## 1NC

### 1NC – OFF

#### Interpretation: the affirmative must defend that only just governments ought to recognize the right to strike

#### Just governments respect liberties

Dorn 12 James A. Dorn, Cato Journal, "The Scope of Government in a Free Society", Fall 2012, https://www.cato.org/sites/cato.org/files/serials/files/cato-journal/2012/12/v32n3-10.pdf

If laws are just, liberty and property are secure. The most certain test of justice is negative—that is, justice occurs when injustice (the violation of natural rights to life, liberty, and property) is prevented. The emphasis here is on what Hayek (1967) called “just rules of conduct,” not on the fairness of outcomes. No one has stated the negative concept of justice better than the 19th century French classical liberal Frederic Bastiat ([1850] 1964: 65): When law and force confine a man within the bounds of justice, they do not impose anything on him but a mere negation. They impose on him only the obligation to refrain from injuring others. They do not infringe on his personality, or his liberty or his property. They merely safeguard the personality, the liberty, and the property of others. They stand on the defensive; they defend the equal rights of all. They fulfill a mission whose harmlessness is evident, whose utility is palpable, and whose legitimacy is uncontested. In short, the purpose of a just government is not to do good with other people’s money, but to prevent injustice by protecting property and securing liberty.

#### Violation—the US is not just – their CJS is racist and doesn’t respect liberty

Nellis, Ph.D., 18, Report to the United Nations on Racial Disparities in the U.S. Criminal Justice System, https://www.sentencingproject.org/publications/un-report-on-racial-disparities/, Sentencing Project,

The United States criminal justice system is the largest in the world. At yearend 2015, over 6.7 million individuals1) were under some form of correctional control in the United States, including 2.2 million incarcerated in federal, state, or local prisons and jails.2) The U.S. is a world leader in its rate of incarceration, dwarfing the rate of nearly every other nation.3) Such broad statistics mask the racial disparity that pervades the U.S. criminal justice system, and for African Americans in particular. African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; and once convicted, and they are more likely to experience lengthy prison sentences. African-American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely.4) As of 2001, one of every three black boys born in that year could expect to go to prison in his lifetime, as could one of every six Latinos—compared to one of every seventeen white boys.5) Racial and ethnic disparities among women are less substantial than among men but remain prevalent.6) The source of such disparities is deeper and more systemic than explicit racial discrimination. The United States in effect operates two distinct criminal justice systems: one for wealthy people and another for poor people and people of color. The wealthy can access a vigorous adversary system replete with constitutional protections for defendants. Yet the experiences of poor and minority defendants within the criminal justice system often differ substantially from that model due to a number of factors, each of which contributes to the overrepresentation of such individuals in the system. As former Georgetown Law Professor David Cole states in his book No Equal Justice,

#### Vote neg for Limits and ground – there are 200 governments in the world – letting them pick unjust ones explodes limits via infinite different permutation of governments allowing them to spike out of core neg ground like the Hong Kong strikes DA, Bizcon, Climate Strikes, and more

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability and its key to set better norms and deter future abuse

#### 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.

#### D] Educations a voter because it’s the reason schools fund debate and fairness is a voter because debate’s a game and needs rules to evaluate it

### 1NC – OFF

#### Interp: The affirmative must specify the jurisdiction the right to strike is recognized within a delineated text in the 1AC.

#### Jurisdiction is flexible and has too many interps– normal means shows no consensus.

Leyton Garcia 17 [Jorge Andrés Leyton García (Postgraduate Research Student / Assistant Teacher en University of Bristol). “THE RIGHT TO STRIKE AS A FUNDAMENTAL HUMAN RIGHT: RECOGNITION AND LIMITATIONS IN INTERNATIONAL LAW”. Revista Chilena de Derecho, vol. 44, núm. 3, 2017, pp. 781-804. Accessed 6/24/21. <https://www.redalyc.org/pdf/1770/177054481008.pdf> //Xu]

The fi eld in which these pages will revolve is indeed complex and full of paradoxes. The right to strike has been recognized in diverse forms in different international and national legal systems. In some cases it has been expressly recognized in the text of conventions and treaties (European Social Charter), while in others the recognition has been achieved through the principled work of supervisory or jurisdictional bodies (like it has been the case in the ILO and the ECHR), not without diffi culties and doubts, as we shall see in the following pages. The analysis that follows will show, however, that the form of recognition does not necessary defi ne the scope and extent of the right. 1.1. THE ILO Despite being the most important source of labor standards, there is no defi nition of the right to strike in any of the ILO binding instruments. The right to strike is not mentioned in the ILO Constitution or in the Declaration of Philadelphia, and Convention N°87 on Freedom of Association and Protection of the Right to Organise contains no specifi c reference to it. There is no textual recognition and no canonical defi nition in any of the Conventions and Recommendations that constitute the ILO’s body of norms. Nevertheless, it is fair to say that throughout the history of the ILO there has been a wide consensus among its members regarding the existence of a right to strike which emanates from the dispositions of Convention N°87 as a fundamental aspect of Freedom of Association. As Janice Bellace has pointed out: “Over the past 60 years the ILO constituents have recognized that there is a positive right to strike that is inextricably linked to – and an inevitable corollary of – the right to freedom of association”3 .

#### Vote neg for Stable Neg ground and Real World Ed – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement and they skurt real world education – policy makers will always define the entity that they are recognizing which proves its core topic literature

### 1NC – OFF

#### [The United States] request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional worker’s right to strike]. [The United States] ought to abide by the outcome of the advisory opinion.

#### Solves the Aff – every card in the 1AC is about aligning the Aff with international labor standards which the ICJ does best - the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### US compliance ensures faith in global democratic institutions – solves global conflict.

Hawksley ’16 [Humphrey; formerly the BBC’s Beijing Bureau Chief and author of The Third World War: A Novel of Global Conflict and Asian Waters: American, China, and the Global Paradox; 11-19-2016; "Trump makes International Law Crucial for Peace"; Humphrey Hawksley; https://www.humphreyhawksley.com/trump-makes-international-law-crucial-for-peace/; Accessed 4-1-2020; AH]

Major powers tend to reject international law when rulings run counter to their interests insisting that the distant courts carry no jurisdiction. China rejected a Permanent Court of Arbitration’s ruling in July and clings to expansive claims in the South China Sea, including Scarborough Shoal near the Philippines. China’s response mirrored US rejection of a 1986 International Court of Justice ruling against US support for rebels in Nicaragua. “With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties,” writes journalist Humphrey Hawksley for YaleGlobal Online. Disregard for the rule of law weakens the legal system for all. Hawksley offers two recommendations for renewing respect for international law: intuitional overhaul so that the all parties recognize the courts, rejecting decisions only as last resort, and governments accepting the concept, taking a long-term view on balance of power even when rulings go against short-term strategic interests. Reforms may be too late as China organizes its own parallel systems for legal reviews and global governance, Hawksley notes, but international law, if respected, remains a mechanism for ensuring peace. – YaleGlobal LONDON: Flutter over the surprise visit to China by Philippines President Rodrigo Duterte may soon fade. But his abrupt and public dismissal of the United States in favor of China has weakened the argument that international rule of law could underpin a changing world order. The issue in question was the long-running dispute between China and the Philippines over sovereignty of Scarborough Shoal, situated 800 kilometers southeast of China and 160 kilometers west of the Philippines mainland, well inside the United Nations–defined Philippines Exclusive Economic Zone. Despite a court ruling and Duterte’s cap in hand during his October mission to Beijing, Philippine fishing vessels still only enter the waters around Scarborough Shoal at China’s mercy. The dispute erupted in April 2012, when China sent ships to expel Filipino fishing crews and took control of the area. The standoff became a symbol of Beijing’s policy to lay claim to 90 percent of the South China Sea where where it continues to build military outposts on remote reefs and artificially created islands in waters claimed by other nations. Lacking military, diplomatic or economic muscle, the Philippines turned to the rule of law and the Permanent Court of Arbitration in the Hague. A panel of maritime judges ruled China’s claim to Scarborough Shoal invalid in July this year. China refused to recognize the tribunal from the start and declared the decision “null and void,” highlighting the complex balance in the current world order between national power and the rule of law. Beijing’s response mirrored a 1986 US response to Nicaragua’s challenge in the International Court of Justice. The court ruled against the United States for mining Nicaragua’s harbors and supporting right-wing Contra rebels. The United States claimed the court had no jurisdiction. China’s response on the South China Sea ruling mirrors a 1986 US response.With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties. The Western liberal democratic system is being challenged, and confrontations in Asia and Europe, as in Crimea and Ukraine, replicate the lead-up to the global conflicts of last century’s Cold War. As Nicaragua and Central America were a flashpoint in the 1980s, so Scarborough Shoal and South China Sea are one now. Other flashpoints are likely to emerge as China and Russia push to expand influence. Western democracies being challenged by rising powers have a troubled history. The 1930s rise of Germany and Japan; the Cold War’s proxy theaters in Vietnam, Nicaragua and elsewhere; and the current US-Russian deadlock over Syria are evidence that far more thought must be given in the deployment of international law as a mechanism for keeping the peace The view is supported, on the surface at least, by Russia and China who issued a joint statement in June arguing that the concept of “strategic stability” being assured through nuclear weapons was outdated and that all countries should abide by principles stipulated in the “UN Charter and international law.” Emerging power India, with its mixed loyalties, shares that view. “The structures for international peace and security are being tested as never before,” says former Indian ambassador to the UN, Hardeep Singh Puri, author of Perilous Interventions: The Security Council and the Politics of Chaos. “It is everyone’s interest to re-establish the authority of the Security Council and reassert the primacy of law.”

