that could serve as the basis of future legislative action. 7 Congress formulates [\*230] legislative policy and provides appropriations for the military, intelligence community, diplomatic corps, and foreign aid officers. Congress naturally, then, has myriad legitimate oversight interests that run overseas.

B. U.S. Government Operations Overseas

The United States conducts operations supported by military, 8 diplomatic, 9 and other U.S. government facilities 10 all over the world. Executive Branch officials stationed in the United States regularly travel overseas, incurring costs and presenting policy questions. Fiscal integrity, physical plant, personnel, and substantive policy issues abound in the U.S. footprint in foreign countries. Congress has the same legitimate oversight interests in U.S. facilities and operations abroad as it does domestically. 11

[\*231] C. U.S. Foreign Assistance to Foreign Governments and Multilateral Organizations

The United States is the largest foreign assistance donor in the world. 12 Of the $ 48.57 billion in foreign assistance authority provided by Congress: 43% supported bilateral economic or political development programs, 35% for military and security assistance, 16% for humanitarian activities, and 6% funded multilateral organizations. 13 Assistance takes many forms, some of which operate at the program level and others at the national level. 14

#### Effective security assistance solves extinction---oversight solves miscalculated wars

Bergman 21 (Max Bergmann is a senior fellow at American Progress, A Plan To Reform U.S. Security Assistance, 3-9, <https://www.americanprogress.org/issues/security/reports/2021/03/09/496788/plan-reform-u-s-security-assistance/>, y2k)

A new security assistance system, centralized and coordinated within the State Department, would allow the United States to wield its security assistance more effectively and responsibly in today’s competitive geopolitical environment. Arms transfers, training, and support could also better support U.S. foreign policy goals, in particular bolstering democratic partners and emerging democracies, making them stronger U.S. partners to counter threats from authoritarian actors. Empowering the State Department to oversee and manage security assistance would also ensure that aid is used to advance a values-based foreign policy that respects and supports human rights.3 It would also give U.S. diplomats greater clout and leverage and potentially create greater coherence to the provision of foreign assistance overall. The result would be to strengthen a key tool in the U.S. foreign policy toolbox and increase the clout and authority of America’s diplomats, which is badly needed in this new era of geopolitical competition. The strategic case for security assistance reform Security assistance is foreign aid. Providing weapons, training, and support to a foreign country is, by law, a foreign policy responsibility and therefore has historically been directed by the secretary of state. This is for a simple reason: Providing arms to a partner nation is a foreign policy act, a responsibility codified into law through the 1961 Foreign Assistance Act.4 Nevertheless, the provision of arms to a partner is also a military act, and, following 9/11, with the onset of the so-called war on terror and the wars in Afghanistan and Iraq, an operational argument was made for the DOD to gain expanded authorities to provide military assistance to partners. But the DOD authorities soon expanded and grew such that the operational intent of DOD assistance faded, and the purpose of its assistance became indistinguishable from the purpose of State Department assistance. During this period, as the DOD gained authorities and resources, the State Department’s assistance programs remained stifled by lack of funding, excessive congressional earmarks, and legacy commitments. As a result, as the United States sought to provide more security assistance to partners, it did so through the DOD. This has created a bifurcated bureaucratic structure for administering security assistance that marginalizes the State Department. The current system is both inefficient and ill-suited for the present foreign policy environment. The new era of great power competition and today’s threats of climate change, pandemics, and other nontraditional challenges demand a new and more integrated, agile, and wholistic approach to U.S. assistance efforts. The foreign policy environment has shifted greatly over the last decade. Today’s security assistance system emerged in the 9/11 era and was built for counterterrorism and counterinsurgency, with a focus on confronting threats from nonstate actors.5 This was encapsulated in the “building partnership capacity” strategy, outlined by then-Secretary of Defense Robert Gates in 2010, which called for increasing the capabilities of developing states to better police and patrol their neighborhoods and to close off space for insurgent groups.6 U.S. aid was often provided to nondemocratic states or partners that violated human rights but were considered critical partners in the “war on terror.” Decisions were viewed as primarily operational, and aid was provided as needed to help partners tackle imminent terrorist or insurgent threats. Almost all U.S. security aid provided year over year is driven by a strategic rationale that is centered on building better counterterrorism partners. Today, U.S. decisions to provide weapons or support tie American officials to how that support is used—whether they like it or not—as the case of U.S. support to the Saudi-led coalition in Yemen demonstrates. Today, U.S. aid to build up a partner’s military should be viewed through the lens of competition between states, in addition to the ongoing counterterrorism concerns and state fragility challenges, with much higher stakes for U.S. foreign policy and national interests. This renewed geopolitical competition is at its core an ideological competition between states. China’s rise and Russia’s resurgence require the United States to realign its foreign policy toward strengthening relations and bolstering democratic states. Security assistance is a tool to do so: It strengthens America’s closest partners and fosters closer relationships with other states. When a country accepts U.S. military equipment or enters into a long-term procurement or acquisition of U.S. defense equipment, they are tying their country to the United States. The U.S. decision, for instance, to provide military aid to the United Kingdom through the lend-lease program in the 1940s was not a simple military consideration but a foreign policy consideration with enormous consequences.7 Today, U.S. decisions to provide weapons or support tie American officials to how that support is used—whether they like it or not—as the case of U.S. support to the Saudi-led coalition in Yemen demonstrates. Moreover, countries that receive U.S. military systems are not just buying equipment off the shelf; they are entering into a longer-term relationship with that country for training, maintenance, and sustainment. This is similar to when a consumer buys a smart phone, as they are not simply buying a piece of hardware; they are reliant on the company to access its broader ecosystem of apps and software and trusting the company to safeguard important data. Over time, a consumer becomes locked in and dependent on a particular provider. Similarly, when a state commits to expanding military-to-military ties—often the most sensitive area for a country—they are making a diplomatic bet on that country. As they base their military on U.S. equipment and U.S. training and engagement, they similarly become locked in to the United States. This sets the ground for more productive American partnerships to tackle a range of geopolitical challenges. For example, U.S. security assistance has been key to building ties with Vietnam after the war between the two countries. American assistance provided to clear unexploded ordnance has helped repair diplomatic relations between Hanoi and Washington, while the recent provision of a retired Coast Guard ship to the Vietnam military can help strengthen military ties and potentially open the door to more U.S. assistance and security cooperation, which will further strengthen bilateral relations.8 There are several reasons that today’s security assistance system must change: Current security policy decision-making perpetuates the status quo. The current system perpetuates an ineffective status quo, whereby the United States often fails to effectively exert significant diplomatic leverage that it has through security assistance because the bureaucratic structure to administer it—both within the State Department and between the State Department and the DOD—is not designed to advance diplomatic efforts but merely to administer appropriated funds.9 This makes it challenging to change security assistance programs given shifting foreign policy dynamics or changes in a partner’s behavior that may make them a less suitable recipient of U.S. security aid, such as democratic backsliding or a pattern of human rights abuses. U.S. engagement with partners could be dominated by military issues if foreign officials turn to DOD counterparts instead of diplomats for assistance resources. Because the DOD controls its own security assistance accounts, other foreign policy concerns may get trumped if partners go around the State Department to get aid from the Pentagon. Sen. Ben Cardin (D-MD) worried at a 2017 Senate Foreign Relations Committee hearing that the shift to increasing DOD authorities could “send a fundamental message that the United States considers security relationships over all other U.S. foreign policy objectives or concerns, including human rights or good governance.”10 Under the current framework, the State Department’s ability to put the brakes on security assistance or military cooperation under DOD authorities is highly limited because the State Department does not control implementation and can often only approve or disapprove of DOD proposals. While State Department officials and ambassadors can and sometimes do halt or temper problematic efforts, doing so requires exerting significant political capital that is in short supply.11 Centralizing control at the State Department would help to fix this bureaucratic imbalance between diplomacy and the Pentagon. Defense priorities often undervalue democratic and human rights concerns. Compared with the State Department, the DOD is less equipped to effectively weigh human rights concerns in its decision-making. This makes it harder to leverage U.S. military cooperation for economic or political concessions or changes that might bolster democratic goals. For example, U.S. military objectives to counter terrorist groups in Somalia called for continuously supplying Uganda with U.S. assistance despite growing human rights and democracy concerns.12 Putting the State Department in charge would make it easier to realign U.S. security assistance toward democratic states and effectively consider human rights issues in every security assistance decision. Security assistance in a tense era of great power competition is extremely sensitive and can increase tension and lead to miscalculation. The risk in today’s geopolitical environment is that providing sensitive and potentially provocative assistance will not receive the same scrutiny from policymakers and will become the norm for the administering agency, the DOD. In the last era of great power competition, the Cold War, security assistance often stoked tension between the United States and the Soviet Union and led to spiraling commitments. For instance, Soviet provision of nuclear missiles to Cuba led to a nuclear standoff, while U.S. military support for Vietnam led to deepening U.S. engagement. As competition with China and Russia increases, security assistance could once again prove a major source of tension and cause miscalculation. Providing aid in this environment is not a mere technical military matter, but ultimately a political and diplomatic concern that is highly sensitive. Yet today, it is the DOD that is driving assistance to countries such as Ukraine and regions such as Southeast Asia.13 When Russia invaded Ukraine in 2014, the National Security Council became significantly involved in policymaking and limited types of assistance that could be provided, including lethal aid.14 Such unique scrutiny was warranted because there was a crisis involving a U.S. partner and a nuclear-armed state. But the nature of White House intervention was necessary in large part because the security assistance process—for both decision-making and for providing assistance—was broken. A military-led response can overprioritize military engagement and could unintentionally steer American engagements into high-risk confrontations. Without careful calibration and understanding of broader political context, there is real concern that the DOD could get ahead of U.S. policy or drive it in a more military-centric direction. For example, China could interpret the DOD’s provision of some security assistance through the agency’s Southeast Asia Maritime Security Initiative as an act of aggression if it is not carefully and effectively calibrated against broader political concerns in the region.15 Given the political sensitivities of great power competition, responsibility and oversight for security assistance decisions should rest with the agency most in tune with broader U.S. foreign policy concerns and diplomatic developments: the State Department.

#### Aspec—they didn’t—key to ground—who the agent is affects the majority of neg ground from circumvention arguments, agent-based disads, and process counterplans all of which are key on a large, aff-biased topic. The implication is you should stick them with normal means, but if they contest competition then this is a voting issue.

