## 1NC

### 1NC – OFF

#### 1] Interpretation: The affirmative must defend an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.

Merriam Webster ND, <https://www.merriam-webster.com/dictionary/unconditional> //sid

not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

#### 2] Violation – They only grant the Right to Strike to prison workers That by definition is a condition since they condition the right to strike on a particular occupation.

Jensen ’18 (Eric; co-director of the Stanford Rule of Law Program, in collaboration with USAID, The Asia Foundation, and Stanford Law School; April 2018; “Introduction to the Laws of Timor-Leste”; Stanford Law School; <https://law.stanford.edu/wp-content/uploads/2018/04/Timor-Leste-Constitutional-Rights.pdf>; Accessed: 10-30-2021; AU)

If individuals want to defend their rights at work, the Constitution gives them the right form trade unions and to strike. Individuals are free to join and participate in professional associations that are peaceful. This includes trade unions. Individuals in trade unions have a right to organize their unions independent of the government or their employers. Trade unions should be free and independent, and individuals have the right to set the unions’ internal structure freely. Independent trade unions are important to allow individuals to organize with other workers to collectively defend their interests and their rights. It is important that they are independent so that they reflect the individuals’ interests and not the employer’s or the government’s interests. Individuals have the right to strike. If they feel that their employer is not respecting their rights or interests, employees can refuse to work in protest. The Constitution creates a duty that during a strike, the employer still has to maintain equipment and provide for safety. Individuals’ right to strike is **limited by the law**. The Constitution states that the right to strike is **conditional** on the strike being **compliant** with legal regulations that the government creates. This means that the **government can pass laws** that limit **when and how** individuals can exercise their right to strike. The right to strike is important to give individuals the power to defend their labor rights.

“Unconditional” necessitates the absence of narrowing restrictions.

US Legal ‘ND (US Legal; dictionary of legal terms of art; US Legal; “Unconditional Law and Legal Definition”; https://definitions.uslegal.com/u/unconditional/; Accessed: 10-30-2021; AU)

Unconditional means **without conditions**; **without restrictions**; or **absolute**. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain.

#### 3] Standards –

#### a] Limits – there are endless conditions the aff can place on the right to strike – i.e based on occupation, national holidays, location of strike, etc. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.

#### b] Neg Ground – specifying scenarios lets affs spike out of core, reduction-based disads like Bizcon and Small Businesses. Links are already non-existent on this topic – letting affs impose restrictions on RTS makes it even narrower.

#### 4] TVA – establish a right to strike and read Teacher Unions as an Advantage.

#### 5] Paradigm Issues –

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

### 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.

#### Disease perpetuates colonialism and inequality – it disproportionately hurts Indigenous people.

**Ostler 20** Jeffrey Ostler 4-29-2020 "Disease Has Never Been Just Disease for Native Americans" <https://www.theatlantic.com/ideas/archive/2020/04/disease-has-never-been-just-disease-native-americans/610852/> (Beekman Professor of Northwest and Pacific History at the University of Oregon.)//Elmer