#### 1AR theory is skewed towards the aff – a) the 2NR must cover substance and over-cover theory, since they get the collapse and persuasive spin advantage of the 3min 2AR, b) their responses to my counter interp will be new, which means 1AR theory necessitates intervention, c) they have a 7-6 advantage on all 1AR offs. Implications – a) reject 1ar theory but at worst use dta b) use reasonability with a bar of defense or the aff always wins since the 2AR can line by line the whole 2NR without winning real abuse, c) condo and PICs are good – they set the terms of debate and know the plan better than us, so multiple options ensures the neg doesn’t auto lose after the 1AR, d) multiple shells bad – they can collapse to one and generate a 3:1 skew in ballot access and Infinite abuse claims are wrong- A] Spikes solve-you can just preempt paradigms in the 1AC B] Functional limits- 1nc is only 7 minutes long

### 1NC – OFF

#### The United States Congress should recognize an unconditional worker’s Right to Strike by passing the Protecting the Right to Organize Act. The United States Congress should cite International Labor Accords as the justification for it’s decision.

#### CP citing International Law solves Opino Juris – all it needs to do is cite the Law as a justification.

#### Solves the Aff – Congress has authority.

Kreighbaum ’21 (Andrew; writer for Bloomberg Law; 3-9-2921; “Landmark Labor Law Overhaul Passes House but Senate Fate Unclear”; Bloomberg Law; https://news.bloomberglaw.com/daily-labor-report/landmark-labor-law-overhaul-passes-house-but-senate-fate-unclear; Accessed: 10-30-2021; AU)

Worker Protections The PRO Act would **amend** the National Labor Relations Act, a federal law that **guarantees private-sector employees** the **right to** unionize, engage in collective bargaining, and take collective action such as **strikes**. Among other changes, it would bar employers from retaliating against unionization efforts, **protect workers’ right to strike**, and override state “right to work” laws that allow employees to opt out of paying dues in unionized workplaces. Companies would be **banned** under the bill, for example, from holding “captive audience” meetings, in which workers are compelled to listen to anti-union messages from their employer. The legislation also would give the National Labor Relations Board power to levy fines against companies that engage in unfair labor practices, and require arbitration when unionized workers can’t reach agreement on a contract with employers. The bill would allow employees to hold union elections off of company premises and use mail or electronic ballots, a provision that supporters say is essential during the pandemic. Electronic ballots are currently banned. The PRO Act addresses the status of independent contractors—such as gig workers at ride-hailing and food delivery companies—by **lowering** the bar for contractors to prove they are employees under federal labor law. That would allow gig workers to organize unions and protest retaliation under the NLRA—rights currently guaranteed only to employees, not contractors. The legislation would adopt the same rigid test to determine workers’ employment status as a California law known as A.B. 5. Workers for app-based services were recently carved out of the state law by a ballot initiative, Proposition 22, bankrolled by gig companies. The California law also applies to employment rules governing overtime and minimum wage. The PRO Act, however, only addresses workers’ status under the National Labor Relations Act.

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

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

#### Recognizing an unconditional right to strike breaks the floodgate for First Amendment protections over labor – creates a flood of legal challenges that destroy court legitimacy

Weinrib 17 (Laura, Professor of Law and an Associate Member of the University of Chicago Department of History. A legal historian, her scholarship explores the intersection of constitutional law and labor law, University of Chicago Law School, "The Right to Work and the Right to Strike," <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2121&context=public_law_and_legal_theory>)

As the Roberts Court has forged ahead with the Lochnerization of the First Amendment, it has begun to expand constitutional protections for employees who object to the payment of union dues. It has curtailed the ability of public sector unions to collect payments toward ideological activity by adjusting the default rules of non-member contributions, 116 and it has reduced the class of state-funded workers covered by Abood. 117 Thus far, it has declined to extend reciprocal protection to labor’s expressive activity. It has rejected unions’ freedom of association claims,118 and it has accepted statutory restrictions on secondary activity and the right to strike. This outcome would have been a tremendous surprise to interwar advocates and judges. By the end of the New Deal, all the signs pointed the other way. Unions enjoyed burgeoning First Amendment rights, whereas the objections of non-members were of minimal constitutional concern. There were comparatively few advocates for a union’s duty of fair representation to bargaining unit employees, whether statutory or constitutional, and, within the New Deal administration at least, the closed shop was widely accepted as a legitimate outcome of workplace democracy.119 If the Supreme Court ultimately recognizes a First Amendment right to work, a cascade of cases will follow. As an initial matter, the dues-paying members in that new regime may plausibly object that the government is forcing them to subsidize nonmembers in violation of their First Amendment rights. 120 But the slippery slope is steeper than that. Union members may also feel that an injunction to enforce a no-strike clause is incompatible with the First Amendment. They may argue that they are entitled to express their solidarity with other struggling workers—that picketing over disputes at distant workplaces is protected by the Constitution, even when unions are involved.121 For their part, the right-to-work forces are almost certain to transpose their argument onto private sector labor law, which the Supreme Court (sidestepping a significant state action question with respect to constitutional claims122) has proven inclined to align with its public sector decisions as a matter of statutory interpretation. One might imagine that the Court’s one-sided First Amendment expansion will prove difficult to contain. In fact, lower courts have already begun to narrow the class of secondary activity subject to regulation. And to the extent the justices hold the line, they will open themselves to the same charges of hypocrisy and antilabor bias that beset their Lochner-era forebears. Moving forward, lawyers, litigants, and judges will have to decide whether robust First Amendment review of labor law would ultimately serve their interests, and at what cost. 123 During the decades after the Constitutional Revolution, the Supreme Court insisted that the First Amendment must occasionally yield to legislative choices about “the competing interests of unions, employers, their employees, and the public at large.”124 In upholding a state injunction against peaceful picketing in the 1957 decision Teamsters Union v. Vogt, 125 Justice Frankfurter explained on behalf of the Supreme Court majority that constitutional protection for free speech did not immunize labor activity from state regulation.126 In a mournful dissent, Justice Douglas described the decision as a “formal surrender.” 127 “[F]or practical purposes,” he explained, the law had reverted to the “situation . . . as it was when Senn v. Tile Layers Protective Union was decided.” Organized labor was protected by statute rather than the Constitution, as it was in the brief period been between the Supreme Court’s validation of the NLRA in Jones & Laughlin Steel and its subsequent decisions elevating union activity to First Amendment status. That is, labor picketing was subject to government regulation, as it was before the modern First Amendment took shape. 128 But in accusing the Court of “com[ing] full circle,” 129 Justice Douglas exaggerated the extent of the Court’s retreat. The picketing decisions of the midtwentieth century reflected a durable compromise, pursuant to which labor and antiunion speech were equivalently inured to First Amendment challenge. Lurking behind labor’s First Amendment exceptionalism was the recognition that the postwar labor law regime, with its complicated balancing of employer and worker rights, had operated to dampen industrial unrest and facilitate American economic growth. 130 To advance these goals— which may have seemed like “compelling government interests,” though the accommodation was rarely framed in conventional doctrinal terms—the courts constrained the operation of the First Amendment in the labor context. Just as an unequivocal right to strike would unleash unpalatable economic power, an unequivocal right to work would disturb the New Deal settlement and impugn the legitimacy of the courts, not to mention the stability of the postwar legal order. Against this broader backdrop, recognizing a First Amendment obstacle to public sector agency fees threatens to unweave the web. To couch the right to work in the Constitution while licensing courts and legislatures to suppress the right to strike would truly be to “come full circle.” It would replicate the constitutional dynamics of the Lochner-era, an approach excoriated by generations of scholars and judges for its lopsided attentiveness to the interests of antiunion workers and employers. 131 It would, in short, mark a return “for practical purposes” to the “situation . . . as it was” before Jones & Laughlin Steel was decided. And the situation then, it bears remembering, was a world on the brink of revolution.