#### It competes

#### 1] “Recognizing” a right requires action from the Supreme Court.

LII ‘ND (Legal Information Institute; subset of Cornell Law School dedicated to maintaining an open-source repository of legal information and definitions; “Fundamental Right”; Legal Information Institute; https://www.law.cornell.edu/wex/fundamental\_right; Accessed: 10-30-2021; AU)

**Fundamental rights** are a group of rights that have been **recognized** by the **Supreme Court** as requiring a high degree of protection from government encroachment. These rights are specifically identified in the Constitution (especially in the Bill of Rights), or **have been found under Due Process**. Laws encroaching on a fundamental right generally must pass strict scrutiny to be upheld as constitutional. Non-Exhaustive List of Fundamental Rights Examples of fundamental rights not specifically listed in the Constitution include: marriage privacy contraception interstate travel. procreation custody of one's child(ren) voting Repealing Fundamental Rights - The Fundamental Right to Contract Even when the Supreme Court finds that something is a fundamental right, the Court may later revoke its standing as a fundamental right. The Court did this with the right to contract. In Lochner v New York (1905), the Supreme Court found that the right to make a private contract is a fundamental right. The Court focused on the importance of economic contracts in the context of individual liberty. In West Coast Hotel v. Parrish (1937), however, the Court found that there is not a fundamental right to contract: "There is no absolute freedom to do as one wills or to contract as one chooses." There is much scholarship written about why the Court would take such drastically different approaches to a "fundamental right" in such a relatively short period of time. For further reading, this Minnesota Law Review article takes a thorough view of the shift. The article rejects the notion that "Lochner era was dominated by laissez-faire, social Darwinist Justices." Rather, the article argues that "the shift in constitutional values from Lochner to West Coast Hotel was the result of developments in legal, economic, and political theory, as well as the harsh realities of economic life during the Great Depression. Taken together, these factors were a powerful reason for the constitutional development embodied in West Coast Hotel."

#### 2] Legal experts prove Congress cannot recognize rights – the resolution’s wording outlaws Congressional affs.

Maltz et al. ’ND (Earl; professor of law at Rutgers University; “The Fourteenth Amendment Enforcement Clause”; Interactive Constitution; https://constitutioncenter.org/interactive-constitution/interpretation/amendment-xiv/clauses/703; Accessed: 10-30-2021; AU)

Thus, under current law, there are two **key limits** on Congress’s power under Section Five of the Fourteenth Amendment, both of which are controversial. First, Section Five **does not empower** Congress to **regulate private conduct**, but only the actions of state and local governments. Second, Section Five **does not provide** Congress with the power to **create new rights** or **expand existing rights**, but rather only with the authority to prevent or **remedy** violations of rights **already recognized** by the **courts**. Moreover, the remedies provided by federal statures must be “proportionate” and “congruent” to the scope of proven constitutional violations.

### 1NC – OFF

#### Women are coming back to the workforce – but that hinges on stable school environments

**Dmitrieva and Shah 11/5** [Katia Dmitrieva and Jill R Shah, Jill and Katia are reporters for Bloomberg. 11-5-2021, "U.S. Women Are Coming Back to the Job Market," Bloomberg, <https://www.bloomberg.com/news/articles/2021-11-05/u-s-women-come-back-to-job-market-as-school-year-gets-under-way>] Adam

Women of childbearing age are returning to the U.S. workforce, showing a small improvement in their participation rate after a decline in September.

Participation among prime-age female workers, those 25 to 54 years old, rose slightly last month, Labor Department data released Friday [showed.](https://www.bls.gov/news.release/empsit.nr0.htm) It was little changed for men of the same age.

The small increase could be the first sign of a return many economists were predicting would happen in September as children went back to school. Women with children have particularly struggled over the course of the pandemic as school closures and a lack of care have hampered their ability to work.

#### Teacher strikes disproportionately hurt female participation in the workforce

**Jaume and Willén 19** [David Jaume y Alexander Willén, Jaume holds a Ph.D. in Economics from Cornell University, a master’s in economics from Universidad Nacional de La Plata (Argentina), and a BA in Economics from Universidad Nacional de Cuyo (Argentina). He is also a research affiliate at the Center for Distributive, Labor, and Social Studies (CEDLAS). Willén is a Professor of Economics at the Norwegian School of Economics. My main fields of interest are labor economics, public economics, and economics of education. He holds a PhD in Policy Analysis from Cornell University (2018), a MPP in Public Policy from Georgetown University (2013) and a BA from Durham University (2011). March 2019, Centro de Estudios Distributivos, [https://www.cedlas.econo.unlp.edu.ar/wp/wp-content/uploads/doc\_cedlas243.pdf Accessed 11/5/21](https://www.cedlas.econo.unlp.edu.ar/wp/wp-content/uploads/doc_cedlas243.pdf%20Accessed%2011/5/21)] Adam

Temporary school closures are common features of education systems across the globe, and a relatively large literature has investigated how TSCs impact the short- and long-run education and 25 labor market behavior of students. A neglected but equally important question relates to how TSCs affect the labor market behavior of parents. This is the first paper to present a detailed analysis on this topic. First, we provide a framework for thinking about the decision problem faced by parents in the event of a disruption to their children’s school services. Second, we exploit a novel identification strategy coupled with a rich and newly created data set to test the predictions of the model and examine the reduced-form effect of school disruptions on parental labor market decisions. To obtain plausibly exogenous variation in TSCs, we use variation in teacher strikes within and across provinces over time between parents with and without children in primary school. Results indicate that school disruptions negatively affect the labor force participation of mothers. These adverse labor supply effects translate into economically meaningful reductions in earnings and wages: a mother whose child is exposed to ten days of TSCs experiences a decline in earnings equivalent to 2.92% of the mean. Through auxiliary analysis we find that these effects are predominantly driven by low-skilled mothers at the margin of employment, such that TSCs disproportionally hurt an already vulnerable subgroup of mothers. A back-of-the-envelope calculation suggests that the average mother would be willing to forego more than 1.6 months of earnings in order to ensure that there are no TSCs while her child is in primary school. While we do not find any effects among fathers in general, fathers who are married to women with higher predicted relative earnings also experience negative labor market effects: A father who earns less than his wife and whose child is exposed to ten days of TSCs suffers a decline in his hourly wage equivalent to 2.09% of the mean. This result suggests that the labor supply response of parents depend, at least in part, on the relative income of each parent. However, this group of households is small, such that women are disproportionally affected by TSCs. These results thus imply that interruptions to core childcare services may exacerbate existing labor market and intra-household gender inequality by disproportionately affecting mothers. Our findings illustrate the importance of providing stable childcare options to mothers in order to maximize their ability to participate in the labor market and to prevent an augmentation of labor market and intra-household gender inequality. While the effect of TSCs on student outcomes can be reduced by offering make-up days at the end of the semester, this type of policy intervention would be unsuccessful in reducing the impact of TSCs on parental labor market behavior. An increased awareness of how TSCs affect parental labor market outcomes is therefore imperative for guiding the development of future childcare policies and establishing policy responses to TSCs.

#### Gender diversity in the workforce is key to innovation

Lorenzo 17 [Rocio, Partner and managing director at The Boston Consulting Group, J.D. University of Passau and University of Santiago de Compostela, “The Mix That Matters: Innovation Through Diversity,” 4/26, <https://www.bcg.com/publications/2017/people-organization-leadership-talent-innovation-through-diversity-mix-that-matters.aspx> Accessed 11/5/21] Adam

When companies undertake efforts to make their management teams more diverse by adding women and people from other countries, industries, and companies, does it pay off? In the critical area of innovation, the answer seems to be yes. A study of 171 German, Swiss, and Austrian companies shows a clear relationship between the diversity of companies’ management teams and the revenues they get from innovative products and services. (See “Study Methodology.”)

The study comes at a time when diversity’s business benefits have become a topic of intense discussion. In the past, the indirect benefits of diversity were sufficient—an expansion of the job candidate pool at all levels, or an increase in social and political status for the company. Direct financial benefits weren’t needed to justify diversity initiatives—no one could even say for sure if such benefits existed. This study shows that they do.

BCG and the Technical University of Munich conducted an empirical analysis to understand the relationship between diversity in management (defined as all levels of management, not just executive management) and innovation. (See “How Diversity and Innovation Are Defined in This Report.”) Although the research is concentrated in a particular geographic region, we believe that its insights apply globally. The following are the major findings:

•The positive relationship between management diversity and innovation is statistically significant, meaning that companies with higher levels of diversity get more revenue from new products and services.

•The innovation boost isn’t limited to a single type of diversity. The presence of managers who are female or from other countries, industries, or companies can cause an increase in innovation.

•Management diversity seems to have a particularly positive effect on innovation at complex companies—those that have multiple product lines or that operate in multiple industry segments. Diversity’s impact also increases with company size.

•To reach its potential, gender diversity needs to go beyond tokenism. In our study, innovation performance only increased significantly when the workforce included a nontrivial percentage of women (more than 20%) in management positions. Having a high percentage of female employees doesn’t do anything for innovation, the study shows, if only a small number of women are managers

•At companies with diverse management teams, openness to contributions from lower-level workers and an environment in which employees feel free to speak their minds are crucial in fostering innovation

DIVERSITY’S POSITIVE LINK TO INNOVATION

That management diversity might be linked to innovation isn’t a new concept. It’s rooted in the assumption that diversity leads to different perspectives and novel solutions. This is, however, a difficult thing to prove. Unlike other innovation catalysts— R&D spending, for instance, or a specific strategy emphasizing innovation—diversity has an indirect connection to innovation. Until now, most of the research about it has been more qualitative than quantitative.

The BCG-Technical University of Munich study used statistical methods—correlations and regression analyses—not only to show that a relationship exists between diversity and innovation but also to identify the types of companies that get the biggest innovation boost from diversity, the steps that companies can take to increase diversity’s power, and the types of diversity that matter the most. This last area of inquiry is particularly important because many companies’ diversity strategies are no longer focused solely on traditional forms of diversity, such as gender and nationality. Instead, they have expanded, under the catchphrase “2D diversity,” to incorporate so-called acquired diversity, which includes people with cross-industry expertise and nonlinear career paths.

The companies were first analyzed using the Blau index to aggregate their levels of diversity in six areas. (See the Appendix for an explanation of the statistical analysis and terms used in this report.) The resulting diversity score was plotted against each company’s innovation level. We found that innovation revenue—which we define as the share of revenues from new products and services in the most recent three-year period —rises with diversity. (See Exhibit 1.)

Diversity and innovation don’t affect each other directly, the way sales of umbrellas by a street vendor rise on a rainy day; the relationship is more complex. Moreover, there are quite a few factors beyond diversity that can affect a company’s ability to innovate— such as the creativity of its R&D department, the executive team’s attitude toward taking risks, and shareholders’ support of new ventures. Still, management diversity influences innovation on its own. Diversity and innovation move together, and the relationship is statistically significant—meaning that there is a high probability of its repeating in any large population of companies

An initial sense of diversity’s impact on innovation can be derived by comparing companies that are more diverse with those that are less diverse. In our study, companies with Blau index scores above 0.59 (above the median) have generated 38% more of their revenues, on average, from innovative products and services in the most recent three-year period than did companies below the median.