As the death toll from COVID-19 mounts, **people of color are** clearly **at greater risk** than others. Among **the most vulnerable are Native** Americans. To understand **how dire** the **COVID**-19 situation **is** becoming for these communities, consider the situation unfolding for the **Navajo Nation**, a people with homelands in Arizona, New Mexico, and Utah. As of April 23, **1,360 infections and 52 deaths** had been reported among the Navajo Reservation’s 170,000 people, a **mortality rate of 30 per 100,000**. Only six states have a higher per capita toll. The spread of COVID-19 is **reminiscent of previous disease outbreaks that have ravaged Native American communities**. Many of those outbreaks resulted in catastrophic loss of life, far greater than even the worst-case scenarios for COVID-19. Even the 1918–19 flu pandemic, in which an estimated 650,000 Americans died (0.6 percent of the 1920 population of 106 million), pales in comparison to the losses Native Americans have suffered from disease. Until recently, histories of disease and Native Americans have emphasized “virgin-soil epidemics.” According to this theory, popularized in Jared Diamond’s Guns, Germs, and Steel, when Europeans arrived in the Western Hemisphere, they brought diseases (particularly measles and smallpox) that indigenous people had never experienced. Because they had no immunity to these diseases, so the theory goes, the resulting epidemics took the lives of 70 percent or more of the Native population throughout the Americas. New research, however, provides a much more complicated picture of disease in American Indian history. This research shows that virgin-soil epidemics were not as common as previously believed and shifts the focus to how **diseases repeatedly attacked Native communities** in the decades and **centuries after Europeans first arrived**. Post-contact diseases were **crippling** not so much because indigenous people lacked immunity, but **because** the **conditions** **created by** European and U.S. **colonialism made Native communities vulnerable**. The virgin-soil-epidemic hypothesis was valuable in countering earlier theories that attributed Native American population decline to racial inferiority, but its singular emphasis on biological difference implied that population collapses were nothing more than historical accidents. By stressing the importance of social conditions created by human decisions and actions, the new scholarship provides a far more disturbing picture. It also helps us understand the problems facing Native communities today as they battle the novel coronavirus. Virgin-soil epidemics undoubtedly occurred. In 1633, for example, a smallpox epidemic struck Native communities in New England, reducing the Mohegan and Pequot populations from a combined total of 16,000 to just 3,000. The epidemic spread to the Haudenosaunee in New York, but no farther west than that. Smallpox did not hit communities in the Ohio Valley and Great Lakes until 1756–57, a century or more after initial contact with Europeans. When it did, it was because Native fighters, recruited to fight for the French against the British during the Seven Years’ War, had contracted the virus in the east and infected their communities when they returned home. Lack of immunity mattered, but it was the disruption resulting from war that promoted smallpox’s spread. Smallpox did not arrive in the Southeast until 1696, a century and a half after the Hernando de Soto expedition. It was once thought that de Soto’s men carried smallpox, but this view reflected the flawed assumption that Europeans were always infected with smallpox and always contagious. De Soto’s expedition did cause disease to erupt in Native communities, but the reason was that the expedition’s violent warfare led to outbreaks of pathogens such as dysentery, which was already present in the Americas. When smallpox finally hit the Southeast, it spread rapidly from Virginia to East Texas across networks created by an English trade in Native captives for enslavement in their coastal and West Indies colonies. Raiding, capturing, and transporting human bodies created pathways for the smallpox virus. To make matters worse, those bodies were already weakened by war and its companions—malnutrition, exposure, and lack of palliative care. By the end of the 18th century, most Native communities in what would eventually become the United States had been exposed to smallpox. Nevertheless, as smallpox recurred in the 19th century, its impact correlated not with a lack of prior exposure, but with the presence of adverse social conditions. These same conditions would also make Native communities susceptible to a host of other diseases, including cholera, typhus, malaria, dysentery, tuberculosis, scrofula, and alcoholism. Native vulnerability had—and has—nothing to do with racial inferiority or, since those initial incidents, lack of immunity; rather, it has everything to do with concrete policies pursued by the United States government, its states, and its citizens. Consider the impact of the Indian Removal Act. Formally adopted in 1830, this policy called for the relocation of Native peoples east of the Mississippi River to “Indian Territory” (what would eventually become Oklahoma and Kansas). Most everyone has heard of the Cherokee Trail of Tears, but it is seldom considered a U.S.