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#### Counterplan Text: A just government should recognize an unconditional right for workers, except police officers, to strike.

**Police unions are**

**Roufa 19** The Balance. “The Benefits of Joining a Police Union and Why They Exist.” The Balance Careers, 2015, www.thebalancecareers.com/what-are-police-unions-for-and-should-you-join-one-974885. Accessed 21 Oct. 2021. DN‌

Police unions [that] work with law enforcement leaders and rank-and-file members to negotiate better pay and protect the rights of officers. Unions were instrumental in introducing and implementing job protections like the Police Officers Bill of Rights around the U.S. Besides championing better wages and working hours, though, police unions have significantly influenced how and when officers can be disciplined. They've also established systems of due process for officers to have their discipline reviewed, which has, in turn, helped protect rank and file police officers from false accusations and potential political abuses.

#### Police unions with the right to strike incites violence towards citizens and delegitimizes labor unions

**Greenhouse 20** Greenhouse, Steven. “How Police Unions Enable and Conceal Abuses of Power.” The New Yorker, The New Yorker, 18 June 2020, www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses. Accessed 21 Oct. 2021. ‌DN

Police unions have long had a singular—and divisive—place in American labor. What is different at this fraught moment, however, is that these unions, long considered untouchable, due to their extraordinary power on the streets and among politicians, face a potential reckoning, as their conduct roils not just one city but the entire nation. Since the nineteen-sixties, when police unions first became like traditional unions and won the right to bargain collectively, they have had a controversial history. And recent studies suggest that their political and bargaining power has enabled them to win disciplinary systems so lax that they have helped increase police abuses in the United States. A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens. A 2019 University of Chicago study found that extending collective-bargaining rights to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually. In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau wrote on Twitter, on May 30th, “it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the non-white population.” Other studies revealed that many existing mechanisms for disciplining police are toothless. WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago’s Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents. Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension. When the St. Paul Pioneer Press reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time. (Non-law-enforcement workers were reinstated at a similar rate.) For those demanding more accountability, a large obstacle is that disciplinary actions are often overturned if an arbitrator finds that the penalty the department meted out is tougher than it was in a similar, previous case—no matter if the penalty in the previous case seemed far too lenient. To critics, all of this highlights that the disciplinary process for law enforcement is woefully broken, and that police unions have far too much power. They contend that robust protections, including qualified immunity, give many police officers a sense of impunity—an attitude exemplified by Derek Chauvin keeping his knee on George Floyd’s neck for nearly nine minutes, even as onlookers pleaded with him to stop. “We’re at a place where something has to change, so that police collective bargaining no longer contributes to police violence,” Benjamin Sachs, a labor-law professor at Harvard, told me. Sachs said that bargaining on “matters of discipline, especially related to the use of force, has insulated police officers from accountability, and that predictably can increase the problem.” For decades, members of the public have complained about police violence and police unions, and a relatively recent development—mobile-phone videos—has sparked even more public anger. These complaints grew with the killings of Eric Garner, Laquan McDonald, Walter Scott, Tamir Rice, Philando Castile, and many others. Each time, there were protests and urgent calls for police reform, but the matter blew over. Until the horrific killing of George Floyd. Historians often talk of two distinct genealogies for policing in the North and in the South, and both help to explain the crisis that the police and its unions find themselves in today. Northern cities began to establish police departments in the eighteen-thirties; by the end of the century, many had become best known for using ruthless force to crush labor agitation and strikes, an aim to which they were pushed by the industrial and financial élite. In 1886, the Chicago police killed four strikers and injured dozens more at the McCormick Reaper Works. In the South, policing has very different roots: slave patrols, in which white men brutally enforced slave codes, checking to see whether black people had proper passes whenever they were off their masters’ estates and often beating them if they did something the patrols didn’t like. Khalil Gibran Muhammad, a historian at Harvard, said that the patrols “were explicit in their design to empower the entire white population” to control “the movements of black people.” At the turn of the twentieth century, many police officers—frustrated, like other workers, with low pay and long hours—formed fraternal associations, rather than unions, to seek better conditions—mayors and police commissioners insisted that the police had no more right to join a union than did soldiers and sailors. In 1897, a group of Cleveland police officers sought to form a union and petitioned the American Federation of Labor—founded in 1886, with Samuel Gompers as its first president—to grant them a union charter. The A.F.L. rejected them, saying, “It is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.” After the First World War, millions of workers began protesting that their wages lagged far behind inflation, and many police officers got swept up in the ferment. In 1919, Boston’s city police applied to the A.F.L. for a charter; they were angry about their meagre salaries and having to pay hundreds of dollars for uniforms. The police commissioner, Edwin Upton Curtis, forbade his officers from joining any outside organization other than patriotic groups, such as the American Legion. The police proceeded to unionize, and Curtis suspended nineteen of the union’s leaders for insubordination. When most of the city’s