The study’s numbers become even more instructive when they are broken down along other dimensions. This more nuanced analysis yields insights about how to get the most out of diversity and which types of diversity offer the biggest advantage.

Of the six types of diversity analyzed in the study, four positively correlate with innovation: industry background, country of origin, career path, and gender. Age diversity (the extent to which managers are evenly distributed across age groups) is actually associated with less innovation. A sixth type of diversity, academic background, appears to have no impact at all on innovation, either positive or negative. (See Exhibit 2.)

#### Strong Innovation solves Extinction.

Matthews 18 Dylan Matthews 10-26-2018 “How to help people millions of years from now” <https://www.vox.com/future-perfect/2018/10/26/18023366/far-future-effective-altruism-existential-risk-doing-good> (Co-founder of Vox, citing Nick Beckstead @ Rutgers University)//Re-cut by Elmer

If you care about improving human lives, you should overwhelmingly care about those quadrillions of lives rather than the comparatively small number of people alive today. The 7.6 billion people now living, after all, amount to less than 0.003 percent of the population that will live in the future. It’s reasonable to suggest that those quadrillions of future people have, accordingly, hundreds of thousands of times more moral weight than those of us living here today do. That’s the basic argument behind Nick Beckstead’s 2013 Rutgers philosophy dissertation, “On the overwhelming importance of shaping the far future.” It’s a glorious mindfuck of a thesis, not least because Beckstead shows very convincingly that this is a conclusion any plausible moral view would reach. It’s not just something that weird utilitarians have to deal with. And Beckstead, to his considerable credit, walks the walk on this. He works at the Open Philanthropy Project on grants relating to the far future and runs a charitable fund for donors who want to prioritize the far future. And arguments from him and others have turned “long-termism” into a very vibrant, important strand of the effective altruism community. But what does prioritizing the far future even mean? The most literal thing it could mean is preventing human extinction, to ensure that the species persists as long as possible. For the long-term-focused effective altruists I know, that typically means identifying concrete threats to humanity’s continued existence — like unfriendly artificial intelligence, or a pandemic, or global warming/out of control geoengineering — and engaging in activities to prevent that specific eventuality. But in a set of slides he made in 2013, Beckstead makes a compelling case that while that’s certainly part of what caring about the far future entails, approaches that address specific threats to humanity (which he calls “targeted” approaches to the far future) have to complement “broad” approaches, where instead of trying to predict what’s going to kill us all, you just generally try to keep civilization running as best it can, so that it is, as a whole, well-equipped to deal with potential extinction events in the future, not just in 2030 or 2040 but in 3500 or 95000 or even 37 million. In other words, caring about the far future doesn’t mean just paying attention to low-probability risks of total annihilation; it also means acting on pressing needs now. For example: We’re going to be better prepared to prevent extinction from AI or a supervirus or global warming if society as a whole makes a lot of scientific progress. And a significant bottleneck there is that the vast majority of humanity doesn’t get high-enough-quality education to engage in scientific research, if they want to, which reduces the **odds that we have enough trained scientists to come up with the breakthroughs** we need as a civilization to survive and thrive. So maybe one of the best things we can do for the far future is to improve school systems — here and now — to harness the group economist Raj Chetty calls “lost Einsteins” (potential innovators who are thwarted by poverty and inequality in rich countries) and, more importantly, the hundreds of millions of kids in developing countries dealing with even worse education systems than those in depressed communities in the rich world. What if living ethically for the far future means living ethically now? Beckstead mentions some other broad, or very broad, ideas (these are all his descriptions): Help make computers faster so that people everywhere can work more efficiently Change intellectual property law so that technological innovation can happen more quickly Advocate for open borders so that people from poorly governed countries can move to better-governed countries and be more productive Meta-research: improve incentives and norms in academic work to better advance human knowledge Improve education Advocate for political party X to make future people have values more like political party X ”If you look at these areas (economic growth and technological progress, access to information, individual capability, social coordination, motives) a lot of everyday good works contribute,” Beckstead writes. “An implication of this is that a lot of everyday good works are good from a broad perspective, even though hardly anyone thinks explicitly in terms of far future standards.” Look at those examples again: It’s just a list of what normal altruistically motivated people, not effective altruism folks, generally do. Charities in the US love talking about the lost opportunities for innovation that poverty creates. Lots of smart people who want to make a difference become scientists, or try to work as teachers or on improving education policy, and lord knows there are plenty of people who become political party operatives out of a conviction that the moral consequences of the party’s platform are good. All of which is to say: Maybe effective altruists aren’t that special, or at least maybe we don’t have access to that many specific and weird conclusions about how best to help the world. If the far future is what matters, and generally trying to make the world work better is among the best ways to help the far future, then effective altruism just becomes plain ol’ do-goodery.

### 1NC – OFF

#### Text:

#### The 50 states and all relevant territories ought to establish a universal basic income at $1,000 a month to all legal adults

* We defend a UBI Financed by the federal reserve
* We do not fiat reducing established welfare programs

#### Outlaw strikes [teachers] refusing to enforce any protection of the Right to Strike in the event of a Strike.

#### Fine strikes $1 Million for each day of missed work.

#### Boosts GDP, labor force participation, prices, and wages.

Michalis Nikiforos, Marshall Steinbaum, and Gennaro Zezza 17, Michalis Nikiforos is a research scholar working in the State of the US and World Economies program, Marshall Steinbaum is Research Director and a Fellow at the Roosevelt Institute, Gennaro Zezza is an associate professor of economics at the University of Cassino, Italy, 8-29-2017, "Modeling the Macroeconomic Effects of a Universal Basic Income," Roosevelt Institute, http://rooseveltinstitute.org/modeling-macroeconomic-effects-ubi//HM

How would a massive federal spending program like a universal basic income (UBI) affect the macroeconomy? We use the Levy Institute macroeconometric model to estimate the impact of three versions of such an unconditional cash assistance program over an eight-year time horizon. Overall, we find that the economy can not only withstand large increases in federal spending, but could also grow thanks to the stimulative effects of cash transfers on the economy. We examine three versions of unconditional cash transfers: $1,000 a month to all adults, $500 a month to all adults, and a $250 a month child allowance. For each of the three versions, we model the macroeconomic effects of these transfers using two different financing plans - increasing the federal debt, or fully funding the increased spending with increased taxes on households - and compare the effects to the Levy model’s baseline growth rate forecast. Our findings include the following: • For all three designs, enacting a UBI and paying for it by increasing the federal debt would grow the economy. Under the smallest spending scenario, $250 per month for each child, GDP is 0.79% larger than under the baseline forecast after eight years. According to the Levy Model, the largest cash program - $1,000 for all adults annually - expands the economy by 12.56% over the baseline after eight years. After eight years of enactment, the stimulative effects of the program dissipate and GDP growth returns to the baseline forecast, but the level of output remains permanently higher. • When paying for the policy by increasing taxes on households, the Levy model forecasts no effect on the economy. In effect, it gives to households with one hand what it is takes away with the other. • However, when the model is adapted to include distributional effects, the economy grows, even in the taxfinanced scenarios. This occurs because the distributional model incorporates the idea that an extra dollar in the hands of lower income households leads to higher spending. In other words, the households that pay more in taxes than they receive in cash assistance have a low propensity to consume, and those that receive more in assistance than they pay in taxes have a high propensity to consume. Thus, even when the policy is tax- rather than debtfinanced, there is an increase in output, employment, prices, and wages. Levy’s Keynesian model incorporates a series of assumptions based on rigorous empirical studies of the micro and macro effects of unconditional cash transfers, taxation and government net spending and borrowing (see Marinescu (2017), Mason (2017), Coibion et al (2017), and Konczal and Steinbaum (2016)). Fundamentally, the larger the size of the UBI, the larger the increase in aggregate demand and thus the larger the resulting economy is. The individual macroeconomic indicators are (qualitatively) what one would predict given an increase in aggregate demand: in addition to the increase in output, employment, labor force participation, prices, and wages all go up as well. Even in a deficit-financed policy, an increase in the government’s liabilities is mitigated by the increase in aggregate demand. Specifically, the Levy model assumes that the economy is not currently operating near potential output (Mason 2017) and makes two related microeconomic assumptions: (1) unconditional cash transfers do not reduce household labor supply; and (2) increasing government revenue by increasing taxes levied on households does not change household behavior. Other macroeconomic models would make different, likely less optimistic forecasts, because they would disagree with these assumptions. Estimating the macroeconomic effects of UBI is a critical component of any policy evaluation, because what would appear to be a zero-sum transfer in static terms (money is simply transferred from some households to others) turns out to be positive sum in the macro simulation, thanks to the increase in aggregate demand and therefore in the size of the economy.

### 1NC – OFF

#### SCOTUS’s decision on *Roe v. Wade* hinges on Roberts’ political capital.

Robinson ’21 (Kimberly; reporter for Bloomberg Law; 6-18-2021; “Barrett Channels Roberts’ ‘Go-Slow’ Approach in Landmark Cases”; Bloomberg Law; https://news.bloomberglaw.com/us-law-week/barrett-channels-roberts-go-slow-approach-in-landmark-cases; Accessed: 10-1-2021; AU)