-caused health crisis. The expulsion of the Cherokee from their homeland in Georgia, North Carolina, and Tennessee had three phases. In the first, the U.S. Army forcibly evicted Cherokees from their homes and held them for several months in concentration camps with inadequate shelter, insufficient food, and no source of clean water. The camps became death traps. Of the 16,000 people held in them, about 2,000 died from dysentery, whooping cough, measles, and “fevers” (probably malaria). In the second phase, the journey west, an additional 1,500 perished, as people, already sick and further weakened by malnutrition, trauma, and exposure, succumbed to multiple pathogens. In the months after reaching Oklahoma—the third phase—an additional 500 died from similar causes. The death toll was 4,000, or 25 percent of the original 16,000 forced from their homes. Although the Cherokee Trail of Tears is the most well known, there were dozens of other such forced removals. Creeks, Seminoles, Chickasaws, Choctaws, Senecas, Wyandots, Potawatomis, Sauks and Mesquakies, Ojibwes, Ottawas, Miamis, Kickapoos, Poncas, Modocs, Kalapuyas, and Takelmas represent only a partial list of nations that suffered trails of tears. Not all experienced the same mortality as the Cherokee, but many did, and for some, the toll was even higher. The allied Sauks and Mesquakies were forced to move four times from their villages in western Illinois—once to central Iowa, once to western Iowa, once to Kansas, and finally to Oklahoma. In 1832, the time of the first expulsion, the Sauks and Mesquakies numbered 6,000. By 1869, when they were finally sent to Oklahoma, their population was only 900, a staggering loss of 85 percent. Year after year, unrelenting diseases, including an outbreak of smallpox in 1851, took many lives. Low fertility and infant mortality, the result of malnutrition, sickness, and trauma, hindered population replacement. The Sauk and Mesquakie catastrophe was not an accident. It was a direct and foreseeable consequence of decisions made by the United States and its citizens to dispossess Native people of desirable lands and shove them someplace else. Navajos (Dinés, as they refer to themselves in their language) were also evicted from their homelands. In the winter of 1863–64, the U.S. Army pursued scorched-earth tactics—destroying their peach trees and cornfields—to drive them to a barren reservation at Bosque Redondo, on the Pecos River in New Mexico. On the 250-mile forced march, known as the Long Walk, several hundred of the 8,000 to 9,000 Dinés died en route. Over the next four years, Dinés lost as many as 2,500 of their people to disease and starvation. In their darkest hour, though, Diné leaders successfully prevailed on government officials to release them from their prison and return home. But even though their population has grown over time, the legacies of the Long Walk remain. The Diné historian Jennifer Denetdale observes that “severe poverty, addiction, suicide and crime on reservations all have their roots in the Long Walk.” As cases of COVID-19 began to appear on the Navajo Reservation in late March, tribal President Jonathan Nez spoke to his people on Facebook. Summoning memories of the Long Walk, he “called on citizens to help one another,” reminding them “that’s when the best came out of many of our ancestors, helping each other out, carrying the load for the elders, carrying the children for our mothers.” “Now it’s our turn,” he said, “to think of our future, our children, our grandchildren.” Ongoing colonialism makes fighting COVID-19 a challenge. Although the Navajo are a sovereign nation with resources of their own, Dinés have a high incidence of conditions—diabetes, hypertension, and lung disease—that increase their susceptibility to becoming severely ill from the coronavirus. Lack of access to clean water makes hand-washing difficult. Many people cannot afford food, hand sanitizer, and other necessities. And there is an acute shortage of hospital beds and medical personnel. Many public officials, health experts, and journalists are drawing attention to the disproportionate impact of COVID-19 on communities of color. Even so, large segments of America are indifferent, if not outright hostile, to recognizing these disparities and the inequities underlying them. Native Americans are visible to the general public far more often as sports mascots than as actual communities. The Trump administration initially resisted providing any relief to tribal nations in the $2 trillion stimulus package passed in early April, and although the legislation ultimately appropriated $10 billion to tribal governments, the Treasury Department, tasked with distributing these funds, has failed to disburse them. According to New Mexico Senator Tom Udall, Treasury Department officials “don’t know how to interact in the appropriate way with tribes and they’re just not getting the job done.” Countering the invisibility of Native peoples, of course, means greater awareness of how COVID-19 is affecting them and enhanced efforts to provide resources to help them combat the current outbreak. It also means creating a deeper understanding of the history of American Indians and disease. Although the virgin-soil-epidemic hypothesis may have been well intentioned, its focus on the brief, if horrific, moment of initial contact consigns disease safely to the distant past and provides colonizers with an alibi. **Indigenous communities are fighting more than a virus**. They are **contending with the ongoing legacy of centuries of violence and dispossession.**