fifteen hundred police officers walked off the job, rioting and widespread looting engulfed the city. Curtis fired eleven hundred strikers, and Calvin Coolidge, who was then the governor of Massachusetts, supported his hard line, saying, “There is no right to strike against the public safety by anybody, anywhere, anytime.” Coolidge’s stance thrust him into the national spotlight. He went on to serve as Vice-President and President. For decades, that stance deterred police unionization. But, in the nineteen-fifties and sixties, with private-sector unions winning middle-class wages and solid benefits for millions of workers, police officers again started rumbling for a union. Their fraternal orders weren’t doing enough; the police wanted collective bargaining. Officers became increasingly impatient, and militant. In the early sixties, police engaged in a work slowdown in New York and a sit-in in Detroit. In 1964, New York’s mayor, Robert F. Wagner, Jr., blessed a compromise between his police commissioner and the Patrolmen’s Benevolent Association. The P.B.A. renounced the right to strike and was recognized as the bargaining agent for the city’s police. Wagner had previously agreed to bargain with other municipal unions, but he had held off with the police, because of its singular role and of fears that officers might strike. (The National Labor Relations Act of 1935—sponsored by Wagner’s father, Senator Robert F. Wagner, Sr.—gave most private-sector workers a federal right to unionize and collectively bargain, but left it up to individual states and cities to decide whether to grant the same rights to government employees.) As a full-fledged union, the P.B.A. didn’t wait long to declare war against any push for increased accountability. In 1966, New York’s new mayor, John V. Lindsay, after being pressed by the Congress of Racial Equality, added four civilian members to the city’s Civilian Complaint Review Board; the original three members were deputy police commissioners. Then, as now, many African-Americans complained about police misconduct. The P.B.A., which renamed itself the Police Benevolent Association last year, bitterly resisted adding civilians to the board. When the City Council held a hearing on civilian review, the union mounted a five-thousand-member picket line in protest. The P.B.A. then organized a public referendum aimed at eliminating the board. It put up posters showing a young white woman exiting a subway and heading onto a dark, deserted street. “The Civilian Review Board must be stopped,” the poster read. “Her life . . . your life . . . may depend on it. . . . [A] police officer must not hesitate. If he does . . . the security and safety of your family may be jeopardized.” As the vote approached, the P.B.A.’s president, John Cassese, had played on racial divisions, declaring, “I’m sick and tired of giving in to minority groups with their whims and their gripes and shouting.” Lindsay, the American Civil Liberties Union, and New York’s two senators—the Republican Jacob Javits and the Democrat Robert F. Kennedy—opposed the P.B.A.-backed referendum. In a humbling defeat for liberals, sixty-three per cent of New Yorkers voted to abolish the review board. Across the U.S., a similar dynamic played out. First, many cities followed New York’s lead and agreed to bargain with their police unions. Initially, newly established unions focussed on winning better wages and benefits. A major recession in the early eighties and the anti-tax fervor of the Reagan era caused budget crunches in many cities. Local leaders told police unions and other public-sector unions that they had little money for raises. In turn, the police demanded increased protections for officers facing disciplinary proceedings. Since the eighties, police contracts in New York and many other cities have added one protection after another that have made it harder to hold officers accountable for improper use of force or other misconduct. Such protections included keeping an officer’s disciplinary record secret, erasing an officer’s disciplinary record after a few years, or delaying any questioning of officers for twenty-four or forty-eight hours after an incident such as a police shooting. “They have these unusual protections they’ve bargained very hard for, measures that insulate them from accountability,” William P. Jones, a history professor at the University of Minnesota and the president of the Labor and Working-Class History Association, told me. Jones said that other public-employee unions have some of the same protections but that police unions “are particularly effective utilizing them in their favor.” In 2017, a Reuters a special report on police-union contracts in eighty-two cities found that most required departments to erase disciplinary records, in some cases after only six months. Eighteen cities expunged suspensions from an officer’s record in three years or less. Anchorage, Alaska, removed demotions, suspensions, and disciplinary transfers after twenty-four months. Reuters also found that almost half of the contracts let officers accused of wrongdoing see their entire investigative file—including witness statements, photos, and videos—before being questioned, making it easier for them to finesse their way through disciplinary interrogations. Joseph McCartin, a labor historian at Georgetown, told me that one political factor explains why police unions have won so many protections. “They have more clout than other public-sector unions, like the teachers or sanitation workers, because they have often been able to command the political support of Republicans,” he said. “That’s given them a big advantage.” The string of police killings captured on mobile phones increased public dismay with police unions. After the killing of George Floyd, they became a pariah. Many protesters, and even some unions, including the Writers Guild of America, East, have called on the A.F.L.-C.I.O., the nation’s main labor federation, to expel the International Union of Police Associations, which represents a hundred thousand law-enforcement officers. The Association of Flight Attendants adopted a resolution demanding that police unions immediately enact policies to “actively address racism in law enforcement and especially to hold officers accountable for violence against citizens, or be removed from the Labor movement.” The Service Employees International Union, with two million members, has called for “holding public security unions accountable to racial justice,” and the Seattle area’s main labor coalition issued an ultimatum to the local police union: acknowledge and address racism in law enforcement or risk being kicked out.