The U.S. Supreme **Court’s** newest justice is showing signs that she’s more **aligned with** John **Roberts** and Brett Kavanaugh **in the center** than she is with her other conservative colleagues, **refusing to support** broad **rulings that** could **shake** the **court’s credibility**. Amy Coney Barrett is “starting to show her stripes” as a moderate who prefers small movements in the law, not huge shifts, South Texas College of Law Houston professor Josh Blackman said. The justices handed down victories to both liberals and conservatives on Thursday saving the Affordable Care Act again but siding with a religious group in the latest battle over LGBT protections. **Roberts**, the chief justice, is viewed as an **institutionalist** **who wants to conserve** the public’s **confidence** in the court. So far, he **favors incremental shifts** in the law. “That’s been one of the Chief’s primary goals all along,” said Case Western Reserve law professor Jonathan Adler. He recently gained an **ally in Kavanaugh** in this pursuit, **and** it appears **Barrett** may join their ranks. The court as a whole has has largely agreed in cases this year. The unanimous decision in the LGBT case was the 25th time the justices were unanimous in 41 rulings so far this term. There are 15 to go in coming days. But the **big test** for Barrett **will be** next term starting in October when the justices will tackle hot-button issues like guns, **abortion**, and possibly affirmative action. “It is a very conservative Court, even if we will only get glimpses of it this year,” said UC Berkeley law school Dean Erwin Chemerinsky. Kicking the Can Both the **A**ffordable **C**are **A**ct **and LGBT** rulings **were** “very, very **narrow**,” Georgia State law professor EricSegall said. In the Obamacare case, California v. Texas, the 7-2 majority handed down a procedural ruling to avoid undoing the landmark 2010 law. The justices said red states led by Texas didn’t have a legal basis—or standing—to challenge it. Only Justices Samuel Alito and Neil Gorsuch would have voted to gut the act, long a priority of Republicans. The LGBT ruling, while unanimous in its outcome, was splintered in its reasoning. Hiding under the 9-0 breakdown was a dispute about whether to overturn the court’s divisive ruling in Employment Division v. Smith, which sparked the passage of the bipartisan Religious Freedom Protection Act and mini state versions across the country. The court in Smith refused to require an exception from Oregon’s prohibition on peyote, saying religious objectors don’t get a free pass on “generally applicable” laws. On opposite ends in the court’s LGBT ruling were the liberal justices—Stephen Breyer, Sonia Sotomayor, and Elena Kagan—along with Roberts, who wanted to uphold the court’s precedent in Smith, and the court’s most conservative members—Clarence Thomas, Alito, and Gorsuch—who wanted it overruled once and for all. In **the middle** was Barrett, joined by Kavanaugh, who acknowledged Smith‘s shortcomings but was **concerned with** the **fallout** should the court overrule it. “Yet what should replace Smith?” Barrett asked in a short concurrence. Both cases were a punt, Blackman said, with the issues likely to return to the court at some point in the future. End of the World But the ACA and LGBT cases, along with the extraordinary agreement all term, suggests a **majority** of the justices **don’t think** **it’s** the right **time to make major changes** in the law. “In the throes of everything"—the pandemic, Barrett’s first term, Kavanaugh’s biting confirmation, calls for Breyer to retire, and the caustic 2020 presidential election—"they didn’t want to shock the world this year,” Segall said. “**Preserving** the **court’s** own political **capital** **is** incredibly **important** to the justices because they know their only capital is the confidence of the American people,” he added. **Adler said the court has developed a sort of 3-3-3 split**—that is, three liberals, three conservative justices willing to chuck precedents they don’t agree with, and three conservative justices hesitant to overturn cases they may disagree with. **Roberts, Kavanaugh, and now, apparently, Barrett make up that last group.** Adler said that split will create some interesting pressures for the three justices in the middle next term, when—as Segall said—"the world will end.” **The end of the world was a reference—in part—to the court’s abortion case, which could call into question the landmark ruling in Roe v. Wade and later cases**.

#### **The court’s center is skeptical of overturning precedent in Roe, but the path’s narrow.**

Feldman ‘9/2 (Noah; Bloomberg Opinion columnist and host of the podcast “Deep Background.” He is a professor of law at Harvard University and was a clerk to U.S. Supreme Court Justice David Souter.; “Is the Supreme Court Ready to Overturn Roe? We Don’t Know”; 9/2/21; Bloomberg; https://www.bloomberg.com/opinion/articles/2021-09-02/supreme-court-ruling-on-texas-abortion-law-isn-t-death-knell-for-roe; Accessed 9/17/21]

Every nonlawyer on the planet — and no doubt a few lawyers, too — is likely to read this outcome as prefiguring a 5-to-4 vote to overturn Roe v. Wade, the 1973 precedent that made abortion a constitutional right. Later this year, **the court will address** a Mississippi anti-**abortion law** that lacks the cleverly diabolical enforcement mechanism of the Texas law but is equally unconstitutional. Indeed, the day after the law went into effect and before the Supreme Court ruled, many non-lawyers who were so unfamiliar with court procedures that they didn’t know it would eventually issue a ruling on the Texas law had already concluded that they knew how the upcoming Mississippi case would come out. That’s a possible interpretation of the latest opinion, to be sure. But the **opinion** for the five conservatives **explicitly denied** it. “We stress,” said the justices, “that we do not purport **to resolve** definitively any jurisdictional or **substantive claim** in the applicants’ lawsuit.” That’s lawyer-speak for **saying** both that the **law could** still **be unconstitutional** and that there might still be some procedural way to block its operation. For good measure, the opinion said the challengers “have raised serious questions regarding the constitutionality of the Texas law.” These **formulations indicate** that at least **some** of the five **conservatives** who joined it wanted to take pains **not to** **send** the **message** **that Roe** v. Wade **is sure to be overturned**. What is less clear is whether anyone on the political battlefield wants to hear that message. The pro-choice camp will doubtless spend the months until the court term ends in June whipping up public sentiment, either in the hopes of changing the outcome or turning any decision overturning Roe into the impetus for packing the court or producing a heavy Democratic turnout in the 2022 midterm elections. The pro-life camp has an equal interest in making the overturning of Roe seem inevitable. Consequently, neither side cares much for dispassionate analysis. But the fact remains that the majority in the Texas ruling did not address the underlying issues, so it would be premature to predict the outcome in the Mississippi case based on it. Taken strictly on its own terms, the **opinion** made a point that **is incorrect** in my view, **but** that is **legally plausible**. That is that there’s no clear precedent for courts to block in advance the operation of a law that creates a civil penalty — not a criminal violation — to be applied by the courts after private lawsuits by private parties. Ordinarily, when a criminal law is obviously unconstitutional, the courts issue an order to the state attorney general not to enforce it. Such an order would not have any effect in this case, since the Texas attorney general isn’t empowered to enforce the law.

#### Expanding Rights Protection is perceived as judicial activism – it strays from the Constitution and forces Roberts to expend court capital.

Tribe et al. ‘10 [Laurence; January 2010; Carl M. Loeb University Professor at Harvard Law School, et al.; "TOO HOT FOR COURTS TO HANDLE: FUEL TEMPERATURES, GLOBAL WARMING, AND THE POLITICAL QUESTION DOCTRINE," https://s3.us-east-2.amazonaws.com/washlegal-uploads/upload/legalstudies/workingpaper/012910Tribe\_WP.pdf/]

We can stipulate that the **Constitution’s** framers were **not driven by** the **relationships** among chemistry, temperature, combustion engines, and global climate when they **assigned** **to** the **judicial process** the task of **interpreting** and applying **rules of law**, and to the political process the mission of making the basic policy choices underlying those rules. Yet the framework established by the Constitution they promulgated, refined over time but admirably constant in this fundamental respect, wisely embodied the recognition that enacting the ground rules for the conduct of commerce in all of its manifestations—including designing incentives for innovation and creative production (through regimes of intellectual property), establishing the metrics and units for commercial transactions (through regimes of weights and measures), and coping with the cross-boundary effects of economic activity (through the regulation of interstate and foreign commerce)—was a task quintessentially political rather than judicial in character. Yet the litigious **character of** American **society**, observed early in the republic’s history by deTocqueville, has ineluctably **drawn** American **courts**, federal as well as state, into problems within these spheres more properly and productively addressed by the legislative and executive branches. This has occurred in part because **political solutions** to complex problems of policy choice inevitably **leave some** citizens and consumers **dissatisfied** and inclined to seek judicial redress for their woes, real or imagined. And it has occurred in part because the toughest **political problems** appear on the horizon long before solutions can be identified, much less agreed upon, **leaving courts** to **fill the vacuum** that social forces abhor no less than nature itself. One can believe strongly in access to courts for the protection of judicially enforceable rights and the preservation of legal boundaries—as the authors of this WORKING PAPER do— while still deploring the perversion of the judicial process to meddle in matters of policy formation far removed from those judicially manageable realms. Indeed, the two concerns are mutually reinforcing rather than contradictory, for **courts squander** the **social and cultural capital** they need **in order to do** what may be **politically unpopular in preserving rights and protecting boundaries** when they yield to the temptation to treat lawsuits as ubiquitously useful devices for making the world a better place.

#### RTS is treated as an issue of corporate free speech - Robert’s legacy is built on its rejection - ensures sustained backlash.

Thomson-DeVeaux 18 (, A., 2018. Chief Justice Roberts Is Reshaping The First Amendment. [online] FiveThirtyEight. Available at: <https://fivethirtyeight.com/features/chief-justice-roberts-is-reshaping-the-first-amendment/> [Accessed 5 November 2021] Amelia Thomson-DeVeaux is a senior writer at FiveThirtyEight. Before joining FiveThirtyEight’s staff, she was a regular contributor to the site and a freelance writer and editor with a wide portfolio of work. Her writing has been published in a variety of outlets, including CNN, Cosmopolitan, National Journal, and New York Magazine. She is a graduate of Princeton University and holds a master's degree in religious studies from The University of Chicago. Between degrees, she was on the staff of The American Prospect and worked as a writer and editor for PRRI, a public opinion research organization in Washington, DC.)-rahulpenu

It’s been a big year for free speech at the Supreme Court. Two of the most high-profile cases argued before the court so far have revolved around free speech rights, four other cases on the docket this term involve free speech questions, and yet another case where the issue is paramount greets the court on Tuesday.

The court today is hearing arguments on whether the state of California is trampling on the free speech rights of crisis pregnancy centers — nonprofit organizations that do not perform abortions and encourage women to seek alternatives to the procedure — by requiring them to post notices explaining patients’ ability to access abortion and other medical services. In December, attorneys for a baker at Masterpiece Cakeshop in Colorado argued that a state anti-discrimination law violates his free speech rights as a self-described cake artist by requiring him to make a wedding cake for a gay couple. Last month, the justices heard oral arguments in a case about whether state laws allowing unions to require nonmembers to pay fees violate those employees’ right to free speech.

Whichever way the rulings come down this spring and summer, it’s almost certain that the winning side will include Chief Justice John Roberts, who has spent his 12-plus years at the helm of the high court quietly carving out a space as a prolific and decisive arbiter of free speech law. Supporters and critics both agree that during his tenure, the court has dramatically expanded the reach of the First Amendment by striking down a wide range of statutes for encroaching on free speech rights. And **Roberts** has **authored** more **majority** **opinions** **on** **free** **speech** than any other justice during his tenure, signaling that this is an area where he **wants** **to** **create** a **legacy**.

But just what that legacy will be is **highly** **contested**. Roberts’s admirers argue that his commitment to the First Amendment transcends ideological boundaries. But others contend that his decisions don’t protect speech across the board. Instead, they say that **Roberts** is more than willing to **allow** the government to restrict speech when it’s speech he disagrees with — meaning **free** **speech** is becoming **a** legal **tool** **that** **favors** **corporations** **over** **individuals**.

The chief justice gets to decide who writes the majority opinion in any case where he’s on the winning side, which means that Roberts is able to stake a claim over a particular area of law if he so chooses. And that seems to be what’s happening with free speech: As of the end of the 2016 term, Roberts had written 34 percent of the free speech decisions the court has handed down since he joined its ranks, and 14 percent of his majority opinions were devoted to the topic.1 Even when he’s not writing for the majority, Roberts is rarely on the losing side: Out of the 38 free speech cases we counted,2 he voted with the minority only once.