#### Court legitimacy solves nuclear terrorism.

Knowles 10 (2010 (Robert, Visiting assistant professor of Chicago-Kent college of law, “Responses to the ten questions,” William Mitchell Law Review, 36 Wm. Mitchell L. Rev. 5061)

Courts are widely regarded as rule-based institutions, rather than political institutions, that can ensure that the political branches do not shortcircuit processes for changing the law or act to violate fundamental constitutional principles. The approval of courts lends legitimacy to government action. When other nations see the United States following the law, they are more likely to acquiesce in U.S. leadership. This makes this task of providing global public goods-such as fighting terrorism-easier for the United States. As the largest public-goods consumer, the United States benefits the most from perceptions of its own legitimacy. Legitimacy becomes especially important in view of declining U.S. influence relative to other powers. The world may not be multi-polar today, but it could be by mid-century. America's enormous military advantage will decrease over time, and its reduced share of global economic output will give it less ability to throw its weight around. Although the costs for the United States of disregarding international legal norms may seem worth it now, those costs will increase from year-to-year. To the extent that international institutions-including frameworks of international law-provide some "stickiness," the United States is better off investing its own legitimacy in these institutions now, while it has maximum influence. If the United States leaves its imprint on international law and institutions, they will be less costly for the United States to comply with in the future and much more costly for a rising rival, such as China, to ignore. Nonetheless, there are some who argue that we are already living in a multi-polar world, and that rogue states and terrorist groups like al Qaeda are our true rivals. Advances in technology will-if they do not already-enable terrorists or rogue states to deploy small nuclear and biological weapons to threaten American cities, making up in sheer mayhem what they lack in armies and navies. A nuclear explosion in a large metropolitan area-such as New York-has the potential to change life as we know it. In this sense, al Qaeda can be viewed as an existential threat. 9 However, the capacity for small groups to leverage extremism into great destruction does not alter the fundamental structure of geopolitics. Not all existential threats are the same. A nuclear device would be just as dangerous in the hands of a domestic group or a lone wolf as it would be in the hands of al Qaeda. It would be a mistake to assume that these new threats are best pursued by giving the executive branch greater deference. In fact, the dangers from terrorism make even clearer the need to adhere to established principles. The United States will occupy a global leadership role for decades to come. Successful management of global crises-including a catastrophic terrorist attack-lies not in counterbalancing rivals, but in better management of the international system. The United States cannot hope to tackle large-scale global problems-terrorism especially-if the rest of the world loses confidence in American leadership. The best way for courts to help carry out this task is to ensure that the political branches adhere to the rule of law.

#### Nuclear terrorism causes extinction

Hellman 8 (Martin, emeritus prof of engineering @ Stanford, “Risk Analysis of Nuclear Deterrence” SPRING 2008 THE BENT OF TAU BETA PI, http://www.nuclearrisk.org/paper.pdf)

The threat of nuclear terrorism looms much larger in the public’s mind than the threat of a full-scale nuclear war, yet this article focuses primarily on the latter. An explanation is therefore in order before proceeding. A terrorist attack involving a nuclear weapon would be a catastrophe of immense proportions: “A 10-kiloton bomb detonated at Grand Central Station on a typical work day would likely kill some half a million people, and inflict over a trillion dollars in direct economic damage. America and its way of life would be changed forever.” [Bunn 2003, pages viii-ix]. The likelihood of such an attack is also significant. Former Secretary of Defense William Perry has estimated the chance of a nuclear terrorist incident within the next decade to be roughly 50 percent [Bunn 2007, page 15]. David Albright, a former weapons inspector in Iraq, estimates those odds at less than one percent, but notes, “We would never accept a situation where the chance of a major nuclear accident like Chernobyl would be anywhere near 1% .... A nuclear terrorism attack is a low-probability event, but we can’t live in a world where it’s anything but extremely low-probability.” [Hegland 2005]. In a survey of 85 national security experts, Senator Richard Lugar found a median estimate of 20 percent for the “probability of an attack involving a nuclear explosion occurring somewhere in the world in the next 10 years,” with 79 percent of the respondents believing “it more likely to be carried out by terrorists” than by a government [Lugar 2005, pp. 14-15]. I support increased efforts to reduce the threat of nuclear terrorism, but that is not inconsistent with the approach of this article. Because terrorism is one of the potential trigger mechanisms for a full-scale nuclear war, the risk analyses proposed herein will include estimating the risk of nuclear terrorism as one component of the overall risk. If that risk, the overall risk, or both are found to be unacceptable, then the proposed remedies would be directed to reduce which- ever risk(s) warrant attention. Similar remarks apply to a number of other threats (e.g., nuclear war between the U.S. and China over Taiwan). his article would be incomplete if it only dealt with the threat of nuclear terrorism and neglected the threat of full- scale nuclear war. If both risks are unacceptable, an effort to reduce only the terrorist component would leave humanity in great peril. In fact, society’s almost total neglect of the threat of full-scale nuclear war makes studying that risk all the more important. The cosT of World War iii The danger associated with nuclear deterrence depends on both the cost of a failure and the failure rate.3 This section explores the cost of a failure of nuclear deterrence, and the next section is concerned with the failure rate. While other definitions are possible, this article defines a failure of deterrence to mean a full-scale exchange of all nuclear weapons available to the U.S. and Russia, an event that will be termed World War III. Approximately 20 million people died as a result of the first World War. World War II’s fatalities were double or triple that number—chaos prevented a more precise deter- mination. In both cases humanity recovered, and the world today bears few scars that attest to the horror of those two wars. Many people therefore implicitly believe that a third World War would be horrible but survivable, an extrapola- tion of the effects of the first two global wars. In that view, World War III, while horrible, is something that humanity may just have to face and from which it will then have to recover. In contrast, some of those most qualified to assess the situation hold a very different view. In a 1961 speech to a joint session of the Philippine Con- gress, General Douglas MacArthur, stated, “Global war has become a Frankenstein to destroy both sides. … If you lose, you are annihilated. If you win, you stand only to lose. No longer does it possess even the chance of the winner of a duel. It contains now only the germs of double suicide.” Former Secretary of Defense Robert McNamara ex- pressed a similar view: “If deterrence fails and conflict develops, the present U.S. and NATO strategy carries with it a high risk that Western civilization will be destroyed” [McNamara 1986, page 6]. More recently, George Shultz, William Perry, Henry Kissinger, and Sam Nunn4 echoed those concerns when they quoted President Reagan’s belief that nuclear weapons were “totally irrational, totally inhu- mane, good for nothing but killing, possibly destructive of life on earth and civilization.” [Shultz 2007] Official studies, while couched in less emotional terms, still convey the horrendous toll that World War III would exact: “The resulting deaths would be far beyond any precedent. Executive branch calculations show a range of U.S. deaths from 35 to 77 percent (i.e., 79-160 million dead) … a change in targeting could kill somewhere between 20 million and 30 million additional people on each side .... These calculations reflect only deaths during the first 30 days. Additional millions would be injured, and many would eventually die from lack of adequate medical care … millions of people might starve or freeze during the follow- ing winter, but it is not possible to estimate how many. … further millions … might eventually die of latent radiation effects.” [OTA 1979, page 8] This OTA report also noted the possibility of serious ecological damage [OTA 1979, page 9], a concern that as- sumed a new potentiality when the TTAPS report [TTAPS 1983] proposed that the ash and dust from so many nearly simultaneous nuclear explosions and their resultant fire- storms could usher in a nuclear winter that might erase homo sapiens from the face of the earth, much as many scientists now believe the K-T Extinction that wiped out the dinosaurs resulted from an impact winter caused by ash and dust from a large asteroid or comet striking Earth. The TTAPS report produced a heated debate, and there is still no scientific consensus on whether a nuclear winter would follow a full-scale nuclear war. Recent work [Robock 2007, Toon 2007] suggests that even a limited nuclear exchange or one between newer nuclear-weapon states, such as India and Pakistan, could have devastating long-lasting climatic consequences due to the large volumes of smoke that would be generated by fires in modern megacities. While it is uncertain how destructive World War III would be, prudence dictates that we apply the same engineering conservatism that saved the Golden Gate Bridge from collapsing on its 50th anniversary and assume that preventing World War III is a necessity—not an option.