#### Excessive police union bargaining from strikes destroys accountability for police misconduct

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

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#### Its competitive – A worker is

**Ministry of Labour, Training and Skills Development 15** “‘Worker’ as Defined in OHSA | Ministry of Labour.” Gov.on.ca, 2015, www.labour.gov.on.ca/english/hs/worker\_defn.php. Accessed 20 Oct. 2021. **‌**DN

Under the Occupational Health and Safety Act (OHSA), a “worker” is any of the following: A person who performs work or supplies services for monetary compensation. A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled. A person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution. Repealed: 2017, c. 22, Sched. 1, s. 71 (2). Other persons who work or provide services to an employer for no money, who may be prescribed by regulation. (At this time, no such persons have been prescribed as a “worker” under the OHSA.) The definition of “worker” does not include: an inmate of a correctional institution or similar facility who participates inside the institution or facility in a work project or rehabilitation program; a volunteer who works for no monetary payment of any kind.

#### Police work for monetary compensation, and you can’t give an unconditional right to strike to all workers without giving the right to strike to police so the counterplan competes.

#### PICs are the best thing to ever happen to debate.

Branson 07 Josh Branson, CSIS and graduated from Harvard Law. “Reflections about debate and policymaking” 2007. IB

Well, thats not the way it worked at all, at least for me. No doubt in a collegiate debate judged by one of ya’ll I could have killed them all on the Pan K, probably even if we talked slow, but in the real world, I was kind of surprised to find that the knowledge generated by debate proved to be fairly damn cursory and artificial. I could rattle off a list of most of the arguments for/against most of the general nonproliferation doctrines, but a lot of the empirical and factual basis for these arguments was completely missing in my brain. I could make the basic claim for almost anything in the field, but the technical issues that underlines a lot of them (the names and locations of the Russian CW destruction plants, an understanding of how the fine points of the budget process works, how a capital market sanction would actually be implemented, where did we get our intelligence that revealed Chinese serial proliferators selling bombs to AQ Khan, how does a centrifuge cascade work and why exactly would multilateral sanctions undermine Irans ability to get uranium gas piping technology, the names of the key players in the various foreign governments that make nonproliferation policy etc) was all missing. Maybe this stuff sounds pretty boring, and some of it is, but this is the type of stuff that really determines whether or not policies are successful and whether or not they are effectively promulgated. But the details pretty much get left out in debates, replaced by a simplistic and power-worded DA that culminates in nuclear winter.’ To my surprise, when setting out in the nonproliferation world, you don’t get to make grand pronouncements about the impact of funding Nunn-Lugar on US soft power or whether funding it would cause a budget deficit which would collapse the global economy and cause multiple scenarios for nuclear war. Instead, most of the work that is done is deciding which and what type of Russian facilities to allocate the money to, knowing the specific people within the Russian government we can trust, which types of nuclear disposition is safest and what types of transportation we should use when moving spent fuel back to storage, etc. When dealing with these discussions repeatedly, I found that debate had provided me a very sound abstract conceptual frame through which to analyze the general issues being raised, but little in a way of meaningfully engaging the policy process. Of course, debaters can learn this language. There are plenty who have. But I’d wonder whether or not people who claim that debate has trained people for this life are mistaking correlation with causation. Two other interesting conclusions: A) To all the people who attack debate for propounding an overly elitist and undemocratic discourse and undermines good broadly appealing public speaking skills: I think you’ve got it backwards. Yes, a lot of debates involve jargon, no question. But at least in my experience, I found that debate provided me the opposite. The times I was most confident at CSIS were when we were doing public debates or discussions in front of unqualified audiences. I could take on even the most senior experts; in these types of forums, I could out debate them and rhetorically counteract their vast experience/knowledge advantage. On the flip side, when I was in conferences with only experts in the field, I often felt at a severe disadvantage. In forums like this, bad arguments get called out, and rhetorically powerful but intellectually flimsy claims are pretty much non-starters. Debate experience wasn’t a ton of help. In terms of research, I did feel that all the debate research I’ve done provided some advantages and gave me a marginal edge over a lot of other people at CSIS, but nothing enormous. Most of the people there, even though they’d never done debate, can research just as well as the average college debater (ESPECIALLY on technical issues). I realize there are problems with the sample size etc, but it made me think twice about the infallible research advantages supposedly generated by policy debate. B) How to make debate more like the technical policy world? Narrower debates. PICs are vital to this (sorry, Duck). Thinking back on my 8 years in debate, the topic about which I can best converse with experts about is the design of emissions trading schemes. That was because the literature was deep and the prevalence of upstream/downstream/auctioned/timetable PICs narrowed the debates and forced a real in-depth discussion. I just don’t think we get that in a ton of debates, because most PICs are either wanky rhetoric PICs (and yes I was an extreme culprit) or something even worse like Consultation. Thinking back on it, I don’t think that the legal topic was worded particularly poorly, I just think that our strategic norms of judging/debating create a lot of problems in generating the type of education a lot of us want. But