### 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.

## Case

### 1NC – AT: Framing

#### Extinction is the only coherent and egalitarian framework – prefer it

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

#### 1 – Forecloses future improvement – we can never improve society because our impact is irreversible which proves moral uncertainty

#### 2 – Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities

#### AT: Ansell – 1] Assumes there is a tradeoff between solving for existential threats and structural violence – governments are able to do multiple things and your evidence doesn’t justify a tradeoff 2] Links back to them – they inevitably have to choose between different conflicts of racism or inequality that will cause the exclusion of certain impacts

### 1NC – AT: Advantage

#### Prisoners have the right to strike – history proves. The reason why they fail is due to inmate violence, not prison guards.

German Lopez, Senior Correspondent and Cohost of The Weeds, 2018 - [“America’s prisoners are going on strike in at least 17 states”, https://www.vox.com/2018/8/17/17664048/national-prison-strike-2018]//bread

America’s prisoners are going on strike. The demonstrations are [planned](https://incarceratedworkers.org/campaigns/prison-strike-2018) to take place from August 21 to September 9, which marks the anniversary of the [bloody uprising at the Attica Correctional Facility in New York](https://www.nytimes.com/2016/09/04/books/review/blood-in-the-water-attica-heather-ann-thompson.html). During this time, inmates across the US plan to refuse to work and, in some cases, refuse to eat to draw attention to poor prison conditions and what many view as exploitative labor practices in American correctional facilities. “Prisoners want to be valued as contributors to our society,” Amani Sawari, a spokesperson for the protests, told me. “Every single field and industry is affected on some level by prisons, from our license plates to the fast food that we eat to the stores that we shop at. So we really need to recognize how we are supporting the prison industrial complex through the dollars that we spend.” Prison labor issues recently received attention in California, where inmates have been voluntarily recruited to [fight the state’s record wildfires](https://www.vox.com/2018/8/9/17670494/california-prison-labor-mendocino-carr-ferguson-wildfires) — for the paltry pay of just $1 an hour plus $2 per day. But the practice of using prison inmates for cheap or free labor is fairly widespread in the US, due to an exemption in the 13th Amendment, which abolished chattel slavery but allows involuntary servitude as part of a punishment for a crime. For Sawari and the inmates participating in the protests, the sometimes forced labor and poor pay is effectively “modern slavery.” That, along with poor prison conditions that inmates blame for a deadly South Carolina prison riot earlier this year, have led to protests. For prisons, though, fixing the problems raised by the demonstrations will require money — something that cash-strapped state governments may not be willing to put up. That raises real questions about whether the inmates’ demands can or will be heard. The demonstrations come two years after [what was then the largest prison strike in US history](https://www.vox.com/identities/2016/10/19/13306178/prison-strike-protests-attica), with protests breaking out in at least 12 states in 2016. The new demonstrations could end up even larger than those previous protests. Protests are planned in at least 17 states There’s no hard estimate for how many inmates and prisons are taking part in the protests, as organizers continue to recruit more and more inmates and word of mouth spreads. But demonstrations are expected across at least 17 states. The inmates will take part in work strikes, hunger strikes, and sit-ins. They are also calling for boycotts against agencies and companies that benefit from prisons and prison labor. “The main leverage that an inmate has is their own body,” Sawari said. “If they choose not to go to work and just sit in in the main area or the eating area, and all the prisoners choose to sit there and not go to the kitchen for lunchtime or dinnertime, if they choose not to clean or do the yardwork, this is the leverage that they have. Prisons cannot run without prisoners’ work.” While 2016’s protests were largely planned for just September 9 (then the 45th anniversary of the Attica uprising), they ended up taking part over weeks or months as prison officials tried to tamp down the demonstrations and mitigate the effects of the protests. This year, the protests are spread out over three weeks to make it more difficult for prison officials to crack down. The inmates have outlined 10 national demands. They include “immediate improvements to the conditions of prisons” and “an immediate end to prison slavery.” They also target federal laws that boosted [mass incarceration](https://www.vox.com/policy-and-politics/2017/5/30/15591700/mass-incarceration-john-pfaff-locked-in) and have made it harder for inmates to sue officials for potential rights violations. And they call for an end to racial disparities in the criminal justice system and an increase to rehabilitation programs in prisons. The demands are on top of specific local and regional asks that prisoners are making. For example, Sawari said, in South Carolina they’re also focused on getting prisoners the [right to vote](https://www.vox.com/2016/4/22/11487912/virginia-voting-felons-prison) — and, of course, improving conditions in the state that helped inspire this year’s protests. The strikes are in part a response to South Carolina’s recent prison riots One reason for this year’s demonstrations is the [prison riot at Lee Correctional Institution](https://www.vox.com/policy-and-politics/2018/4/16/17243598/south-carolina-prison-riot-violence) in April, which was described as a “mass casualty” event by state officials. “After that violent incident happened, South Carolina prisoners and the jailhouse lawyers group out of Lee County came out with the strike demands and really wanted to do something to draw attention to the dehumanizing environment of prisons in general,” Sawari said. In total, seven inmates were killed and at least 17 were seriously injured, according to the [Associated Press](https://finance.yahoo.com/news/state-police-respond-ongoing-situation-sc-prison-085315357.html). An inmate told the AP that bodies were “literally stacked on top of each other,” claiming that prison guards did little to stop the **violence between inmates**. Most of the fatal injuries appeared to be a result of stabbing or slashing, although some inmates may have been beaten to death. No prison guards were hurt. The riot was the worst in a US prison in a quarter-century, according to the [AP](http://abcnews.go.com/US/wireStory/state-police-respond-ongoing-situation-sc-prison-54494693). Based on reports following the riot, it seems some of the major causes, besides personal and potentially gang-related disputes, were poor prison conditions and understaffing — which meant there weren’t enough guards to stop the fighting.