The First Amendment appears to be a topic of deep personal interest for Roberts, and he’s not commanding the majority opinion in these cases simply to reinforce earlier decisions. Roberts has presided over — and participated in — a deliberate and systematic expansion of free speech rights in the realm of campaign finance and commercial speech. The court’s determination that campaign spending limits on corporations violated free speech in the 2010 case Citizens United v. FEC was just one in a series that struck down a range of campaign finance laws on First Amendment grounds and expanded corporations’ right to speech in other venues, like drug advertising and trademark regulations.

According to legal experts, these rulings represent a clear and unprecedented reversal of previous Supreme Court interpretations of the First Amendment, particularly with regard to corporations. Those interpretations began taking shape early in the last century, as the court only began to strike down federal statutes for abridging free speech after World War I. As it did so, it at first explicitly rejected the idea that commercial speech was constitutionally protected. In the 1970s and ’80s, the justices walked this decision back somewhat as it related to certain types of ads, but they continued to maintain that advertising remained categorically different from other kinds of speech, especially when it was presenting inaccurate information.

At the same time, the justices issued groundbreaking rulings that protected the speech of unpopular individuals and groups against government censorship. It was these cases, which involved government attempts to quash union picketing, student protests of the Vietnam war, flag-burning and Nazi protests, that established free speech as an essential protection for people with minority opinions who were in danger of being silenced by the majority.

This is decidedly not the principle that the Roberts court has embraced with its rulings on campaign finance and commercial speech. Starting in the 1970s, campaign finance laws restricting the flow of money into politicians’ coffers aimed to make space for more voices in the political sphere by preventing the wealthy from buying influence. But in the Citizens United case, the court ruled that the government couldn’t restrict the free speech rights of corporations simply because they were corporations — even if citizens with fewer financial resources were less able to command the attention of their elected officials as a result.

Although the Roberts court seems to be interpreting free speech in a new way with these decisions, some historians say that free speech has always been ideologically flexible. According to Laura Weinrib, a historian and professor of law at the University of Chicago, corporate titans like the Ford Motor Company were part of the early push for broader **free** **speech** **protections** precisely because they recognized the power of the First Amendment for **advancing** **their** **own** **causes**, while organizations like the ACLU strategically accepted a “neutral” vision of free speech that **protected** the strong (**companies** like Ford) as well as the weak (union **workers** **seeking** the **right to strike**) in order to secure early victories for **labor** **rights**. Those twin forces helped **pave** the **way** **for** **today’s** understanding of **free** **speech** **under** the **Roberts** court.

It’s that question of what free speech protections should do — and whether it’s acceptable to muzzle stronger voices if they’re drowning out weak or unpopular opponents — that may help explain the Roberts court’s **rightward** **turn** **on** **corporate** **speech**.

Burt Neuborne, a law professor at New York University and a former legal director of the ACLU, said that the liberal justices are willing to tolerate some restrictions on speech because they see them as necessary to build a fair society. “In this view, you can, for example, limit free speech when it threatens our democracy,” Neuborne said. The **conservative** **justices**, on the other hand, tend to **view** **free** **speech** **itself** **as** the **goal**. “They don’t care what happens afterward or who they’re affecting — they just **want** **to** **get** the **gov**ernment **out** **of** the business of **meddling** with speech,” he said.

This explanation is complicated, though, by the fact the Roberts court — and Roberts himself — has painted a muddier picture of other speech limits. Roberts authored opinions striking down a civil judgment holding the Westboro Baptist Church liable for damages resulting from church members picketing outside a soldier’s funeral, and a law prohibiting the distribution of videos showing animal cruelty. Those rulings are clearly in line with previous ones permitting flag-burning and Nazi protests. But Roberts also issued decisions or signed onto rulings that allowed the government to restrict the speech of students, even when they’re off school property, and limit the expression of public employees in a variety of contexts.

There’s disagreement about whether the Roberts court, by upholding these government restrictions on speech, is undermining its reputation as a court dedicated to a broad view of free speech. “It’s very much to Roberts’s credit that his Supreme Court has a genuinely expansive view of free speech that can’t be explained by political favoritism,” said Michael McConnell, a professor at Stanford Law School. He acknowledged that there are a few exceptions but said they aren’t significant or frequent enough to undermine his broader characterization of Roberts’s record.

But Genevieve Lakier, another University of Chicago law professor, disagreed. “The court does make judgments about when the government needs to restrict speech,” she said. “And in contexts like schools, or when the government says there are national security needs, it’s shockingly willing to allow those restrictions.”

Whether or not it’s fair to say that the Roberts court has been broadly protective of free speech, there’s little question that the court is reshaping it in ways that will resonate for years to come. And the cases this term could play a pivotal role in defining and clarifying that legacy — especially Masterpiece Cakeshop.

Neuborne predicted that the wedding cake case would be challenging for Roberts, but that either way, it would further illuminate his stance on free speech. “This case could have serious ramifications for nondiscrimination law,” Neuborne said. “But there is a free speech claim involved, so we’ll see how much of an absolutist Roberts is willing to be.”

#### Legal Abortion key to Fetal Tissue research that creates treatments and vaccines for disease

LRM 19 Medicine, The Lancet Respiratory. "Fetal tissue research: focus on the science and not the politics." (2019): 639. (ranked as the number one journal in the fields of critical care and respiratory medicine)//Found by JM + BUBU//Re-cut by Elmer

**Stem cell** therapy **research** in lung disease is still at early stages, but the research output is **increasing** and the area is a **promising** one. However, there are **limits** to the use of MSC and other adult multipotent stem cells, because **substantial numbers** are **required for therapeutic effects**. The cells also have a shorter replicative lifespan and can only make a restricted number of specialised cell types that are specific for their organ of origin. **Fetal tissue**, by contrast, provides cell lines that grow rapidly, are able to **easily differentiate** into multiple cell types, and are **less likely to be rejected** by the body. In the future, fetal tissue might be replaced in certain areas of research with the use of induced pluripotent stem cells and organoids, which are human-cell cultures that can be crafted to replicate an organ. However, in areas such as fetal development, a suitable replacement to fetal tissue is unlikely to be found. Although research into fetal tissue alternatives is worthwhile, it will take time and until then, the use of fetal tissue is **essential** so that **research efforts**, which are crucial for the development of new therapeutic treatments in often difficult-to-treat lung diseases, are not severely hampered. And those in the field need to ensure their voices are heard. Indeed, the American Thoracic Society released a statement the day after the Trump administration announcement saying that “Scientific research with fetal tissue is **vital for** the **development of new treatments for** many **deadly** **diseases** and conditions, such as cystic fibrosis and acute lung injury. **There are no alternative research models that can replace all fetal tissue research”.** Fetal tissue has been a **key** **part of** the development of multiple **vaccines**, **treatments** for cystic fibrosis, and ongoing research into cancer immunotherapy. The major objection to fetal tissue research is that the **source of** the **fetal tissue is** **mainly from** **elective abortions**. However, there is no suggestion that the number of abortions will decrease as a result of removing funding for fetal tissue research. **Abortion is still legal** in all 50 states in the USA and fetal tissue would otherwise be discarded. **Fetal tissue research**, in fact, holds the **potential to save lives** through the development of new treatments and vaccines. Politicising scientific research in this way means denying hope to millions of patients with life-limiting diseases.

#### Diseases cause Extinction

Bar-Yam 16 Yaneer Bar-Yam 7-3-2016 “Transition to extinction: Pandemics in a connected world” <http://necsi.edu/research/social/pandemics/transition> (Professor and President, New England Complex System Institute; PhD in Physics, MIT)//Elmer

Watch as one of the more aggressive—brighter red — strains rapidly expands. After a time it goes extinct leaving a black region. Why does it go extinct? The answer is that it spreads so rapidly that it kills the hosts around it. Without new hosts to infect it then dies out itself. That the rapidly spreading pathogens die out has important implications for evolutionary research which we have talked about elsewhere [1–7]. In the research I want to discuss here, what we were interested in is the effect of adding long range transportation [8]. This includes natural means of dispersal as well as unintentional dispersal by humans, like adding airplane routes, which is being done by real world airlines (Figure 2). When we introduce long range transportation into the model, the success of more aggressive strains changes. They can use the long range transportation to find new hosts and escape local extinction. Figure 3 shows that the more transportation routes introduced into the model, the more higher aggressive pathogens are able to survive and spread. As we add more long range transportation, there is a critical point at which pathogens become so aggressive that the entire host population dies. The pathogens die at the same time, but that is not exactly a consolation to the hosts. We call this the phase transition to extinction (Figure 4). With increasing levels of global transportation, human civilization may be approaching such a critical threshold. In the paper we wrote in 2006 about the dangers of global transportation for pathogen evolution and pandemics [8], we mentioned the risk from Ebola. Ebola is a horrendous disease that was present only in isolated villages in Africa. It was far away from the rest of the world only because of that isolation. Since Africa was developing, it was only a matter of time before it reached population centers and airports. While the model is about evolution, it is really about which pathogens will be found in a system that is highly connected, and Ebola can spread in a highly connected world. The traditional approach to public health uses historical evidence analyzed statistically to assess the potential impacts of a disease. As a result, many were surprised by the spread of Ebola through West Africa in 2014. As the connectivity of the world increases, past experience is not a good guide to future events. A key point about the phase transition to extinction is its suddenness. Even a system that seems stable, can be destabilized by a few more long-range connections, and connectivity is continuing to increase. So how close are we to the tipping point? We don’t know but it would be good to find out before it happens. While Ebola ravaged three countries in West Africa, it only resulted in a handful of cases outside that region. One possible reason is that many of the airlines that fly to west Africa stopped or reduced flights during the epidemic [9]. In the absence of a clear connection, public health authorities who downplayed the dangers of the epidemic spreading to the West might seem to be vindicated. As with the choice of airlines to stop flying to west Africa, our analysis didn’t take into consideration how people respond to epidemics. It does tell us what the outcome will be unless we respond fast enough and well enough to stop the spread of future diseases, which may not be the same as the ones we saw in the past. As the world becomes more connected, the dangers increase. Are people in western countries safe because of higher quality health systems? Countries like the U.S. have highly skewed networks of social interactions with some very highly connected individuals that can be “superspreaders.” The chances of such an individual becoming infected may be low but events like a mass outbreak pose a much greater risk if they do happen. If a sick food service worker in an airport infects 100 passengers, or a contagion event happens in mass transportation, an outbreak could very well prove unstoppable.