#### Opinio Juris saive requires explicit citing of ILO as justification – only the cp does that

LII No Date "opinio juris (international law)" <https://www.law.cornell.edu/wex/opinio_juris_(international_law)> (Legal Information Institute)//Elmer

Definition **Opinio juris** is a **shortened form of** the Latin phrase opinio juris sive **necessitatis**, which **means "an opinion of law or necessity."** Overview In customary international law, opinio juris is the second element necessary to establish a legally binding custom. Opinio juris **denotes a subjective obligation**, **a sense on behalf of a state that it is bound to the law in question**. The International Court of Justice reflects this standard in ICJ Statute, Article 38(1)(b) by reflecting that the custom to be applied must be "accepted as law".

### 1NC – OFF

#### The Court is stimulating massive backlash over partisanship BUT sweeping Liberal reforms pacify opposition.

Dr. Bruce Peabody 20, Professor of American Politics, Fairleigh Dickinson University, PhD in Government from the University of Texas at Austin, “How the Supreme Court can maintain its legitimacy amid intensifying partisanship”, The Conversation, https://theconversation.com/how-the-supreme-court-can-maintain-its-legitimacy-amid-intensifying-partisanship-148126

How courts can reinforce their standing While recent polling finds an uptick in the percentage of Americans who approve of “the way the Supreme Court is handling its job,” the general trend line shows a public that has, according to the FiveThirtyEight news site, “slowly become more disillusioned” with the high court over the past three decades. But should anyone care? Isn’t the very purpose of an independent judiciary to make its decisions with little regard for public opinion and what Alexander Hamilton called the “ill humors in the society”? The truth is, the courts need public support. Judges depend upon national and local officials to uphold their opinions, such as clerks issuing marriage licenses to same-sex couples. Law enforcement officials are required by the Supreme Court to provide certain suspects with Miranda warnings. And if the people on the losing end of court decisions believe judges are unfairly appointed and partisan, they may dismiss their judgments as illegitimate. That threatens the sense of unity and stability that Chief Justice John Roberts has said the judiciary must provide in our polarized age. Fortunately, research points to several ways courts can bolster their standing, so that when they inevitably issue controversial decisions they can withstand the ensuing storm. People, for example, are more likely to accept unfavorable judgments if they experience procedural justice – the fairness and transparency through which decisions are made. They may not like a case outcome, but they’ll go along with it if they approve of how the dispute was handled. Courts can protect procedural justice and their legitimacy by making sure each party in a case has a chance to present its story and by emphasizing respect from not only judges but clerks and other court personnel. Of course, these strategies aren’t as relevant for the millions of people who don’t have direct experience with our legal system. But judges can still reach these Americans by conveying the degree to which many decisions seem to uphold principles of law rather than giving vent to ideological beliefs. Closely divided Supreme Court decisions like the 2012 ruling upholding the Affordable Care Act, or the more recent June Medical Services v. Russo case – which struck down a Louisiana law requiring abortion providers to have admitting privileges at nearby hospitals – draw lots of attention. But it turns out that unanimous decisions on the Supreme Court are far more common. Since 2000, approximately 36% of all cases were decided 9-0. During that same span, 19% were decided 5-4. More bluntly, courts can continue to get support from ideological and partisan skeptics if these individuals can recognize victories along with their losses. Recent decisions upholding the civil rights of LGBTQ employees, for example, may blunt liberal frustration over the court’s voting rights cases, such as Shelby County v. Holder, which significantly limited the reach of the Voting Rights Act of 1965. In our closely divided and polarized era, the Supreme Court can maintain some of its legitimacy by continuing to issue what law professor Tara Leigh Grove calls “a mix of conservative and progressive decisions in high-profile cases.”

#### That prevents Democratic court packing.

D. Benjamin Barros 20, Dean and Professor of Law at the University of Toledo School of Law, “How the Democrats can pack the court and de-escalate at the same time”, The Hill, https://thehill.com/opinion/judiciary/520190-how-the-democrats-can-pack-the-court-and-de-escalate-at-the-same-time

We may have reached a degree of disfunction that will force a fundamental change: Increasing the number of justices on the United States Supreme Court, or packing the court.

Democrats will be outraged if Republicans move forward with filling the vacancy caused by the death of Justice Ruth Bader Ginsburg so close to the election after refusing to bring President Obama’s nomination of Merrick Garland to a vote in 2016. In response to a potential election-year confirmation of President Trump’s anticipated nominee, Democrats are openly discussing packing the court if Joe Biden wins the presidency and Democrats win both houses of Congress in the November election.

Packing the court is remarkably easy to do legislatively. A bill increasing the number of seats on the court simply needs to pass both houses of Congress and be signed by the president. The Constitution does not proscribe the number of justices, and in our history we have had both fewer and more than nine members of the court at any given time.

The big impediment to court packing is political. Historically, packing the court would have been seen as a major violation of political norms that might in turn expose the party making the change to losses in the next election. In light of the Republican flip-flop on seating a justice in an election year, court packing by the Democrats would likely to be seen as par for the course, rather than particularly norm-breaking.

#### Court packing prevents extinction from environmental tipping points like warming---AND independently solves: CJR, democracy collapse and reproductive rights.

Jay Willis 20, J.D. from Harvard Law School, B.A. in Social Welfare from the University of California, Berkeley, Senior Contributor, The Appeal at The Justice Collaborative, “Expanding the Supreme Court is Not Radical”, The Appeal, https://theappeal.org/expand-the-supreme-court/

A 6-3 Republican Court whose life-tenured members are openly hostile to preserving reproductive rights, addressing climate change, protecting the environment, safeguarding the civil rights of minority groups, and holding free and fair elections is “radical” because it is wildly out of touch with the hundreds of millions of people whose lives their decisions will control. This Court is not a check or a balance. It is a hostage situation.

The Court’s faults, however, extend far beyond the particular group of justices who currently sit on it. This institution charges nine wealthy attorneys, trained at the same tiny circle of law schools, with the herculean task of privately negotiating uneasy resolutions to America’s most contentious disputes. (Barrett, who graduated from Notre Dame Law School in 1997, would be the first justice who did not attend Yale, Stanford, or Harvard law schools to be confirmed since the Ford administration.) Every sudden vacancy kicks off months of frenzied partisan warfare, replete with breathless, competing prognostications about how a nominee, who is careful to say nothing of substance, may or may not rule on some hypothetical high-stakes case. It is a patently ridiculous system of governance, and you would immediately recognize it as such if not for the fact that this is the way we’ve always done it.

Granted, the Founders likely never envisioned the justices becoming as powerful as they are today. The Constitution has surprisingly little to say about the Supreme Court beyond its existence and its members’ subjectively-defined terms of office (“during good Behaviour”). The Court’s power of judicial review, which allows it to strike down laws that conflict with the Constitution, appears nowhere in the text; it is the brainchild of Chief Justice and legendary power-grabber John Marshall, who basically created it out of whole cloth in 1803.

Since then, the judiciary has continued to siphon power from the politically accountable branches of government, whose members have been increasingly happy to foist seemingly intractable problems on judges who answer to no one. Rather than answer hard questions or take tough votes or commit to convincing people of the merits of their policy preferences, lawmakers can instead pour themselves into the task of empowering like-minded jurists who (they hope) will implement those preferences by judicial fiat, solemnly asserting that the law compels a particular result—one that just so happens to comport with their personal beliefs.

This feature of the federal judiciary, as New York Magazine’s Eric Levitz writes, is extremely valuable for Republicans, because it gives a party in decline the chance to nevertheless implement an unpopular policy agenda, all while flying largely under the political radar. (This feature of the federal judiciary also explains why conservatives have invested far more resources over the years to seize control of it.) Judges have slowly transformed into an entrenched cadre of robe-clad superlegislators, where the balance of power can hinge on something as arbitrary as which octogenarian lawyer decides to retire at the right moment or happens to die at the wrong one. Such a small, insular system is extremely vulnerable to exploitation and gamesmanship, especially if the side playing the game more strategically also gets a little lucky along the way. The precise timing of Ginsburg’s death may have been a fluke, but the crisis that ensued is not; it is a foreseeable result of the Court’s fundamental brokenness.

Life tenure also meant something very different 230 years ago than it does today, as savvy investments in young, loyal talent can pay off over the course of multiple generations. My daughter will be born this November. When Barrett is 87—the age at which Justice Ginsburg died—my daughter will be thinking about celebrating her 40th birthday. The modern Court is functionally a conservative oligarchy on the verge of swallowing whatever remains of representative democracy, hoping you won’t notice.

The Court-packing battle is just one of many debates in which reactionaries weaponize terms like “radical” to obfuscate the urgency of change. Which of these is more dangerous, more destabilizing, more harmful: reducing the legal system’s dependence on a failed mass incarceration system, or continuing to blow hundreds of billions of dollars to put people in cages instead? What strikes you as “illegitimate”: disbanding police departments, or investing even more money in an ineffective public safety regime that cannot stop killing Black and brown people? Relative to the status quo, enacting a Green New Deal might feel “radical.” Relative to the impending heat death of the planet hastened by decades of unchecked human greed, attempting to decarbonize the U.S. economy by 2050 is, I would argue, actually kind of modest.