one of the most striking thing for me about last year’s topic was that I learned more from Repko’s post about his day at the Supreme Court than I did from all the debates I judged combined. In any event, how to create the types of narrow debates that will general real sustainable expertise on topics is tough. I think that we’ve got to learn how to become accepting as a community of analytical smart arguments to answer carded-yet-stupid arguments, maybe start accepting intrinsicness (something that I might post on some other day) as a way to eliminate politics DAs and consultation CPs, and start modifying our theory dispositions to be willing to call out bullshit CPs (see DHeidts new judge philosophy), and finally moving away from the cult of new and surprise arguments (see below). This will also involve changing the way we teach kids as they enter debate; I know I, for one, am going to change the way I teach camp this summer to include at least a little of these thoughts. Of course, the focus must remain on winning above all else, but I think that that pursuit can be synthesized with a change in some of our debate practices. 2. Why an elite or technical discourse is important My second conclusion is directed at people who decry the topic process because it’s too technical, too narrow, drown out the personal or the things that people want to talk about. Again, my opinion is that this is backwards. I think it’s a major problem that more of the people who conduct policy and who are influential in the process are not well-schooled in the actual empirical pragmatic details of the policies that they are advocating. I’ve read a significant amount about Iraq lately, and got to talk to a bunch of people who were intimately involved in the process, and one of the primary problems was that too much of our policy was executed in a cavalier and emotion-laden fashion. The dangerous pursuit of the “liberation of the oppressed” Iraqis at the expense of all the obvious problems entailed with that pursuit, the complete “lack of a plan,” for how to stabilize the country, and an utter ignorance of the technical or real policy issues facing a peacebuilding operation of that magnitude---these are all issues that come up REPEATEDLY when discussing the reason we went into Iraq in such a cavalier and short-sighted manner. A bunch of the more scathing indicts of the topic committee’s work---that the topic is too technical, that it undermines creativity etc…these are traits that for me are reflected in some of the most loathsome policymakers we have. Bush is by all accounts an idiot when it comes to policy expertise, but he’s the president that most people would love to have a beer with, and one who has let his personal conviction guide his policymaking more than any I can remember. His administration appears to conceive of the world in relatively simple generic conceptual dichotomies (stay the course vs. cut and run, terrorists are good or evil, our intelligence is either 100% accurate or its not). Is that really what we want our topics to boil down to? A be nice to the Middle East topic? Because its in the extra 60 words that the real problems with policy are revealed, and its there that we find the difference between an effective invasion that removes a horrible dictator from power and one which kills thousands of people and causes the region to implode. Yeah, you can rail against the elitism and technical nature of a lot of the academic literature all you want, and say that policy debate is exclusionary, but I think that we need more of the elite technical people and fewer of the smoke and mirrors BS artists running things. The policy world could use more Naveens and DHeidts. 3. Qualifications matter. Way more than I thought. My boss this year was the guy who basically ran our proliferation policy under Clinton, and has decades of experience negotiating with foreign officials, of dealing hands-on with our nuclear posture, of having access to intelligence at the highest levels etc. No matter how sweet we debaters think we are at analyzing things, there is a real difference between people like that and those of us who lack that experience. In debate, this guy’s opinion is basically equal to a J.D. Candidate’s. In any other arena, that is a laughable proposition. In debate, by far more important than how credible or qualified your argument is how NEW it is. You surprise the other team with a new strategy (no matter how idiotic) and the chances are good that you will win. Of course, that doesn’t really work in the think tank world. I actually think that debate would be way more educational and realistic if teams were forced to disclose their arguments before hand. I understand all the problems with mandating this, and realize it won’t happen, but I do think that the cult of newness at times is profoundly uneducational. 4. A large percentage of “fairness” impact arguments in debate are stupid. People’s obsession with “fairness” or “competitive equity” is misguided. One of the most valuable things about debate is adapting to unfair circumstances. If the neg runs conditional CPs, get better and deal with it. If the aff doesn’t specify their agent, figure out something else besides your same old agent CP. This is what the policy world is like; you’ve got to react and deal with tough situations. Do I think it’s fair that it’s hard to get published without a graduate degree or personal connections? Not really. Are most people in the policy community open-minded and unbiased? Nope. Policymaking is about dealing with unfair and difficult situations, and sometimes debate can be the same way. Looking back, for me a lot of the most intellectually invigorating parts of debate were also the hardest and most “unfair.” It was unfair that Klinger was so fast and clear, it was unfair that MSU at times read short shitty unpredictable evidence, it was unfair that Fullerton didn’t have a plan and was able to emotionally intimidate judges, it was unfair that a lot of people resented me because I wanted to win and didn't exert much effort socializing at tournaments, it was unfair that some judges were biased and we had to adapt our arguments, and it was unfair that Emory had more card cutters on their team than we did. I’m sure a lot of people feel similar or worse things about debating against Northwestern. But adapting to this stuff is part of life, and certainly part of the policy world. But in debate we certainly cry foul a lot. Maybe too much.