## Case

### 1NC – Heg Bad

#### Conceding that Civil wars collapse U.S Heg – that’s good

#### a] Offense –

#### Hegemony incentivizes rapid escalation - competitive decline creates incentives to wait and de-escalate

Hal Brands 18, the Henry Kissinger Distinguished Professor at Johns Hopkins-SAIS, senior fellow at the Center for Strategic and Budgetary Assessments, 10/24/18, “Danger: Falling Powers,” <https://www.the-american-interest.com/2018/10/24/danger-falling-powers/>

There is, then, no disputing that rising powers can have profoundly disruptive effects. Yet such powers might not actually be the most aggressive or risk-prone type of revisionist state. After all, if a country’s position is steadily improving over time, why risk messing it all up through reckless policies that precipitate a premature showdown? Why not lay low until the geopolitical balance has become still more favorable? Why not wait until one has surpassed the reigning hegemon altogether and other countries defer to one’s wishes without a shot being fired? So while a rising revisionist power may be tempted to assert itself, it should also have good reason to avoid going for broke.

Now imagine an alternative scenario. A revisionist power—perhaps an authoritarian power—has been gaining influence and ratcheting its ambitions upward. Its leaders have cultivated intense nationalism as a pillar of their domestic legitimacy; they have promised the populace that past insults will be avenged and sacrifices will be rewarded with geopolitical greatness and global prestige. Yet then the country’s potential peaks, either because it has reached its natural limit or because of some unforeseen development, and the balance of power starts to shift in unfavorable ways. It becomes clear to the country’s leadership that it may not be able to accomplish the goals it has set and fulfill the promises it has made, and that the situation will only further worsen with time. A roll of the iron dice now seems more attractive: It may be the only chance the nation has to claim geopolitical spoils before it is too late.

In this scenario, it is not rising power that makes the revisionist state so dangerous, but the temptation to act before decline sets in. In this sense, the dynamic bears a resemblance to the famous Davies J-Curve theory of revolution, wherein a populace is held to be more inclined to revolt not when it is maximally oppressed but rather when raised expectations are shown to be in vain.

#### It's more unstable – our evidence is comparative.

Christopher Preble 16, vice president for defense and foreign policy studies at the Cato Institute. PhD in History from Temple University. With William Ruger. 2016. “The Problem With Primacy.” In “Our Foreign Policy Choices, Rethinking America’s Global Role” https://poseidon01.ssrn.com/delivery.php?ID=741072022102024090075118113101083026016056000029024069069123111076082080009064093108016120111006027011049007074022115108007102123042042011081092085100005025006088070001052041101115092080116097001012108114029011071004086091092118120095090091004096029029&EXT=pdf

Another key problem is that primacy inadvertently increases the risk of conflict. Allies are more willing to confront powerful rivals, because they are confident that the United States will rescue them if the confrontation turns ugly, a classic case of moral hazard, or what Barry Posen calls "reckless driving." Restraining our impulse to intervene militarily or diplomatically when Our vital national interests are not threatened would reduce the likelihood that Our friends and allies will engage in such reckless behavior in the first place. Libya and Georgia are only two cases of this problem. Plus, a more restrained U.S. foreign policy would provide a powerful incentive for allies to share the burden of defense. Primacy has not stopped rivals from challenging U.S. power. Russia and China, for example, have resisted the U.S. government's efforts to expand its influence in Europe and Asia. Indeed, by provoking security fears, primacy exacerbates the very sorts of problems that it claims to prevent, including nuclear proliferation. U.S. efforts at regime change and talk of an "axis of evil" that needed to be eliminated certainly provided additional incentives for States to develop nuclear weapons to deter U.S. actions (e.g„ North Korea). Meanwhile, efforts intended to smother security competition or hostile ideologies have destabilized vast regions, undermined Our counter- terrorism efforts, and even harmed those we were ostensibly trying to help. After U S. forces deposed the tyrant Saddam Hussein in 211)3, Iraq descended into chaos and has never recovered. The situation in Libya is not much better; the United States helped Overthrow Muammar el-Qaddafi in 2011, but violence still rages. The Islamic State, which Originated in Iraq, has now established a presence in Libya as well. It is clear that those interventions were counterproductive and have failed to make America safer and more secure.

#### US Counter-Terror Presence is de-stabilizing.

Powell 18 Nathaniel Powell 2-8-2018 "THE DESTABILIZING DANGERS OF U.S. COUNTERTERRORISM IN THE SAHEL" <https://warontherocks.com/2018/02/the-destabilizing-dangers-of-american-counterterrorism-in-the-sahel/> (Africa Analyst at Oxford Analytica)//Elmer

Sub-Saharan Africa has long been a strategic backwater for American foreign policy. Until the mid-2000s, American engagement in the region was sporadic and limited to areas of Cold War conflict or humanitarian crisis. However, the October deaths of four U.S. Green Berets and five Nigerien soldiers in Niger has thrown a public spotlight on a growing U.S. military presence in Africa. At present, AFRICOM, the U.S. military command responsible for Africa, oversees the activities of some 6,000 troops on the continent, of which over 800 are based in Niger. Apart from the large base at Camp Lemmonier in Djibouti, the United States maintains a dozen or so “cooperative security locations,” i.e. small semi-permanent military installations across Africa. This will soon include a substantial $100 million dollar base in the central Nigerien city of Agadez to host and support drone operations. This **African presence** is neither new nor secret, but it is not well-publicized. It encompasses a variety of missions, ranging from classic security assistance to counterterrorism operations. AFRICOM’s activities also bleed into areas typically the preserve of civilian U.S. government agencies such as public health, medicine, and humanitarian response. In recent months, the Pentagon has indicated it aims to intensify its counterterrorism-related operations on the continent. This includes a loosening of rules of engagement to allow “status-based targeting” which authorizes the killing of “terrorist suspects” even in the absence of direct or imminent threats. In that vein, the American and Nigerien governments have agreed to the use of armed drones in the country, in contrast to previous U.S. drone activity, which was limited to surveillance missions. Such a policy would be **counterproductive** **and deeply destabilizing**, because it is largely premised on a flawed understanding of the political dynamics of conflict in the region. The **U**nited **S**tates also **vastly overestimates** the **capacities** of its forces, or any external actors, **to improve regional stabilization** and good governance. Finally, the policy **poses a serious moral hazard problem** by **undercutting** the **connections between local and national elites and their domestic constituencies**. First, American counterterrorism policy in the Sahel is based on a dangerously simplistic and security-centric view of threats to regional stability. The Sahel is simply not a vast territory of “ungoverned space” prone to the infiltration of global jihad. Though some armed groups have adopted jihadist ideologies, the proliferation of these groups remains an intensely local phenomenon. The central cause of conflict in most cases is the behavior of state actors, not the spontaneous appearance of foreign jihadists. The region’s **armed conflicts** are **direct products of political and economic marginalization** and repression of peripheral communities. The jihadist groups that do operate in the region, even those affiliated with international organizations such as al-Qaeda and ISIL, are interwoven with local uprisings against exploitative and alienating state authority. Especially for the rank and file of these local groups, jihad is a negligible consideration. Terrorism is not a useful lens for understanding violence in the Sahel, nor is counterterrorism a proper policy response. Viewing conflicts in the region as part of a global “war on terror” is redolent of Cold War-era policies that viewed a plethora of local and regional conflicts in starkly internationalized East-West terms. Most jihadist and other armed groups in the Sahel are guerrillas. Their success and growth emerge from the strategies that states in the region use to maintain political orders favorable to national elites. Armed groups in the Sahel will continue to employ terrorism, among other forms of violence, as a political strategy as long as states there continue to govern as they do. For example, the Malian state’s inability and unwillingness to manage conflicts over land and pasturage, combined with brutal human rights abuses by government security forces, has fueled major conflict in central Mali. This has provided vital openings for jihadist and other armed groups to establish themselves as viable alternatives to state authority. **Expanded counterterrorism operations** can do nothing to alter these dynamics. They may even **backfire by alienating** key **individuals and groups** necessary for resolving local and national conflicts. The United States and France, which is heavily involved in the region with Operation Barkhane, a large-scale military operation aimed at stabilizing regional states, should acknowledge this. Second, American policymakers should understand that external military actors are fundamentally limited in their ability to constructively intervene, and often make things worse. Various security assistance efforts have provided good examples of how interventions fail, particularly in Africa. In part this is due to their frequently narrow and technical focus on training and equipment at the expense of a broader political strategy. The collapse of the Malian Army in 2012, despite significant American security assistance and training, is a prime example. Subsequent French and European training efforts in the country have also generated limited results. Targeted efforts to train host nation armies cannot overcome what is ultimately a political problem linked to national identity, state legitimacy, and the distribution of resources. At best, security assistance may offer marginal improvements, but it can also miscarry. In much of Mali, particularly in the north, human rights abuses by the national army mean it is often viewed with suspicion, if not hostility. Simply improving the army’s operational capacities does little to change this: Better units, in the absence of a clear political process and oversight, may simply become better oppressors. For instance, in Chad, French assistance has helped create an elite ethnic militia that serves as a praetorian guard with a terrible human rights record. Despite this, Chad remains a major French client, and has also become an important partner in American counterterrorism efforts, despite the Trump administration’s recent travel ban. In Niger, the effectiveness of American security assistance is threatened by a serious crisis of civil-military relations. Niger’s president, Mahamadou Issoufou, has accused the army of a coup attempt in 2015. He subsequently purged or marginalized a substantial proportion of senior officer corps whom he accuses of collaborating with former Prime Minister Hama Amadou. At the same time, Niger’s fight against Boko Haram and other armed groups has led to an explosion in defense spending. This has multiplied fivefold since 2012, from $73.1 million to over $370 million in 2016, 11 percent of the country’s budget. In 2017 this increased to 15 percent. The defense spending increase has been accompanied by dizzying levels of corruption that have deprived units of needed equipment while Issoufou’s presidential guard receives favored treatment. Furthermore, a 2016 survey suggests that many within the Nigerien army and security services, of all ranks, resent the presence of American and French troops. This could aggravate tensions between the army and civilian authorities in a country that has seen four military coups. This context should give U.S. policymakers pause as they aim to make Niger a centerpiece of regional security assistance efforts. Finally, and relatedly, the American commitment to counterterrorism in the Sahel poses a moral hazard problem. Major security obligations to regimes whose practices are the main causes of conflict risk exacerbating the very instability such commitments aim to combat. External support incentivizes local strongmen to avoid the reforms necessary to de-escalate conflict. As long as Sahelian leaders know the survival of their regimes is a priority of Western policymakers, they have little reason to alter their behavior. On the contrary, money and other **resources** **derived from the “war on terror**” **provide** **lucrative alternatives to engaging with local and regional stakeholders**, **discouraging governance reform**. This dynamic has often characterized external support to African regimes, particularly during the Cold War. Chad offers an illustrative example. The country has hosted a number of important military exercises organized by the United States, receives U.S. security assistance, shares intelligence, and plays a key role in international efforts to combat Boko Haram. All of this has made Chad’s dictator, Idriss Déby, a vital Western partner. Unfortunately, his regime commits serious human rights abuses, violence is endemic, and Déby has effectively used international security assistance to consolidate his rule. In Niger, though nominally more democratic than Chad, external actors, including the United States, may also undermine the effectiveness of longstanding mediation mechanisms that previously kept the country more peaceful than its neighbors. Cash and other kinds of support that flow into an increasingly corrupt government radically distort existing patronage networks and institutions that help to regulate local conflicts. This can alter crucial relationships between actors in the center and periphery, and erode incentives for accountability and transparency.