#### Prison strikes rarely achieves significant reforms, no matter how big or long the strike is – be doubtful how the aff is any different

Christie Thompson is a staff writer. Her work has been published by outlets including The New York Times, The Washington Post, NPR, ProPublica, and The Atlantic, 9/1/2016 – [“Do Prison Strikes Work?”, https://www.themarshallproject.org/2016/09/21/do-prison-strikes-work]//bread

On Sept. 9, prisoners across the country stopped showing up for their work assignments to protest [what they call](https://iwoc.noblogs.org/post/2016/04/01/announcement-of-nationally-coordinated-prisoner-workstoppage-for-sept-9-2016/) slave-like conditions for incarcerated workers. Inmates make pennies an hour keeping the prison running — such as cleaning and cooking — or providing [cheap manufacturing for private businesses](http://www.motherjones.com/politics/2008/07/what-do-prisoners-make-victorias-secret). Inmates involved in the protest are calling for higher wages, better working conditions and less severe punishment while on the job. The work stoppage was organized by inmates in multiple states and labor activists with the Industrial Workers of the World to coincide with the [45th anniversary of the Attica riot](https://www.themarshallproject.org/2016/09/09/revisiting-the-ghosts-of-attica?ref=hp-3-111#.yAfs2yVfq), which was preceded by a strike in the prison’s metal shop. Prisoners and labor organizers on the outside hoped it would be the largest prison strike in history. It’s hard to quantify exactly how many prisoners in how many states have participated, as prison officials and organizers give conflicting accounts of its scope. Activists claim inmates in [at least 11 states](https://theintercept.com/2016/09/16/the-largest-prison-strike-in-u-s-history-enters-its-second-week/) are taking part. This strike is the latest in a long history of prisoners trying to use what little leverage they have — whether work stoppages or hunger strikes — to demand change from administrators. Some have been more successful than others. Here’s a look at five other prison strikes and what came of them: Post-WWII Labor Strikes University of Michigan professor Heather Ann Thompson’s [history of labor movements in prison](http://labor.dukejournals.org/content/8/3/15) details how a series of work stoppages and sit-down protests took off in prisons across the U.S. in 1947. In little over a decade, hundreds of prisoners in Connecticut, New Jersey, New York, Wisconsin, Louisiana, Ohio, and Georgia stopped working to protest long hours, trifling pay, and grueling work environments. Prisoners in Georgia and Louisiana went even further and slit their heel tendons so they could not be forced to work. While the work stoppages did not lead to immediate changes, they inspired another era of prison protest in the ‘60’s and ‘70’s, which included the Attica work stoppage and eventual riot. Those movements achieved slight pay raises and improved safety precautions in some states and led to the **creation of prisoner-led unions.** 2010 Georgia Labor Strike In 2010, state prisoners across Georgia launched what many then called the largest prison work strike in U.S. history — though official numbers are difficult to confirm. At the protest’s height, organizers said thousands of inmates participated across at least six state prisons. Georgia inmates were paid nothing for their work, as dictated by state law, and [were asking](https://prisonlaw.wordpress.com/2010/12/13/georgia-prisoners-strike-for-better-conditions/) for better conditions and more access to programming. Not only were Georgia inmates not showing up to their job assignments — they refused to leave their cells at all until their demands were met. The strike lasted six days, and garnered coverage in news outlets like [The New York Times](http://www.nytimes.com/2010/12/12/us/12prison.html?_r=0). It ended when prisoners decided to leave their cells to [go to the law library](http://www.ajc.com/news/news/local/prisoners-protest-over-for-now/nQnxt/) and try to sue for improvements instead. (It’s unclear what became of those efforts). Prisoners in Georgia are still not paid for their labor. 2011-2013 Pelican Bay Hunger Strike [In 2011](http://saq.dukejournals.org/content/113/3/579.abstract), 400 prisoners in California’s supermax prison started refusing their meals. Their numbers grew to 7,000 as they were joined by prisoners all over the state. The inmates had a [list of five demands](https://prisonerhungerstrikesolidarity.wordpress.com/education/the-prisoners-demands-2/), including limits on solitary confinement and changes to how the prison determines gang membership. Their fast ended after three weeks when prison officials agreed to reconsider some of their solitary confinement policies. Inmates returned to hunger-striking later in 2011 and again in 2013 saying the changes were too small and too slow. But the protests did have a significant impact. After the initial strike, the chair of the California Assembly’s Public Safety Committee held a hearing on conditions at Pelican Bay. In 2012, the nonprofit Center for Constitutional Rights [filed a class-action lawsuit](https://ccrjustice.org/home/what-we-do/our-cases/ashker-v-brown) against the state over its use of prolonged isolation. Todd Ashker, [one of the strike’s organizers](http://nymag.com/news/features/solitary-secure-housing-units-2014-2/), was the lead plaintiff. The suit was settled in September 2015, addressing many of the strikers’ concerns about how people end up in solitary and how long they remain there. 2013 Guantanamo Hunger Strike Detainees at the U.S. military prison in Cuba [began hunger-striking in March 2013](http://media.miamiherald.com/static/media/projects/gitmo_chart/) to fight against their indefinite detention and alleged mistreatment. At the strike’s peak in July that year, 106 men were refusing to eat and 45 were being force-fed through nasal tubes. The strike — for its duration, size, and the graphic nature of force-feeding — outraged the public and policymakers and [increased pressure](http://www.nytimes.com/2013/05/01/opinion/president-obama-and-the-hunger-strike-at-guantanamo.html?_r=0) on President Obama to fulfill his promise of closing the controversial prison. Since the strike, Obama has lowered the number of men held at Guantanamo [from over 2,000 to 61](http://www.miamiherald.com/news/nation-world/world/americas/guantanamo/article97896012.html), but has yet to close the prison entirely. 2015-2016 Immigration Detention Center Hunger Strikes Since 2015, hunger strikes have begun at various immigration detention centers — prison-like facilities where immigrants are held while their deportation case is decided — throughout the U.S. [Roughly 200 detainees](http://www.cbs5az.com/story/29312788/200-detainees-stage-hunger-strike-at-eloy-detention-center) at Eloy Detention Center in Arizona stopped eating in June 2015, in part to pressure an investigation into [recent deaths at the facility](http://www.cbs5az.com/story/29312788/200-detainees-stage-hunger-strike-at-eloy-detention-center). [That fall](http://www.motherjones.com/politics/2015/11/why-are-hundreds-detained-immigrants-going-hunger-strike), immigrants in detention in California, Alabama, Louisiana, and Texas also stopped eating to object to their indefinite detention and poor conditions. More recently, 22 mothers being held with their children in a family detention center in Pennsylvania went on a [hunger strike this August](http://www.huffingtonpost.com/entry/mothers-immigrant-detention-hunger-strike_us_57b3698be4b04ff883990132). Their strike accompanied a series of [handwritten letters](http://grassrootsleadership.org/blog/2015/10/breaking-least-27-women-hunger-strike-hutto-detention-center-hutto27) they sent to immigration officials asking to be released from indefinite detention. The strike has continued off-and-on since then, with even their [children threatening to refuse to attend classes](http://www.democracynow.org/2016/9/8/headlines/children_held_at_berks_threaten_school_strike_amid_parents_hunger_strike) in solidarity with their mothers. It’s too soon to tell what the impact of their protests might be.

#### Unemployment creates cycles of recidivism. This means the aff doesn’t solve the root cause AND it doesn’t solve for recidivism as a whole.