Reasonability on 1ar theory

1] substantive education

2] overpunishing

### Case

Here is the police unions pic I’m reading against you

Graphical user interface, text, application

Description automatically generated

#### The right to strike does nothing to companies who actually exploit workers—they just hire consultants and employ shady tactics

**Lafer and Loustaunau 20**-- Gordon Lafer [political economist and is a Professor at the University of Oregon] and Lola Loustaunau [assistant research fellow at the Labor Education and Research Center, University of Oregon]; Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining; July 23, 2020; Economic Policy Institute; <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>. (AG DebateDrills)

Even when employers obey the law, they rely on a set of tactics that are legal under the NLRA but illegal in elections for Congress, city council, or any other public office. **A $340 million industry of “union avoidance” consultants helps employers exploit the weaknesses of federal labor law to deny workers the right to collective bargaining.**17 Over the past five years, employers using union avoidance consultants have included FedEx, Bed Bath & Beyond, and LabCorp, among others. Table 1, reproduced from an EPI report published in late 2019, lists just a few of these employers, along with the reported financial investments they made to thwart union organizing during the specified years.18 **These firms’ tactics lie at the core of explaining why so few American workers who want a union actually get one, and their success in blocking unionization efforts represents a significant contribution to the country’s ongoing crisis of economic inequality.** The lack of a right of free speech enables coercion NLRB elections are fundamentally framed by one-sided control over communication, with no free-speech rights for workers. **Under current law, employers may require workers to attend mass anti-union meetings as often as once a day** (mandatory meetings at which the employer delivers anti-union messaging are dubbed “captive audience meetings” in labor law). Not only is the union not granted equal time, but pro-union employees may be required to attend on condition that they not ask questions; those who speak up despite this condition can be legally fired on the spot.19 **The most recent data show that nearly 90% of employers force employees to attend such anti-union campaign rallies, with the average employer holding 10 such mandatory meetings during the course of an election campaign.**20 In addition to group meetings, employers typically have supervisors talk one-on-one with each of their direct subordinates.21 In these conversations, the same person who controls one’s schedule, assigns job duties, approves vacation requests, grants raises, and has the power to terminate employees “at will” conveys how important it is that their underlings oppose unionization. As one longtime consultant explained, a supervisor’s message is especially powerful because “the warnings…come from…the people counted on for that good review and that weekly paycheck.”22 Within this lopsided campaign environment, the employer’s message typically focuses on a few key themes: unions will drive employers out of business, unions only care about extorting dues payments from workers, and unionization is futile because employees can’t make management do something it doesn’t want to do.23 Many of these arguments are highly deceptive or even mutually contradictory. For instance, the dues message stands in direct contradiction to management’s warnings that unions inevitably lead to strikes and unemployment. **If a union were primarily interested in extracting dues money from workers, it would never risk a strike or bankruptcy, because no one pays dues when they are on strike or out of work. But in an atmosphere in which pro-union employees have [with] little effective right of reply, these messages may prove extremely powerful.**

#### Turn: Today’s strikes rely on public support—legal strikes always incite social tensions among groups of different statuses—only illegal strikes have the potential to be successful and change minds

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

**In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns**.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” **These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful**. Since 2012**, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes.** They do not shut down production, and their primary targets are not direct employers. **For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007**.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 **In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet**, no penalties were imposed.183 **Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support.** As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, **2020 saw a flurry of work stoppages in support of the Black Lives Matter movement**.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 **Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.**188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 **Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns.** The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. **Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be.** These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, **law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other**, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. **Recasting the strike—and the work of unions more broadly—as political is risky**. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. **And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing.** If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. **Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been.** During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198

#### Blindly introducing the right to strike always entrenches neoliberalism, guaranteeing its own fruitlessness and undermining the power of the working class, turning case—South Africa proves

**Runciman 19**-- Runciman, Carin [Associate Professor of Sociology at University of Johannesburg]. "The" Double-edged Sword" of Institutional Power: COSATU, Neo-liberalisation and the Right to Strike." Global Labour Journal 10.2 (2019). (AG DebateDrills)