Should Democrats capture the White House and the Senate this fall—and then have the courage to use the power Americans entrust to them—expanding the Court will be a lot of things. It will be significant. It will be groundbreaking. But it will not be “radical,” because confronting an existential crisis that threatens to hollow out democracy is exactly what people should expect their government to do.

## Case

### 1NC – AT: Solvency

#### Right to Strike increases Strikes – best empirical evidence AND it’s US-specific while 1AC White is about Australia.

Pope 10, James. (Professor Pope received an A.B. and J.D. from Harvard, and a Ph.D. in politics from Princeton. From 1974 to 1980, he worked in the metal trades and was an active member of the International Association of Machinists and the Industrial Union of Marine and Shipbuilding Workers. After law school, he clerked for Chief Justice Rose Elizabeth Bird of the California Supreme Court. Prior to joining the Rutgers faculty in 1986, he was associated with the Boston law firm of Segal, Roitman & Coleman, where he represented labor unions and workers. Professor Pope is a member of the National Lawyers Guild and serves on the Executive Council of the Rutgers AAUP/AFT (AFL-CIO). His articles about workers’ rights, constitutional law, and labor history have appeared in a wide variety of publications including the Columbia Law Review, Law & History Review, the Michigan Law Review, the University of Pennsylvania Law Review, the Texas Law Review, the Yale Law Journal, Labor History, New Labor Forum (with Peter Kellman & Ed Bruno), and Working USA (also with Kellman & Bruno).) "The Right to Strike under the United States Constitution: Theory, Practice, and Possible Implications for Canada." Rutgers University Libraries, 2010, scholarship.libraries.rutgers.edu/discovery/fulldisplay/alma991031549922004646/01RUT\_INST:ResearchRepository. //Re-cut by Elmer

In practice, however (with the sole exception of the Wolff Packing case, discussed below), the Supreme Court has upheld **restrictions on the right to strike** without considering their effect on the ability of workers to influence their conditions of employment. As a result, U.S. law is extraordinarily unprotective of the right to strike. The Court has, for example, **approved** the **privilege** **of employers to permanently replace economic strikers**, upheld a flat prohibition on secondary strikes, and sustained flat bans on public employee rights.6 The ILO’s Committee on Freedom of Association has concluded that each of these outcomes violates international standards.7 **Scholars** have **suggested** that the **permanent replacement rule**, in particular, **has contributed to a drastic decline in strike activity in the U.S.**8 Once labor’s great equalizer, the threat of a strike has been appropriated by management both in negotiations, where employers are more likely to threaten permanent replacement than unions are to threaten a strike, and in organizing drives, where the threat of permanent replacement is “Exhibit Number One” against unionizing.9

### 1NC – AT: Advantage

#### US violations of International Labor Standards are inevitable and multiple Alt Causes other than the Right to Strike.

Rosenberg 20 Eli Rosenberg 10-7-2020 "U.S. accused of violating international labor laws, forced-labor protections in new complaint" <https://www.washingtonpost.com/business/2020/10/08/international-complaint-worker-protections/> (University of California at Los Angeles, BA in American literature and Latin American studies)//Elmer

**Leaders** representing a large number of U.S. trade unions **filed** a **complaint** **with** the **U**nited **N**ations’ **labor** **agency** Wednesday, **arguing** that the country under President **Trump** has **violated** **international labor standards during the coronavirus pandemic.** The complaint was **filed by** the Service Employees International Union and the AFL-CIO at the Geneva headquarters of the International Labour Organization, a more than 100-year-old institution run by the U.N. that works to upholds human rights on work-related issues like safety and collective bargaining. The complaint details numerous ways U.S. labor law and enforcement are failing workers, and spotlights their further weakening under Trump. And it **charges** the **U**nited **S**tates **with** **violating workers’ rights** in terms not typically associated with well-off countries, at one point saying the bind many essential workers have been placed in during the pandemic — **forced to risk infection or lose their jobs** and potentially unemployment benefits **— amounts to a system of forced** **labor**. The complaint is another sign of the frustration over the treatment of workers under the Trump administration, and it places the United States in the realm of potential wrongdoing typically occupied by less-developed and less-democratic countries. “Covid has laid bare what we already knew,” Richard Trumka, the president of the AFL-CIO said in an interview. “It has demonstrated that not only is the U.S. violating workers’ rights, but those violations are resulting in people dying. It became so outrageous that we wanted to file a complaint.” The Labor Department and Occupational Safety and Health Administration did not respond to a request for comment. The National Labor Relations Board declined to comment. The complaint points to two main avenues of failure for U.S. labor law and policy: the country’s antiquated labor laws, such as the 1935 National Labor Relations Act, which leaves farmers, gig workers, contractors and other classes of workers without protection; and the softening of workers’ protections by the Trump administration that has continued into the pandemic. Some of the complaint’s harshest words were reserved for the Trump administration’s orders declaring industries such as meatpacking essential, compelling them to stay open even amid potential novel coronavirus outbreaks, while federal agencies, including OSHA, declined to issue enforceable safety regulations. “These executive orders gave a green light for employers to force workers to report for work and risk their lives or lose their jobs,” said the complaint, signed by Trumka and SEIU President Mary Kay Henry. “This is tantamount to forced labor.” The complaint highlighted the racial implications of these orders too, arguing one executive order was inherently discriminatory because the vast majority of meatpacking workers who contracted the coronavirus were Black or Hispanic. The complaint also took aim at other ways Trump’s labor agencies rolled back protections for workers. During the pandemic’s early weeks, the NLRB, which oversees union elections, suspended them, giving companies more time to maneuver against them, the complaint charged. The NLRB also issued a memo in March that the union presidents said signaled employers could avoid bargaining about proposed layoffs because of the pandemic. And in two cases in August, the NLRB said companies were in the clear for dismissing workers who expressed concern about safety issues during the pandemic, even though workers have protections from the National Labor Relations Act from being fired in many cases for raising safety concerns at work. “Each of these decisions disarms workers and their unions in the face of management actions to violate their collective bargaining rights in the Covid-19 crisis,” the complaint said. “Since these memoranda also serve as instructions to NLRB regional authorities on how to handle similar cases, they have a cascading effect that will undermine workers’ rights in weeks and months ahead as the pandemic continues to ravage American workplaces.”

#### 1AC Seifert is about CEACR having jurisdiction concerns – NOT what the Plan does – it doesn’t harmonize since the Plan recognizes it, it doesn’t reverse the disputes – here’s a re-cutting – it also isn’t about the US so they don’t get spill-over.

Seifert 21 [Achim; 2021; Full Professor of Private Law, German and European Labor Law and Comparative Law at the University of Jena (since 2011). He holds both German State Exams in Law and a PhD of the Johann-Wolfgang-Goethe-University of Frankfurt (1998). After his Habilitation [Post-Doc] in 2006 at the University of Frankfurt and several short-term Replacements at the Universities of Frankfurt and Trier (2006-2008), he became an Associate Professor of European and International Labor Law at the University of Luxembourg (2008). His main fields of interest are the Labor Law of the European Union and Comparative Labor Law, including the methodology of Comparative Law. Achim SEIFERT serves as co-editor of the Comparative Labor Law and Policy Journal (CLLPJ) and is a member of the editorial board of the European Labour Law Journal (ELLJ) as well as of the Revue de droit comparé du travail et de la sécurité sociale (RDCTSS). He is an associated member of the International Academy of Comparative Law (since 2013) and fellow of the European Law Institute (ELI) (since 2014); furthermore he has been member of the Jean-Monnet-Centre of Excellence at the University of Jena (2013-2016). He has been visiting Professor at the Universities of Bordeaux, Nantes, Paris 1 (Panthéon-Sorbonne), Luigi Bocconi/Milan and Leuven (Global Law Programme) and has taught as adjunct professor at the University of Luxembourg between 2011 and 2016; “Book Review,” European Labour Law Journal, [https://sci-hub.se/https://doi.org/10.1177/2031952521994412](https://sci-hub.se/https:/doi.org/10.1177/2031952521994412)] Justin