**Curley 2017** (Caitlin Curley, March 17 2017, “Denying Employment To Ex-Offenders Increases Recidivism Rates,” <https://www.genfkd.org/denying-employment-ex-offenders-increases-recidivism-rates>) //neth

There are quite a few barriers for ex-offenders looking for employment, which increase the risk for reoffending and impact recidivism rates. What keeps ex-offenders from finding jobs As a population, offenders statistically tend to have less education and less previous employment in their backgrounds, which initially makes them less-appealing applicants. Many applications will automatically disqualify those who have felony convictions, barring many former convicts. Those that make it through this step might be hit with a background check that disqualifies them as well. Making it to an interview can be difficult, but making yourself presentable for an interview you do get can also be a challenge when you might not be able to find housing and are likely low-income. All of these factors result in the ex-offender population lowering the overall employment rate by .8 to .9 percent, according to a study by the Center for Economic and Policy Research. Unemployment leads to re-offending It is commonly known by experts in the field that employment is an incredibly important factor in stabilizing someone’s life after release from prison. People need to have the steady activity and responsibility in order to avoid falling back into the same behaviors that landed them in the system. More importantly, they need a steady paycheck to get themselves housing, food and basic necessities in order to survive on their own. This impacts recidivism rates The increased risk for re-offending caused by unemployment has a negative effect on overall recidivism rates,

and that impact has been tracked by several recent studies. A 5-year study conducted by Indiana’s Department of Corrections found that an offender’s post-release employment was “significantly and statistically correlated with recidivism, regardless of the offender’s classification.” America Works partnered with the Manhattan Institute to track the success rates of their employment-assistance programs for released offenders. They found that offenders who participated in their programs had almost 20 percent less of a chance of re-offending and returning to prison. Takeaway: We have to care about recidivism Ex-offenders need employment, and it’s important to recognize their barriers to leading successful lives. But high recidivism rates indirectly impact all of us — they inflate prison populations, which overflow correctional budgets that are paid for by taxpayers. So whether or not we care about the ex-offender population, we need to care about recidivism rates overall. Employment after release from prison has a huge impact on recidivism rates, so caring about recidivism means caring about ex-offender employment.

#### Illegal strike activity in the status quo solves the affirmative – the aff is an attempt to regulate the ongoing strike wave

**Olivier 10/28**

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Workers across the United States are finally saying they’ve had enough. Nineteen months into the pandemic, 24,000 of them are exercising the strongest tool they have: the power to withhold their labor. With the country already facing severe supply chain disruptions, these strikes have put added pressure on employers to improve wages and working conditions. At the John Deere factories in Iowa, Kansas, and Illinois, 10,000 employees represented by the United Auto Workers (UAW) went on strike after rejecting a proposed contract that included wage increases below inflation levels and the elimination of pensions for new employees. Other strikes include 2,000 [healthcare](https://www.cbsnews.com/news/mercy-hospital-nurses-strike-labor-shortage-2021/) workers at Buffalo’s Mercy Hospital; 1,800 telecom workers at California’s Frontier Communications; and 1,400 production workers at several Kellogg’s cereal plants. Thousands of additional workers have authorized strike votes. Earlier this month, an overwhelming majority of workers in the International Alliance of Theatrical Stage Employees (IATSE), which represents over 60,000 people in the film and TV industry, [voted in favor](https://iatse.net/by-a-nearly-unanimous-margin-iatse-members-in-tv-and-film-production-vote-to-authorize-a-nationwide-strike/) of a strike. A few days later, [24,000](https://www.washingtonpost.com/business/2021/10/11/24000-kaiser-permanente-workers-authorize-strike-over-pay-working-conditions/) Kaiser Permanente healthcare workers in California and Oregon followed suit. Harvard’s graduate student union, with roughly 2,000 members, also authorized a strike with a 92 percent vote. “Workers are fed up working through the pandemic under the conditions they’ve been working in,” says Joe Burns, a former union president and [author of](https://www.akpress.org/strikebackupdated.html) “Strike Back: Using the Militant Tactics of Labor’s Past to Reignite Public Sector Unionism Today.” The strike wave “also reflects that there’s a tight labor market.” “We’ve noticed a considerable uptick in the month of October,