The analysis presented in this article offers a challenge for the use of the PRA and the analysis of institutional power. By situating institutional power within an analysis of corporatism, I argue that institutional power develops further analytical utility, which is attentive to class forces. In addition to this, in the specificities of the South African context, corporatism also provides an avenue for understanding how the specific forms of institutional power that have been forged by COSATU are related to their political relationship to the ANC, thus providing a more comprehensive account of how institutional power has been shaped. The article not only considers what gives rise to institutional power but also how it has been strategically used. Understanding this requires a wider consideration of COSATU’s associational and structural power as well as its waning political influence. **By analysing the 1995 LRA and the 2019 amendments this article is able to give some consideration as to [shows] how COSATU’s institutional power has unfolded through time. Rather than viewing the 1995 LRA as an unqualified victory, as is commonly the case within the literature (Adler and Webster, 1999), this article highlights how significant compromises within the 1995 LRA entrenched neo-liberalism in South Africa, the unintended consequences of which have served to undermine the power of trade unions and the working class overall.** The analysis presented within this article demonstrates how neo-liberal restructuring in South Africa emerged hand-in-hand with corporatism. **The 1995 LRA was the first and one of the most significant pieces of legislation to be enacted by the first democratic government. While it was undoubtedly a significant step forward for South African workers, particularly black South African workers, it also set out an explicitly neo-liberal path focused on “regulated flexibility” (Du Toit et al., 2003), an objective of both corporatism and neo-liberalism** (Humphrys, 2018). While it could be argued that the compromises of the 1995 LRA were necessary in order to formally end the apartheid labour regime, this does not mean we should negate an understanding of COSATU’s agency in resisting the forces of neo-liberalism. **As this article argues, COSATU made strategic choices about whom to organise, and in doing so chose to neglect some of the most vulnerable sections of the South African labour market. In the absence of organised labour, the number of precarious workers has grown considerably.** While COSATU did utilise its institutional power to initiate reforms to the LRA to enhance protections for vulnerable workers, this has translated into little concrete organising of these workers. **Indeed, if anything, the 2019 amendments illustrate that COSATU is willing to act against the interests of these workers in order to shore up its own structural, associational and institutional power.**

**Turn: Strikes create a stigmatization effect on labor that devastates the economy and worsens inequality.**

**Tenza 20**, [Mlungisi. "The effects of violent strikes on the economy of a developing country: a case of South Africa." Obiter 41.3 (2020): 519-537. (Senior Lecturer, University of KwaZulu-Natal)]

When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of violent strikes that have bedevilled this country in recent years seems to have shattered-down the aspirations of a better South Africa. South Africa recorded 114 strikes in 2013 and 88 strikes in 2014, which cost the country about R6.1 billion according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these strikes (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10 These strikes are not only violent but take long to resolve. Generally, a lengthy strike has a negative effect on employment, reduces business confidence and increases the risk of economic stagflation. In addition, such strikes have a major setback on the growth of the economy and investment opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. One of the measures that may boost the country’s economic growth is by attracting potential investors to invest in the country. However, this might be difficult as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns for investment may not materialise if the labour environment is not fertile for such investments as a result of, for example, unstable labour relations. Therefore, investors may be reluctant to invest where there is an unstable or fragile labour relations environment. 