For several decades, the right to strike has been one of the most controversial parts of the law of the International Labour Organisation (ILO). Even though it has not been explicitly enshrined in the Conventions on the right to freedom of association (especially not in Convention 87 on Freedom of Association and Protection of the Right to Organise (1948) and in Convention 98 on the Application of the Principles of the Right to Organise and to Bargain Collectively (1949)), since the early 1950s, the ILO supervisory bodies have recognised the right to strike as an essential element of trade union rights enabling workers to collectively defend their economic and social interests. Since its seminal recommendation in the United Kingdom of Great Britain and Northern Ireland case of 1952,1 the Governing Body’s Committee on Freedom of Association (CFA) has considered that Article 3 of Convention 87 also guarantees the right to strike, and has developed, since then, detailed ‘case law’ which has been summarised by the International Labour Office in a ‘Digest’ and since 2018 in a ‘Compilation’.2 The Committee of Experts on the Application of Conventions and Recommendations (CEACR), another body established by the ILO Governing Body, has taken the same path since the late 1950s.3 Despite this long-standing interpretive practice of these two important supervisory bodies in respect of Convention No. 87, the right to strike has become controversial since the end of the Cold War. In the 81st session of the International Labour Conference (**ILC**) in 1994, it was already being **challenged by** the employers’ group.4 But the Rubicon was definitely crossed in 2012, when the employers’ representatives on the ILO Conference Committee on the Application of Standards (**CAS**) refused, for the first time, to deal—as it had done previously—with a list of Member States that had seriously violated Conventions of the ILO as long as the workers’ group would not accept a revision of the mandate of the CEACR.5 **At the heart** of this incident **was** the **recognition of the right to strike by the CEACR** **even though**, according to the view of the employers’ side, **the Committee was not empowered** to interpret ILO law with binding effect. This incident temporarily **resulted in an institutional crisis within the ILO supervisory system**, since the ILO’s tripartite structure which underlies the constitution of the ILO presupposes that the three constituents cooperate in good faith within the organisation’s bodies. An attitude of refusal on the part of only one of the constituents therefore necessarily brings into question the functioning of the ILO.

#### 1AC Brudney does not make an external spill-over claim that the right to strike would lead to broader US compliance to other CIL – don’t let the 1AR assert it when there’s no RTS or Convention 87 key warrant.

#### Two Thumpers to CIL Compliance:

#### 1] 1AC Brudney says “other fundamental ILO conventions” – Convention 87 isn’t uniquely key – causes friction and hurts US standing.

#### 2] Syria Thumps I-Law Compliance – one violation is enough to thump perception and legitimacy.

Roddel 21 Shannon Roddel 2-26-2021 "Syria airstrikes a grave violation of international law, expert says" <https://news.nd.edu/news/syria-airstrikes-a-grave-violation-of-international-law-expert-says/> (Assistant Director. Mendoza College of Business, Notre Dame Law School.)//Elmer

**The U**nited **S**tates **military** Thursday (Feb. 25) **carried out airstrikes** **targeting** **Iranian-backed militias in Syria** in retaliation for rocket attacks on U.S. targets in Iraq — the first military action undertaken by the Biden administration. Mary Ellen O'Connell Mary Ellen O'Connell The strikes reportedly resulted in multiple deaths — a **grave violation of international law**, according to Notre Dame Law School professor Mary Ellen O’Connell, a respected expert on international law and the use of force. “The **U**nited **N**ations **Charter** **makes** absolutely **clear** that the **use of military force on the territory of a foreign sovereign state is lawful only in response to an armed attack** on the defending state for which the target state is responsible,” O’Connell said. “**None** **of** those **elements is met in the Syria strike**. There is no right of reprisal, right to use military force for deterrence, right to attack Iran on the territory of Syria, or right to use major military force in response to the type of violence that occurred last week.

#### ILO Evidence has no US key warrant­ no spill-over form US harmonization to global Harmonization.

#### “Labor Standards” is much broader than just the Aff – guaranteeing a singular right doesn’t guarantee universal better working conditions or wages which is the necessary burden for cascading SDG’s.

#### International Law fails and there’s no enforcement – this indicts their ILO key warrants

Hiken 12, Associate Director Institute for Public Accuracy (The Impotence of International Law, <http://www.fpif.org/blog/the_impotence_of_international_law>)

Whenever a lawyer or historian describes how a particular action “violates international law” many people stop listening or reading further. It is a bit alienating to hear the words “this action constitutes a violation of international law” time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: “…and it is a war crime and it denies people their human rights.” A plethora of international law violations are perpetrated by every major power in the world each day, and thus, the empty invocation of international law does nothing but reinforce our own sense of impotence and helplessness in the face of international lawlessness. The United States, alone, and on a daily basis violates every principle of international law ever envisioned: unprovoked wars of aggression; unmanned drone attacks; tortures and renditions; assassinations of our alleged “enemies”; sales of nuclear weapons; destabilization of unfriendly governments; creating the largest prison population in the world – the list is virtually endless. Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in theory, not in practice. Each time a legal scholar points out the particular treaties being ignored by the superpowers (and everyone else) the only appropriate response is “so what!” or “they always say that.” If there is no enforcement mechanism to prevent the violations, and no military force with the power to intervene on behalf of those victimized by the violations, what possible good does it do to invoke principles of “truth and justice” that border on fantasy? The assumption is that by invoking human rights principles, legal scholars hope to reinforce the importance of, and need for, such a body of law. Yet, in reality, the invocation means nothing at the present time, and goes nowhere. In the real world, it would be nice to focus on suggestions that are enforceable, and have some potential to prevent the atrocities taking place around the globe.

#### No Impact to Failed States

Michael J. Mazarr 14, Professor of National Security Strategy at the National War College, “The Rise and Fall of the Failed-State Paradigm”, January/February 2014, Foreign Affairs, http://www.foreignaffairs.com/articles/140347/michael-j-mazarr/the-rise-and-fall-of-the-failed-state-paradigm

From one angle, the concern with weak states could be seen as a response to actual conditions on the ground. Problems had always festered in disordered parts of the developing world. Without great- power conflict as an urgent national security priority, those problems were more clearly visible and harder to ignore. From another angle, it could be seen as a classic meme -- a concept or intellectual fad riding to prominence through social diffusion, articles by prominent thinkers, a flurry of attention from the mainstream press, and a series of foundation grants, think-tank projects, roundtables, and conferences.¶ From a third angle, however, it could be seen as a solution to an unusual concern confronting U.S. policymakers in this era: what to do with a surplus of national power. The United States entered the 1990s with a dominant international position and no immediate threats. Embracing a substantially reduced U.S. global role would have required a fundamental reassessment of the prevailing consensus in favor of continued primacy, something few in or around the U.S. national security establishment were prepared to consider. Instead, therefore, whether consciously or not, that establishment generated a new rationale for global engagement, one involving the application of power and influence to issues that at any other time would have been seen as secondary or tertiary. Without a near-peer competitor (or several) to deter or a major war on the horizon, Washington found a new foreign policy calling: renovating weak or failing states.¶ THE DECLINE OF A STRATEGIC NARRATIVE¶ The practical challenges of state-building missions are now widely appreciated. They tend to be long, difficult, and expensive, with success demanding an open-ended commitment to a messy, violent, and confusing endeavor -- something unlikely to be sustained in an era of budgetary austerity. But the last decade has driven home intellectual challenges to the concept as well.¶ The threat posed by weak and fragile states, for example, turned out to be both less urgent and more complex and diffuse than was originally suggested. Foreign Policy’s Failed States Index for 2013 is not exactly a roster of national security priorities; of its top 20 weak states, very few (Afghanistan, Iraq, and Pakistan) boast geostrategic significance, and they do so mostly because of their connection to terrorism. But even the threat of terrorism isn’t highly correlated with the current roster of weak states; only one of the top 20, Sudan, appears on the State Department’s list of state sponsors of terrorism, and most other weak states have only a marginal connection to terrorism at best.

#### 1AC Sean – contingent impacts are easier to predict since laundry list impacts are built from interconnecting structures that convolute specific solvency link chains – flips their probability arguments.

#### C/A all of our no spill-over and opino juris defense to answer 1AC Meissner to the Climate Internal Link.

### 1NC – Warming Good

#### No terminal impact to warming – your evidence just says its existential but has no scenario for causing extinction

Reject new 1ar impact evidence and addons – should have been in the 1ac and putting it in the 1ar kills fairness since my 1nc engagement was premised on them not having it in the 1ac

#### Yes link – 1AC Cerney and Fenner says cascade failures cause climate change – that’s good

#### No Extinction from Warming – new studies prove over-hype and tech solves.

* Extinction Tipping Point is implausible – we’re on track for 3 degrees, not 4-5 degrees
* Tech and Energy Modernization Solve – Renewable Energy is replacing Fossil Fuels which reduces Climate Mortality by a rate of 5.