” says Johnnie Kallas, a PhD student at Cornell’s School of Industrial and Labor Relations (ILR) and Project Director for the ILR [Labor Action Tracker](https://striketracker.ilr.cornell.edu/about.html). The ILR has tracked 189 strikes this year. Of those, 42 are ongoing in October while 26 were initiated this month Kallas and his team have been collecting data on strikes and labor protests since late 2020; they officially launched the Labor Action Tracker on May Day of this year. “There’s a lack of adequate strike data across the United States, says Kallas. “We thought this was a really important gap to fill.” The Bureau of Labor Statistics (BLS), he explains, only keeps track of work stoppages involving 1,000 employees or more, and which last an entire shift. “As you can imagine, this leaves out the vast majority of labor activity,” Kallas says. Workers are demanding higher wages, adequate benefits like healthcare and pensions, improved safety and working conditions, especially concerning COVID-19, and reasonable working hours. The ILR Tracker has also been keeping tabs on “labor protests” —i.e., “collective action by a group of people as workers but without withdrawing their labor” —which aren’t recorded by BLS at all. The federal minimum wage has been stagnant at $7.25 an hour since 2009, even as inflation has increased by 28 percent since then. Meanwhile, over the past year consumers have seen a sharp increase in the cost of everyday goods such as bacon, gasoline, eggs, and toilet paper due to the pandemic. This means workers’ wages aren’t going nearly as far as they used to. For months, the media has been [reporting](https://www.reuters.com/business/no-end-sight-labor-shortages-us-companies-fight-high-costs-2021-10-26/) on a “labor shortage” that has purportedly left employers unable to fill jobs. Fast food restaurants have [posted signs](https://twitter.com/ABC15Patrick/status/1382415576006496264?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1382415576006496264%7Ctwgr%5E%7Ctwcon%5Es1_&ref_url=https%3A%2F%2Fwww.the-sun.com%2Fnews%2F2741287%2Fsonic-viral-sign-workers-dont-want-to-work%2F) that read: “We are short-staffed. Please be patient with the staff that did show up. No one wants to work anymore.” Small business owners and corporate CEOs alike have gone on cable news to complain about the hundreds of thousands of people who prefer to live on government assistance rather than find a job. But the truth, said Kallas, is that there’s [no shortage of labor](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Rather, employers can’t find people to work [for the wages they’re offering](https://www.orlandoweekly.com/Blogs/archives/2021/10/20/a-florida-man-applied-for-60-entry-level-jobs-in-a-month-to-prove-the-so-called-labor-shortage-is-a-myth). Saturation coverage of the labor shortage has come at the expense of amplifying the human cost of the government’s having cut unemployment benefits for 7.5 million workers on Labor Day, while an additional three million lost their weekly $300 pandemic unemployment assistance. Time magazine [called it](https://time.com/nextadvisor/in-the-news/unemployment-benefits-expire-in-september/) the “largest cutoff of unemployment benefits in history.” Just two weeks earlier, a [flurry](https://www.cnbc.com/2021/08/23/ending-unemployment-benefits-had-little-impact-on-jobs-study-says.html) of newly published [studies](https://www.nytimes.com/2021/08/20/business/economy/unemployment-benefits-economy-states.html) showed that states that chose to withdraw earlier from federal benefits did not succeed in pushing people back to work. Instead, they [hurt their own economies](https://www.businessinsider.com/cutting-off-unemployment-hurts-states-did-not-help-employment-research-2021-9) as households cut their spending to compensate for the lost benefits. In Wisconsin, instead of increasing benefits or raising the minimum wage, state legislators have decided to address the labor shortage by putting children to work. Last week, the state senate [approved a bill](https://www.businessinsider.com/labor-shortage-wisconsin-senate-jobs-work-teenagers-child-labor-hours-2021-10) that would allow 15 and 16-year-olds to work as late as 9 p.m. on school nights and 11 p.m. on days that aren’t followed by a school day. The only state legislator to speak out against the bill was Senator Bob Wirch, who [said that](https://wisconsinexaminer.com/2021/10/21/senate-votes-to-extend-work-hours-for-some-teens-under-16/) “kids should be doing their homework, being in school, instead of working more hours.” Despite these setbacks, the tight labor market has given workers considerable leverage. “Workers are more confident that they can strike and not be replaced,” says Burns. In places where non-union labor, or “scabs,” have been brought in to replace striking workers, there have been several incidents that underscore the importance of a union in creating a safe work environment. Jonah Furman, a labor activist who has been covering the John Deere strike closely, reported that poorly trained replacement workers brought in to a company facility were involved in a serious [tractor accident](https://labor411.org/411-blog/scab-crashes-tractor-on-day-1-of-john-deeres-replacement-of-striking-workers/) on the morning of their first day. A higher profile and more deadly incident occurred last week when the actor Alec Baldwin fatally shot cinematographer Halyna Hutchins with a prop gun that was supposed to contain only blank rounds. According to [several](https://www.insider.com/rust-camera-crew-walked-off-protest-hours-before-fatal-shooting-2021-10) [reports](https://www.motherjones.com/media/2021/10/rust-alec-baldwin-strike-labor-gun-iatse/) on the incident, the union camera crew quit their jobs and walked off the set earlier that day to protest abysmal safety standards—and were immediately replaced with inexperienced, non-union labor. “Corners were being cut — and they brought in nonunion people so they could continue shooting,” one crew member told the [LA Times](https://www.latimes.com/entertainment-arts/business/story/2021-10-22/alec-baldwin-rust-camera-crew-walked-off-set). Kallas says the incident “clearly demonstrates the importance of workplace safety and the significance of capturing both strikes and labor protests” when collecting data. “What’s becoming increasingly common are these walkouts and mass resignations,” he says. He mentioned a Burger King in Nebraska where the entire [staff walked out](https://globalnews.ca/news/8023338/burger-king-sign-quit-employees-lincoln-nebraska/#:~:text=Fed%2Dup%20Burger%20King%20staff,%E2%80%9CSorry%20for%20the%20inconvenience.