3 THE COMMISSION OF VIOLENCE DURING A STRIKE AND CONSEQUENCES The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike. 11 The Constitution grants these rights to a “worker” as an individual.12 However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14 The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to “advance economic development, social justice, labour peace and the democratisation of the workplace”. 16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally. 18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful. 19 Contrary to section 17 of the Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20 The question is whether employers succumb easily to workers’ demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows: “[T]here is no sweet strike, there is no Christian strike … A strike is a strike. [Y]ou want to get back what belongs to you ... you won’t win a strike with a Bible. You do not wear high heels and carry an umbrella and say ‘1992 was under apartheid, 2007 is under ANC’. You won’t win a strike like that.” 21 The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers’ homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour. 22 This points to the fact that for many workers and their families’ living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24 In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25 striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer’s business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26 These examples from case law show that South Africa is facing a problem that is affecting not only the industrial relations’ sector but also the economy at large. For example, in 2012, during a strike by workers employed by Lonmin in Marikana, the then-new union Association of Mine & Construction Workers Union (AMCU) wanted to exert its presence after it appeared that many workers were not happy with the way the majority union, National Union of Mine Workers (NUM), handled negotiations with the employer (Lonmin Mine). AMCU went on an unprotected strike which was violent and resulted in the loss of lives, damage to property and negative economic consequences including a weakened currency, reduced global investment, declining productivity, and increase unemployment in the affected sectors.27 Further, the unreasonably long time it takes for strikes to get resolved in the Republic has a negative effect on the business of the employer, the economy and employment. 3 1 Effects of violent and long strikes on the economy Generally, South Africa’s economy is on a downward scale. First, it fails to create employment opportunities for its people. The recent statistics on unemployment levels indicate that unemployment has increased from 26.5% to 27.2%. 28 The most prominent strike which nearly brought the platinum industries to its knees was the strike convened by AMCU in 2014. The strike started on 23 January 2014 and ended on 24 June 2014. It affected the three big platinum producers in the Republic, which are the Anglo American Platinum, Lonmin Plc and Impala Platinum. It was the longest strike since the dawn of democracy in 1994. As a result of this strike, the platinum industries lost billions of rands.29 According to the report by Economic Research Southern Africa, the platinum group metals industry is South Africa’s second-largest export earner behind gold and contributes just over 2% of the country’s Gross Domestic Product (GDP).30 The overall metal ores in the mining industry which include platinum sells about 70% of its output to the export market while sales to local manufacturers of basic metals, fabricated metal products and various other metal equipment and machinery make up to 20%. 31 The research indicates that the overall impact of the strike in 2014 was driven by a reduction in productive capital in the mining sector, accompanied by a decrease in labour available to the economy. This resulted in a sharp increase in the price of the output by 5.8% with a GDP declined by 0.72 and 0.78%.32