Nordhaus 20 Ted Nordhaus 1-23-2020 “Ignore the Fake Climate Debate” <https://www.wsj.com/articles/ignore-the-fake-climate-debate-11579795816>, found by BPS, (American author, environmental policy expert, and the director of research at The Breakthrough Institute, citing new climate change forecasts)//Re-cut by Elmer

Beyond the headlines and social media, where Greta Thunberg, Donald Trump and the online armies of climate “alarmists” and “deniers” do battle, there is a real climate debate bubbling along in scientific journals, conferences and, occasionally, even in the halls of Congress. It gets a lot less attention than the boisterous and fake debate that dominates our public discourse, but it is much more relevant to how the world might actually address the problem. In the real climate debate, no one denies the relationship between human emissions of greenhouse gases and a warming climate. Instead, the disagreement comes down to different views of climate risk in the face of multiple, cascading uncertainties. On one side of the debate are optimists, who believe that, with improving technology and greater affluence, our societies will prove quite adaptable to a changing climate. On the other side are pessimists, who are more concerned about the risks associated with rapid, large-scale and poorly understood transformations of the climate system. But most pessimists do not believe that runaway climate change or a hothouse earth are plausible scenarios, much less that human extinction is imminent. And most optimists recognize a need for policies to address climate change, even if they don’t support the radical measures that Ms. Thunberg and others have demanded. In the fake climate debate, both sides agree that economic growth and reduced emissions vary inversely; it’s a zero-sum game. In the real debate, the relationship is much more complicated. Long-term economic growth is associated with both rising per capita energy consumption and slower population growth. For this reason, as the world continues to get richer, higher per capita energy consumption is likely to be offset by a lower population. A richer world will also likely be more technologically advanced, which means that energy consumption should be less carbon-intensive than it would be in a poorer, less technologically advanced future. In fact, a number of the high-emissions scenarios produced by the United Nations Intergovernmental Panel on Climate Change involve futures in which the world is relatively poor and populous and less technologically advanced. Affluent, developed societies are also much better equipped to respond to climate extremes and natural disasters. That’s why natural disasters kill and displace many more people in poor societies than in rich ones. It’s not just seawalls and flood channels that make us resilient; it’s air conditioning and refrigeration, modern transportation and communications networks, early warning systems, first responders and public health bureaucracies. New research published in the journal Global Environmental Change finds that global economic growth over the last decade has reduced climate mortality by a factor of five, with the **greatest benefits documented in the poorest nations.** In low-lying Bangladesh, 300,000 people died in Cyclone Bhola in 1970, when 80% of the population lived in extreme poverty. In 2019, with less than 20% of the population living in extreme poverty, Cyclone Fani killed just five people. “Poor nations are most vulnerable to a changing climate. The fastest way to reduce that vulnerability is through economic development.” So while it is true that poor nations are most vulnerable to a changing climate, it is also true that the fastest way to reduce that vulnerability is through economic development, which requires infrastructure and industrialization. Those activities, in turn, require cement, steel, process heat and chemical inputs, all of which are impossible to produce today without fossil fuels. For this and other reasons, the world is unlikely to cut emissions fast enough to stabilize global temperatures at less than 2 degrees above pre-industrial levels, the long-standing international target, much less 1.5 degrees, as many activists now demand. But recent forecasts also suggest that many of the worst-case climate scenarios produced in the last decade, which assumed unbounded economic growth and fossil-fuel development, are also very unlikely. There is still substantial uncertainty about how sensitive global temperatures will be to higher emissions over the long-term. But the best estimates now suggest that the world is on track for 3 degrees of warming by the end of this century, not 4 or 5 degrees as was once feared. That is due in part to slower economic growth in the wake of the global financial crisis, but also to decades of technology policy and energy-modernization efforts. “We have better and cleaner technologies available today because policy-makers in the U.S. and elsewhere set out to develop those technologies.” The energy intensity of the global economy continues to fall. Lower-carbon natural gas **has** displaced coal **as the primary source of new fossil energy**. The falling cost of wind and solar energy has begun to have an effect on the growth of fossil fuels. Even nuclear energy has made a modest comeback in Asia.

#### Variations natural and CO2 effects are overstated.

* 10,000 years prove natural range of warming
* No Co2 effect on Warming – No Net Warming despite 8 Percent increase of Co2
* Solar Radiation has net greater effect – close correlation over past 150 years

Carter et al. 15 Robert M Carter 4-12-2015 “Why Scientists Disagree About Global Warming The NIPCC Report on Scientific Consensus” (Craig D. Idso, Ph.D. Robert M. Carter, Ph.D. S. Fred Singer, Ph. D. Chairman Emeritus Fellow Chairman Center for the Study Institute of Public Affairs Science and of Carbon Dioxide Australia) Environmental Policy and Global Change Project (USA) (USA))//Elmer