%E2%80%9D) to protest poor working conditions that included a broken air conditioner in 90° F temperatures and staff shortages. They left a note on the door that said, “We all quit. Sorry for the inconvenience.” In another non-strike labor action, dozens of non-union school bus drivers in Charles County, Maryland [called in sick](https://www.wusa9.com/article/news/education/150-school-bus-routes-affected-friday-in-charles-county-after-rumoured-driver-sick-out-maryland/65-88bf184f-0cf1-4182-aa06-05e983188934) to protest their low wages and lack of benefits. Over 160 bus routes were affected by the action. Meanwhile, adjacent school districts that are critically short of bus drivers find themselves unable to attract new candidates because of the perceived risk associated with driving a bus crowded with children during the pandemic. In an [Opinion piece](https://www.theguardian.com/commentisfree/2021/oct/13/american-workers-general-strike-robert-reich) for The Guardian US, former Secretary of Labor Robert Reich suggested that the United States was in the grips of an unofficial general strike, with workers quitting their jobs “at the highest rate on record.” Why? Because they were “burned out,” fed up with “back-breaking or mind-numbing low-wage shit jobs.” The pandemic, asserted Reich, was “the last straw.” In July, an anonymous group [called for a](https://boldtv.com/cheyenner/2021/07/19/did-you-know-theres-going-to-be-a-general-strike-in-2021/) general strike on October 15, but the day came and went without much fanfare. “Traditionally, general strikes happen because workers actually want to go on strike, and not because someone declares it on Facebook or Twitter,” says Burns. Rosa Luxemburg, the German socialist and philosopher who rose to prominence at the beginning of the last century, believed general strikes were the tool to usher in social revolution after developing class consciousness through the patient building of worker organizations, such as unions. “That’s not happening today,” says Burns. The 24,000 striking workers today pale in comparison to the mass strikes of the early to mid-twentieth century, when workers shut down production by the hundreds of thousands. Some [4.6 million workers](http://www.rochesterlabor.org/strike/) went on strike in 1946, accounting for 10 percent of the workforce. Today things aren’t as simple. In August 1981, President Ronald Reagan fired over 11,000 air traffic controllers who went on strike after negotiations between the Federal Aviation Administration broke down. These workers were prohibited from ever working for the federal government again, creating a chilling effect among unions. Reagan’s action set the tone for labor relations for the next four decades, while his administration ushered in a new era of corporate dominance, known as neoliberalism. Today, corporations such as Amazon regularly [use threats](https://www.nytimes.com/2021/03/16/technology/amazon-unions-virginia.html), [intimidation tactics](https://nowthisnews.com/news/amazon-accused-of-intimidating-workers-after-warehouse-votes-to-not-unionize), and [surveillance](https://www.theguardian.com/commentisfree/2021/mar/02/mcdonalds-unions-workers-rights) against employees to prevent them from unionizing. “When workers engage in a true strike wave, politicians want to step in and regulate it and establish some procedures,” says Burns. The Taft-Hartley Act was passed one year after the [general strikes of 1946](https://www.encyclopedia.com/history/encyclopedias-almanacs-transcripts-and-maps/strike-wave-united-states), making wildcat strikes, secondary boycotts, and union donations to federal political campaigns illegal. The act also allowed states to pass right-to-work laws, severely limiting effective union organizing, and required union officers to sign affidavits pledging they were not communists. The Red Scare, initially sparked by the Russian Revolution of 1917, resulted in sustained attacks against organized labor, particularly the leftist Industrial Workers of the World, or “Wobblies.” By the end of the Second World War, with labor militancy intensifying and the power of the Soviet Union growing, the Red Scare had morphed into a reign of terror against an “internal enemy.” Reagan later used language from the Taft-Hartley Act that prohibited workers from striking against the government to declare the air traffic controllers’ strike illegal. Today, workers face serious legal barriers to organizing under a system of labor law that favors the employer. Over the years, these laws have restricted the scale with which strikes can be organized and the total number of workers who belong to unions. At the peak of organized labor in 1954, [34.8 percent of](https://www.pewresearch.org/fact-tank/2014/02/20/for-american-unions-membership-trails-far-behind-public-support/) American wage and salary workers belonged to a union; by 2020, that number was down [to](https://www.bls.gov/news.release/union2.nr0.htm#:~:text=The%20number%20of%20wage%20and,workers)%2C%20or%206.7%20percent.) 10.8 percent, a trend that has been closely linked to decreased wages over the last few decades. Against these grim numbers, legislation like the [Protecting the Right to Organize (PRO) Act](https://www.npr.org/2021/03/09/975259434/house-democrats-pass-bill-that-would-protect-worker-organizing-efforts) could make a huge difference to labor organizing. The PRO Act would allow workers to engage in secondary boycotts, restrict right-to-work laws, ban anti-union captive audience meetings and exact financial penalties against companies found to be in violation of the law. The bill is something President Joe Biden campaigned on during the 2020 presidential election and has pushed to include in his Build Back Better agenda. “I’m skeptical based on actual history that we’re gonna see a legislative fix to this problem,” says Burns. “**When workers are militant and engaged in activity, legislation will follow.** Not the other way around.” The strike wave we’re witnessing today speaks to a growing militancy against several decades of sustained corporate combat. It’s an uphill battle that no one union can win in isolation. With organized labor depleted and battle weary, the only path forward is to enlist other workers to fight by organizing new unions and activating those that already exist. Only by growing its numbers will labor enact the systemic change necessary to put working people on better footing. As labor activists have long proclaimed, “**there’s no such thing as an illegal strike, only an unsuccessful one.”**