#### US pressure causes Ethiopian instability.

Tessema 21 Seleshi Tessema 4-22-2021 "'Pressure from US, EU could destabilize Ethiopia'" <https://www.aa.com.tr/en/africa/pressure-from-us-eu-could-destabilize-ethiopia/2216638> (Reporter on Africa)//Elmer

**Pressure from the** West, particularly the **US**, **on Ethiopia** to cease military operations and engage in dialogue with the Tigray People’s Liberation Front (TPLF) **could** prove counterproductive and **destabilize the country,** analysts are warning. Speaking to Anadolu Agency, Endale Belay, a lecturer in the Ethiopian Civil Service University, said the US and the EU have been threatening sanctions and other coercive measures in a bid to force Ethiopia to return political space to now-defunct TPLF. Last week the US Senate and foreign ministers of G7 countries -- the world's seven advanced economies -- passed separate resolutions to put pressure on Ethiopia. Earlier the UN Security Council met four times but failed to arrive at a consensus to take punitive measures against Ethiopia. Endale Belay "The **multipronged pressure** has been **defacing**, **confusing**, intimidating, and **alienating Ethiopia from its neighbors** and global partners subdue it [Ethiopia] to their multifaceted hidden agendas," said Endale. Wuhibegzer Ferede, a teacher in Bahir Dar University in the Amhara Region in Ethiopia apprehended that the US and its allies may hold back financial aid and issue crippling sanctions. The European Union has postponed 90 million euros ($109 million) budgetary support to Ethiopia due to what it said the "lack of access to the country’s Tigray region to deliver humanitarian aid". The Biden administration has also paused $272 million worth of development and security assistance to Ethiopia. It has linked the resumption of assistance to several factors related to the Tigray crisis. The Tigray crisis erupted in November 2020, when the TPLF ruling the Tigray region attacked the Northern Command of the Ethiopian National Defense Force (ENDF) in the regional capital, Mekele. In retaliation, the Ethiopian government led by Prime Minister Abiy Ahmed launched an offensive against the TPLF. In a three-week military operation, the TPLF lost control of the Tigray region except for small pockets from which it is controlling low-level insurgency. Most of the key civilian and military leaders of TPLF were killed and captured. However, some leading fugitive leaders are still at large. Humanitarian crises International organizations say the fighting has caused a humanitarian crisis leaving millions of people displaced. The Ethiopian government says that it was responding to international demands and exercising its legal obligations towards its citizens, claiming that it had provided local and international aid agencies unfettered access to the region. According to official spokespersons, some 3 million people have been provided food and other aid. They said that 70% of the assistance was covered by the Ethiopian government. On the demands to conduct an independent investigation into rights violations, the government said that it has agreed to conduct a joint investigation including Ethiopian Human Rights Commission and the UN High Commissioner for Human Rights. Further, the Eritrean troops, who were fighting on the side of Ethiopian forces in the region have also started withdrawing, according to the government. The G7 ministers called on establishing a clear inclusive political process that is acceptable to all Ethiopians, including those in Tigray, and which leads to credible elections and a wider national reconciliation process. Referring to this statement, Endale said the **G7** has laid bare its **hidden motives** "They are **working to bring the outlawed TPLF** **into the political equation and form a new subservient government,**" he said. He added that neither the government nor the public will allow the TPLF to be part of the "inclusive political process’’ and part of the new government. "The nonstarter **position of the west can embolden** TPLF and other **insurgents** **to continue** with their subversive acts, **weaken the** federal **government** an**d derail the country’s reform and consequently destabilize Ethiopia**," said Endale. West wants submissive Ethiopia He added that the West wants a submissive Ethiopia to demonstrate its power in Africa. Wuhibegzer said the changing world order that had created multiple global forces competing for the influence is one of the factors that had led to the unprecedented and unrelenting pressure on Ethiopia. "The West very well knows that world is no longer dominated by them and there are many developing nations capable of providing all types of assistance to Africans," he said, adding that it was essential for them to assert control by finding pretexts. "The Tigray conflict has motivated the West to exert pressure and thereby control Ethiopia that aspires and have been pursuing an independent foreign policy," he said. He said the US and Europe are concerned about the growing influence of China and that looks like the reason behind pressuring Ethiopia. "Chinese direct investment (FDI) in Ethiopia had reached US$4 billion and bilateral trade had grown to $5.4 billion," he added. At the UNSC, Beijing vetoed the US and European resolution aimed at sanctioning and condemning Ethiopia over the Tigray crisis. He said both countries (China and Ethiopia) were well aware of the motive and have been now upgrading their political relations by conducting a higher-level political meeting. "The pressure is **pushing Ethiopia to find** **trustworthy friends in the form of China, Russia**, and other developing nations. Africa must embrace the new world order and resist humiliating western demands," said Wuhibegzer.

#### That escalates.

Rondos and Medish 21 Alex Rondos and Mark Medish 10-17-2021 "Opinion | Ethiopia Is Plunging Into Chaos. It’s Time for a New Dayton Peace Process." <https://www.politico.com/news/2021/10/17/ethiopia-dayton-peace-process-516117> (Alex Rondos served until July 2021 as E.U. Special Representative to the Horn of Africa. Mark Medish served on the Dayton Peace implementation team and at the U.S. Treasury and National Security Council in the Clinton Administration.)//Elmer

Right now, **Ethiopia** stands on the **brink of escalating civil war and state failure.** Last week, fighting intensified dramatically, with Ethiopian forces striking hard against rebels from the Tigray province. **Millions** are **starving** — and time to avert a descent into chaos is running out. The plight of places like South Sudan and Afghanistan after years of U.S.-led support should remind everyone of the limits of any outside nation’s influence. But Addis Ababa is not Juba or Kabul. Two years ago, Ethiopia was one of the emerging economic success stories of sub-Saharan Africa. Which means there’s a chance to turn things around. If we act now. This is the moment to prepare for concerted international action to prevent further drift and to focus diplomacy on a comprehensive settlement for this nation of more than 110 million. Nothing less than a Dayton-style peace process with visible, American- and neighbor-led daily engagement will pull Ethiopia back from the brink. National security officials in the U.S., Europe and regional neighbors —who already have full inboxes — will need to pay urgent attention. Sanctions certainly provide leverage but may not be enough. Military intervention or occupation is not an option in a country twice the size of Afghanistan and which is already sliding into civil war. This crisis will require diplomacy and mediation on a scale not seen since the 1995 Dayton peace process to end the bloody war in Bosnia. Dayton was a model of how warring ethnic parties can be brought to the table through intense, coordinated diplomatic efforts on the part of honest brokers. It required steady engagement from the highest levels of the U.S. government including the president, national security adviser, secretary of state and a chief negotiator such as the late Ambassador Richard Holbrooke. The EU and other major powers played critical supporting roles. Ethiopia in 2021 is not the same as Bosnia in 1995, and a Dayton-style process would need to be adapted to local realities. But if the U.S. and other partners do not step up urgently to promote a peaceful settlement and provide necessary support to Jeffrey Feltman, recently appointed U.S. special envoy for the Horn of Africa, Ethiopia could disintegrate like Yugoslavia — with far more serious repercussions. This engagement is to the benefit of the U.S. and all others involved. The U.S., Europe and our African allies and partners have clear security, economic and humanitarian interests in Ethiopia. The **implications of state collapse** **would be devastating for the entire Horn of Africa and beyond.** **Ethiopia** is at the **strategic center** of the Horn, surrounded by Sudan, South Sudan, Eritrea, Djibouti, Somaliland, Somalia and Kenya. Ethiopia’s instability could **affect** **maritime routes through the Red Sea**, **trigger refugee flows** that would dwarf those of the last few years, **and disrupt the fragile post-conflict transitions in Sudan and Somalia.** **Chaos** would also be **exploited by terrorist groups like al-Shabab and** other **al Qaeda** affiliates that want to extend their grip on the region. This is no longer just an Ethiopian or East African problem. It will have a wider impact and require solutions and actions that unite all who care in Africa and beyond.

### 1NC – AT: Advantage

#### Inequality has zero effect on war.

Gal Ariely 15, senior lecturer in the Department of Politics & Government, Ben-Gurion University of the Negev, PhD from the University of Haifa’s School of Political Sciences, “Does National Identification Always Lead to Chauvinism? A Cross-national Analysis of Contextual Explanations,” Globalizations, 2015, https://s3.amazonaws.com/academia.edu.documents/43980028/Ariely\_Globalizations\_2015.pdf?AWSAccessKeyId=AKIAIWOWYYGZ2Y53UL3A&Expires=1515397197&Signature=78lnbbHNRVjhLgOKyRPKm%2BK8M1o%3D&response-content-disposition=inline%3B%20filename%3DDoes\_National\_Identification\_Always\_Lead.pdf

With respect to internal explanations, the effects of income inequality and ethnic diversity are presented in Table 3. Models 3.1 and 3.2 indicate that neither directly affects chauvinism. H4 is therefore not supported. The results suggest, however, that both have a negative effect on the national-identification slopes. Contrary to our expectations, countries with higher levels of economic and ethnic division appear to exhibit a weaker relation between national identification and chauvinism. While these findings might seem to contradict H5, the pattern was caused by outliers. After excluding South Africa—the most unequal and ethnic diverse country in our sample—the effect of ethnic diversity is not even of borderline significance. After excluding Chile—the most unequal country in our sample—the interaction effects for economic inequality were also far from significant.