Modern Warming Is Not Unprecedented IPCC’s second false postulate is that the late twentieth century warm peak was of greater magnitude than previous natural peaks. Comparison of modern and ancient rates of natural temperature change is difficult because of the lack of direct measurements available prior to 1850. However, high-quality proxy temperature records from the Greenland ice core for the past 10,000 years demonstrate a natural range of warming and cooling rates between +2.5 and -2.5 °C/century (Alley, 2000; Carter, 2010, p. 46, figure7), significantly greater than rates measured for Greenland or the globe during the twentieth century. Glaciological and recent geological records contain numerous examples of ancient temperatures up to 3°C or more warmer than the peak reported at the end of the twentieth century. During the Holocene, such warmer peaks included the Egyptian, Minoan, Roman, and Medieval warm periods (Alley, 2000). During the Pleistocene, warmer peaks were associated with interglacial oxygen isotope stages 5, 9, 11, and 31 (Lisiecki and Raymo, 2005). During the Late Miocene and Early Pliocene (6–3 million years ago) temperature consistently attained values 2–3°C above twentieth century values (Zachos et al., 2001). Figure 10 summarizes these and other findings about surface temperatures that appear in Chapter 4 of Climate Change Reconsidered-II: Physical Science. Figure 10 Key Facts about Surface Temperature # Whether today’s global surface temperature is seen to be part of a warming trend depends upon the time period considered. # Over (climatic) time scales of many thousand years, temperature is cooling; over the historical (meteorological) time scale of the past century temperature has warmed. Over the past 18 years, there has been no net warming despite an increase in atmospheric CO2 of 8 percent – which represents 34 percent of all human-related CO2 emissions released to the atmosphere since the industrial revolution. # Given an atmospheric mixing time of ~1 year, the facts just related represent a test of the dangerous warming hypothesis, which test it fails. # Based upon the HadCRUT dataset favored by IPCC, two phases of warming occurred during the twentieth century, between 1910–1940 and 1979–2000, at similar rates of a little over 1.5°C/century. The early twentieth century warming preceded major industrial carbon dioxide emissions and must be natural; warming during the second (prima facie, similar) period might incorporate a small human-related carbon dioxide effect, but warming might also be inflated by urban heat island effects. # Other temperature datasets fail to record the late twentieth century warming seen in the HadCRUT dataset. # There was nothing unusual about either the magnitude or rate of the late twentieth century warming pulses represented on the HadCRUT record, both falling well within the envelope of known, previous natural variations. # No empirical evidence exists to support the assertion that a planetary warming of 2°C would be net ecologically or economically damaging. Source: “Chapter 4. Observations: Temperatures,” Climate Change Reconsidered II: Physical Science (Chicago, IL: The Heartland Institute, 2013). CO2 Does Not Lead Temperature IPCC’s third false postulate is that increases in atmospheric CO2 precede, and then force, parallel increases in temperature. The remarkable (and at first blush, synchronous) parallelism that exists between rhythmic fluctuations in ancient atmospheric temperature and atmospheric CO2 levels was first detected in polar ice core samples analyzed during the 1970s. From the early 1990s onward, however, higher-resolution sampling has repeatedly shown these historic temperature changes precede the parallel changes in CO2 by several hundred years or more (Mudelsee, 2001; Monnin et al., 2001; Caillon et al., 2003; Siegenthaler et al., 2005). A similar relationship of temperature change leading CO2 change (in this case by several months) also characterizes the much shorter seasonal cyclicity manifest in Hawaiian and other meteorological measurements (Kuo et al., 1990). In such circumstances, changing levels of CO2 cannot be driving changes in temperature, but must either be themselves stimulated by temperature change, or be co-varying with temperature in response to changes in another (at this stage unknown) variable. Solar Influence Is Not Minimal IPCC’s fourth false postulate is that solar forcings are too small to explain twentieth century warming. Having concluded solar forcing alone is inadequate to account for twentieth century warming, IPCC authors infer CO2 must be responsible for the remainder. Nonetheless, observations indicate variations occur in total ocean–atmospheric meridional heat transport and that these variations are driven by changes in solar radiation rooted in the intrinsic variability of the Sun’s magnetic activity (Soon and Legates, 2013). Incoming solar radiation is most often expressed as Total Solar Insolation (TSI), a measure derived from multi-proxy measures of solar activity (Hoyt and Schatten, 1993; extended and re-scaled by Willson, 2011; Scafetta and Willson, 2013). The newest estimates, from satellite-borne ACRIM-3 measurements, indicate TSI ranged between 1360 and 1363 Wm-2 between 1979 and 2011, the variability of ~3 Wm-2 occurring in parallel with the 11-year sunspot cycle. Larger changes in TSI are also known to occur in parallel with climatic change over longer time scales. For instance, Shapiro et al. (2011) estimated the TSI change between the Maunder Minimum and current conditions may have been as large as 6 Wm-2. Temperature records from circum-Arctic regions of the Northern Hemisphere show a close correlation with TSI over the past 150 years, with both measures conforming to the ~60–70 year multidecadal cycle. In contrast, the measured steady rise of CO2 emissions over the same period shows little correlation with the strong multidecadal (and shorter) ups and downs of surface temperature around the world. Finally, IPCC ignores x-ray, ultraviolet, and magnetic flux variation, the latter having particularly important implications for the modulation of galactic cosmic ray influx and low cloud formation (Svensmark, 1998; Kirkby, et al., 2011). Figure 11 summarizes these and other findings about solar forcings from Chapter 3 of Climate Change Reconsidered II: Physical Science.Figure 11 Key Facts about Solar Forcing # Evidence is accruing that changes in Earth’s surface temperature are largely driven by variations in solar activity. Examples of solar-controlled climate change epochs include the Medieval Warm Period, Little Ice Age, and Early Twentieth Century (1910–1940) Warm Period. # The Sun may have contributed as much as 66 percent of the observed twentieth century warming, and perhaps more. # Strong empirical correlations have been reported from around the world between solar variability and climate indices including temperature, precipitation, droughts, floods, streamflow, and monsoons. # IPCC models do not incorporate important solar factors such as fluctuations in magnetic intensity and overestimate the role of human-related CO2 forcing. # IPCC fails to consider the importance of the demonstrated empirical relationship between solar activity, the ingress of galactic cosmic rays, and the formation of low clouds. # The respective importance of the Sun and CO2 in forcing Earth’s climate remains unresolved; current climate models fail to account for a plethora of known Sun-climate connections. # The recently quiet Sun and extrapolation of solar cycle patterns into the future suggest a planetary cooling may occur over the next few decades. Source: “Chapter 3. Solar Forcing of Climate,” Climate Change Reconsidered II: Physical Science (Chicago, IL: The Heartland Institute, 2013). Warming Would Not Be Harmful IPCC’s fifth false postulate is that warming of 2°C above today’s temperature would be harmful. The suggestion that 2°C of warming would be harmful was coined at a conference organized by the British Meteorological Office in 2005 (DEFRA, 2005). The particular value of 2°C is entirely arbitrary and was proposed by the World Wildlife Fund, an environmental advocacy group, as a political expediency rather than as an informed scientific opinion. The target was set in response to concern that politicians would not initiate policy actions to reduce CO2 emissions unless they were given a specific (and low) quantitative temperature target to aim for. Multiple lines of evidence suggest a 2°C rise in temperature would not be harmful to the biosphere. The period termed the Holocene Climatic Optimum (c. 8,000 ybp) was 2–3°C warmer than today (Alley, 2000), and the planet attained similar temperatures for several million years during the Miocene and Pliocene (Zachos et al., 2001). Biodiversity is encouraged by warmer rather than colder temperatures (Idso and Idso, 2009), and higher temperatures and elevated CO2 greatly stimulate the growth of most plants (Idso and Idso, 2011). Despite its widespread adoption by environmental NGOs, lobbyists, and governments, no empirical evidence exists to substantiate the claim that 2°C of warming presents a threat to planetary ecologies or human well-being. Nor can any convincing case be made that a warming will be more economically costly than an equivalent cooling (either of which could occur for natural reasons), since any planetary change of 2°C magnitude in temperature would result in complex local and regional changes, some being of economic or environmental benefit and others being harmful. \* \* \* We conclude neither the rate nor the magnitude of the reported late twentieth century surface warming (1979–2000) lay outside normal natural variability, nor was it in any way unusual compared to earlier episodes in Earth’s climatic history. Furthermore, solar forcings of temperature change are likely more important than is currently recognized, and evidence is lacking that a 2°C increase in temperature (of whatever cause) would be globally harmful.

#### CO2 is key to agriculture – stops extinction

Ferrera 14 Peter Ferrera 2-24-2014 “The Period Of No Global Warming Will Soon Be Longer Than the Period of Actual Global Warming” <http://www.forbes.com/sites/peterferrara/2014/02/24/the-period-of-no-global-warming-will-soon-be-longer-than-the-period-of-actual-global-warming/#42cc9ebf8bf0> (J.D. Harvard Law, contributor to Forbes on climate and public policy, Director of Entitlement and Budget Policy for the Heartland Institute, Senior Advisor for Entitlement Reform and Budget Policy at the National Tax Limitation Foundation, General Counsel for the American Civil Rights Union, and Senior Fellow at the National Center for Policy Analysis, served in the White House Office of Policy Development under President Reagan, and as Associate Deputy Attorney General of the United States under President George H.W. Bush)//Elmer

In addition, CO2 is actually essential to all life on the planet. Plants need CO2 to grow and conduct photosynthesis, which is the natural process that creates food for animals and fish at the bottom of the food chain. The increase of CO2 in the atmosphere that has occurred due to human emissions has actually increased agricultural growth and output as a result, causing actually an increased greening of the planet. So has any warming caused by such human emissions, as minor warming increases agricultural growth. The report states, “CO2 is a vital nutrient used by plants in photosynthesis. Increasing CO2 in the atmosphere ‘greens’ the planet and helps feed the growing human population.”

#### Best studies prove

Ballonoff 14, Paul. "A fresh look at climate change." Cato J. 34 (2014): 113. (consultant, international energy development)//Elmer

While in fact heating has not occurred as the IPCC forecasted, greatly increased global biomass is indeed demonstrated. Well documented evidence shows that concurrently with the increased CO2 levels, extensive, large, and continuing increase in biomass is taking place globally—reducing deserts, turning grasslands to savannas, savannas to forests, and expanding existing forests (Idso 2012). That survey covered 400 peer-reviewed empirical studies, many of which included surveys of dozens to hundreds of sources. Comprehensive study of global and regional relative greening and browning using NOAA data showed that shorter-term trends in specific locations may reflect either greening or browning, and also noted that the rapid pace of greening of the Sahel is due in part to the end of the drought in that region. Nevertheless, in nearly all regions and globally, the overall effect in recent decades is decidedly toward greening (de Jong et al. 2012). This result is also the opposite of what the IPCC expected.

#### Food Shortages case Extinction and outweigh

Cribb 10, Julian. The coming famine. University of California Press, 2010. (principal of JCA, fellow of the Australian Academy of Technological Sciences and Engineering)//Elmer

The character of human conflict has also changed: since the early 1990S, **more wars have been triggered by disputes over food,** land, and water than over mere political or ethnic differences. This should not surprise US: people have fought over the means of survival for most of history. But in the abbreviated reports on the nightly media, and even in the rarefied realms of government policy, the focus is almost invariably on the players—the warring national, ethnic, or religious factions—rather than on the play, the deeper subplots building the tensions that ignite conflict. Caught up in these are groups of ordinary, desperate people fearful that there is no longer sufficient food, land, and water to feed their children—and believing that they must fight ‘the others” to secure them. At the same time, the number of refugees in the world doubled, many of them escaping from conflicts and famines precipitated by food and resource shortages. Governments in troubled regions tottered and fell. The coming famine is **planetary** because it involves both the immediate effects of hunger on directly affected populations in heavily populated regions of the world in the next forty years—and also the impacts of war, government failure, refugee crises, shortages, and food price spikes that will affect all human beings, no matter who they are or where they live. It is an emergency because unless it is solved, **billions will experience great hardship**, and not only in the poorer regions. Mike Murphy, one of the world’s most progressive dairy farmers, with operations in Ireland, New Zealand, and North and South America, succinctly summed it all up: “Global warming gets all the publicity but the real imminent threat to the human race **is starvation** on a massive scale. Taking a 10—30 year view, I believe that food shortages, famine and huge social unrest are probably the greatest threat the human race has ever faced. I believe future food shortages are a far bigger world threat than global warming.”2° The coming famine is also complex, because it is driven not by one or two, or even a half dozen, **factors but rather by the confluence of many large and profoundly intractable causes that tend to amplify one another**. This means that it cannot easily be **remedied by “silver bullets”** **in the form of technology, subsidies, or single-country policy changes**, because of the synergetic character of the things that power it.