The results, therefore, do not support H5.21¶ Conclusions¶ During the historic phone call between President Obama and Iranian President Sheikh Hasan Rouhani in September 2013, the latter stated that his country’s nuclear program ‘represents Iran’s national dignity’.22 This declaration reflects the common perception that Iran’s nuclear program mobilizes Iranians in support of resisting further national humiliation at the hands of foreigners (Moshirzadeh, 2007). This reflects the important role national feelings play in the contemporary international arena. Evidence from other examples—such as the Israeli-Palestine conflict—indicates that national identity serves as a key factor in conflict resolution. The prominence of national feelings is not limited to the Middle East, their effect on public attitudes towards international issues, and conflicts also being manifest in the West (Billig, 1995; Kinder & Kam, 2010).¶ It is thus hardly surprising that scholars seeking to develop a better understanding of conflicts adopt a social-psychology perspective, replacing the deterministic view that identification with one’s in-group necessarily leads to antagonism towards out-groups with an examination of the broader social context. In line with this approach, the present paper focuses on the way in which political and social contexts encourage chauvinistic views towards the international arena and how they affect the relation between national identification and chauvinism.¶ Integrating various social and psychological theories, we investigated two external contextual explanations (globalization and conflict) and an internal explanation (social division). Employing cross-national survey data, we examined the relation between national identification and chauvinism across 33 countries. The findings indicate that a positive relationship exists between national identification and chauvinism across most of the countries, although the level differs from country to country. Using a multilevel regression analysis, we tested to see whether globalization, conflict, and social division correlate with this variation. The results indicate that social and political contexts are related to chauvinism and the ways national identifi- cation and chauvinism are linked. Although a closer relation exists between national identification and chauvinism in more globalized countries, globalization failed to explain the variation in chauvinism itself. These findings support the notion that globalization highlights the importance of national identity (Calhoun, 2007; Castells, 2011). While those sections of globalized societies that are attached to their country also tend to resist international cooperation and endorse hostile views, the complexity of the phenomenon—as evinced by the divergent findings of previous studies (e.g. Jung, 2008; Norris & Inglehart, 2009)—calls for further research of this interpretation. The fact that the current study is cross-sectional must also be taken into account, the findings adducing the relation but not the causal relations between the variables. In contrast to experimental studies, the present design is similarly limited in its ability to offer a robust control for alternative explanations.¶ Another external factor found to be relevant—to a certain degree—was conflict. Countries that suffered large numbers of deaths in conflicts and mobilized resources and personnel exhibited higher levels of chauvinism. When other indices for conflict were used, however, these results were not replicated. A possible explanation for this finding lies in the inherent limitation in the way in which conflicts are measured across various countries. Measuring international conflicts is a challenging task (Anderton & Carter, 2011). While the ways of measuring conflict were chosen because they reflect different dimensions of conflict in order to be representative of a wide range of countries, the problem of comparability cannot be ignored. An alternative explanation may derive from the fact that only deaths from conflict and resources/personnel mobilization are sufficiently significant to contribute to chauvinism. The limitations of our measurements of conflict and research design mean that this idea must remain speculative, however. In addition, it is important to emphasize that the sample of countries is also limited as many countries are not involved in conflict and there is also limited variation in the types of conflicts.¶ Contrary to what the divisionary theory of national mobilization would lead us to expect, neither economic inequality nor ethnic diversity were related to chauvinism or affected the relation between national identification and chauvinism. This finding might also be explained by the limitation of the current research design. The number of countries included in the ISSP 2003 National Identity Module being relatively small and the sample only covering countries with available survey data, the results relate solely to this specific sample of countries. Across another set of countries, social division might play a far more significant role. Another explanation might be the meaning given to national identification and chauvinism across the countries. While evidence exists for the comparability of the scales across most of the countries, the divergent meaning probably attributed to them in Germany, the United States, and Israel might form an additional limitation.

#### No Civil War – multiple warrants – strong government, lack of advantageous terrain, and wealth ensure tensions will not escalate

Hanania 20 Richard Hanania 10-29-2020 "Americans hate each other. But we aren’t headed for civil war." <https://www.washingtonpost.com/outlook/civil-war-united-states-unlikely-violence/2020/10/29/3a143936-0f0f-11eb-8074-0e943a91bf08_story.html> (Richard Hanania is a research fellow at Defense Priorities, and a postdoctoral research fellow at the Saltzman Institute of War and Peace Studies at Columbia University.)//Elmer

The logic underlying most of these predictions is consistent and straightforward. Americans are more divided on social and political issues than in previous decades, and they hate each other more. Violence is boiling over: Armed right-wing militants traveled to sites of left-wing protests this summer, supposedly to enforce order, and deadly clashes occurred. If tensions continue to grow, these isolated incidents could become more common — and the United States might follow the path of other nations that have experienced full-blown armed conflict in recent decades. Despite its appeal, **this view betrays a fundamental misunderstanding of political violence**. Historically, the academic literature on the causes of civil war was divided into two categories: Some scholars viewed such conflicts as a predictable outcome whenever there were deep grievances within national populations, while others stressed the importance of citizens having an opportunity to act on those resentments. Much of the discussion about violence in the United States today centers, implicitly, on the grievance model, holding that if we know how much different tribes of Americans hate each other, we can predict the likelihood of fighting in the streets. But scholars now prefer the opportunity model, thanks to large-scale studies that examine political violence worldwide with cutting-edge statistical methods. Grievances and societal cleavages exist everywhere, waiting to be exploited. What distinguishes the countries that descend into **civil war** from those that do not is the lack **of state capacity to put down rebellion** — for reasons rooted **in politics, economics or geography**. You might expect, for instance, states that lack democracy, that have diverse populations or that discriminate against minorities would be at the highest risk of internal conflict, because such conditions foment bitter grievances. But in fact, those qualities are at **most loosely correlated with civil war**, as scholars like the Stanford University political scientists James Fearon and David Laitin and the University of California at San Diego’s Barbara F. Walter have shown. Rather, **civil wars happen where the state is weak**. Lower levels of wealth predict civil war, because poor countries lack the law enforcement and military capability to put down armed rebellions. That helps to explain recent conflicts in such varied countries as Yemen and Congo. Power vacuums, as occurred during and after decolonization, after American regime-change wars and after the collapse of the Soviet Union, create uncertainty about who is in charge and can inspire those who seek power to take up arms. There are other factors, too: States that are rich in oil see more civil war because the potential payoffs of a successful rebellion are higher — but this applies only up to a certain level of income, after which point the government is often able to buy off or destroy any potential challengers. The Balkans offer a ready example of how grievance based on ethnic tension must be intertwined with the collapse of order for groups to take up arms against one another. While various ethnolinguistic communities there long eyed each other with suspicion, going back to the days of the Ottoman and Austro-Hungarian empires, **those tensions did not lead to violence** for most of the region’s history, including during the nearly half-century of communist rule. But when the Soviet empire fell and communist governments were discredited, parts of Yugoslavia began to declare independence. Serbs, Bosnians, Croats and Albanians, incited by political opportunists and demagogues, fought wars against one another for a decade, drawing in the international community, until sovereign states emerged with new, widely accepted borders. In one influential 2006 study representative of the new school of thought — one that examined 172 countries from 1945 to 2000 — the political scientists Havard Hegre, of the Center for the Study of Civil War, and Nicholas Sambanis, of Yale University, used advanced statistical tools to determine which of 88 factors most consistently predicted civil war. Grievance-based measures **like authoritarian government** and ethnolinguistic diversity ranked low or **had no discernible effect** (although the latter did predict internal conflict when the analysis included the lowest level of conflict measured, defined as 25 or more deaths in a year). In contrast, Hegre and Sambanis found that measures of opportunity like a small military establishment and rough terrain — which offers a base from which rebels can strike — had a much stronger and more consistent effect. Geography is a surprisingly potent variable in predicting civil war — and can confound even moderately strong states. During such conflicts, governments usually control the cities, and rebels form bases in relatively inaccessible regions like mountains, forests and swamps. Countries that have had problems with mountain-based minorities include Russia, which has confronted rebels in Chechnya, and Turkey, which is still fighting Kurds in the southeast of the country. (Until the 1990s, the Turkish government even referred to Kurds as “Mountain Turks,” denying their identity while acknowledging the geographical nature of the problem.) Even with the most difficult geographic conditions, however, wealth and government power tend to erase opportunities for rebellion. Consider that in 1948 and 1949, South Korea faced a communist-led uprising on Jeju Island — which lies in the Korea Strait, about 60 miles from the mainland — in a conflict that cost as many as 30,000 lives, mostly civilian. A poor, newly independent South Korea had difficulty bringing that island under control and relied on brutal tactics to do so, including summary executions. But now that South Korea has joined the club of modern, industrialized states with advanced militaries, the idea of a region like Jeju rebelling has become unthinkable. Wealth and military power explain why, in the United States, **civil war is likely to remain a metaphor**. Its per capita gross domestic product is about $62,000 a year, among the highest in the world, and its military is clearly capable of wiping out any challenges to state power. (The U.S. Civil War occurred when the nation had a per capita GDP comparable to that of a developing nation today, and when military technology was limited to rifles and cannon.) The Pentagon has 1.3 million active-duty personnel, can find terrorists on the other side of the world and wipe them out with the push of a button, and boasts a command-and-control structure with no recent history of factionalization. There is no swamp or mountain peak that is beyond the easy reach of the U.S. military. A recent survey by Nationscape revealed that 36 percent of Republicans and 33 percent of Democrats thought that violence was at least somewhat justified to accomplish political goals. The opportunity model suggests that while a survey result like this reveals disturbing things about our political culture, it does not presage civil war. To be sure, riots and general discord can happen as long as leaders lack the political will to respond (or if, as today, leaders disagree about the line dividing peaceful protest from lawlessness). But as soon as the authorities perceive a serious enough problem, they can move quickly and decisively, a lesson learned by the anarchists who recently took over part of Seattle, declaring it the Capitol Hill Autonomous Zone. They were tolerated for just over three weeks until they were cleared out by local police in partnership with the FBI. Law enforcement at the local and national levels, from police to the military, remains united and under civilian control, willing and able to put down potential threats to our governing system or territorial integrity. Five myths about militias The wide availability of guns does make the American situation unique among developed countries — and leads to more horrific low-level violence, such as the 2019 El Paso shooting, in which a White racist angry about immigration is accused of targeting innocent Hispanics, killing 23 people. (He had apparently sought, but failed, to provoke a larger conflict.) But that is not civil war — and using such hyperbolic language may actually lead to more violence, as radicals come to believe that true civil war is possible and undertake copycat attacks. In fact, the situation in Michigan suggests how intoxicating the idea of civil war can be. Had the recently arrested anti-government extremists not been under close federal surveillance — itself a reassuring sign of state capacity — they might have committed hideous political violence. Yet their goal of inciting civil war would have remained out of reach. Those predicting civil war have correctly identified serious problems in American society: Ever-widening divisions based on factors including race, geography and partisanship make it difficult to respond to such varied threats as pandemics, economic crises and climate change. But our problem remains bitter polarization and distrust, not the **literal disintegration** of the country. The United States faces monumental challenges in the coming months and years, from a rancorous election (and its aftershocks) to difficult racial issues to continuing environmental calamity. Extreme partisanship and political discord will absolutely make everything harder. But **the sooner we realize that civil war is highly unlikely, the sooner we can focus on real problems**.

#### only illegal strikes have the potential to be successful and change minds

Reddy 21-- Diana S. Reddy [Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law]; “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy; Jan 6 2021; Yale Law Journal; <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>. (AG DebateDrills)

In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet, no penalties were imposed.183 Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. Recasting the strike—and the work of unions more broadly—as political is risky. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing. If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been. During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198