#### Turn-Strikes hurt workers disproportionately

**Orechwa 19**

[Jennifer Orechwa. , 2019 "How Unions Hurt Workers: The 2019 GM Strike," UnionProof, <https://projectionsinc.com/unionproof/how-unions-hurt-workers-the-gm-strike-continues/>]

It’s a fact that the number of union strikes have been increasing the last couple of years – especially among hourly workers like hotel, hospital workers and convenience store employees. We’ve also seen work stoppages involving teachers and various manufacturing workers. The United Automobile Workers (UAW) strike against GM is one example of how unions hurt workers. Because of General Motors participation in the 2008 federal bailout plan, there are some unique – and fascinating twists. What happened during the Recession is key to understanding what is going on now. However long the UAW strike against GM lasts, it’s a good reminder for employers that strikes still take place in the public and private sectors, and their negative impacts are felt inside and outside the business. The GM strike is an opportunity to [educate your managers and supervisors](https://projectionsinc.com/unionproof/coach-my-leaders/) on the importance of staying union free and the ramifications of a strike on employees and the communities of operation, as well as the company. The reality is that a strike hurts the workers the most. They don’t hurt the union. In fact, union leaders see a strike as a chance to get some nationwide publicity as an organization helping the “little guys” take on the big bad abusive employer. Strikes don’t hurt permanently hurt the company because a large company like GM has a contingency plan and is prepared to keep operating without the striking workers by taking steps like temporarily shutting down some plants and consolidating operations. It’s the workers that are hurt, encouraged by the unions and some politicians to subject themselves to loss of income and job stability. Instead of encouraged, it should read that workers are “used” by the unions and [political parties](https://www.cnbc.com/2019/09/16/2020-election-democrats-cheer-uaw-strike-against-gm-criticize-trump.html) to push their agenda. Unions thrive on making employers look bad, and politicians that believe America’s big businesses take advantage of employees use the strikes as proof. The general line is that, “If employees are willing to suffer a loss of income, benefit and job stability, the workplace policies must be abusive.” The negotiations for a new 4-year collective bargaining agreement started July 16, 2019, and two months later the strike began after negotiations reached an [impasse](https://projectionsinc.com/unionproof/collective-bargaining-good-faith-impasse/). On September 16, 2019, more than 48,000 union members at 55 plants in the Midwest and South GM factories went on strike. One of the most glaring twists to this story is the fact General Motors would likely be out of business if not for the $49.5 billion taxpayer bailout during the recession. The company was in serious financial trouble before the recession, but it didn’t declare bankruptcy until 2009. After the company paid back the bailout money it agreed to pay, taxpayers ended up covering $10.6 billion (or $11.2 billion by some estimates). The union did make concessions during the recession, but there were twists to their seeming generosity. One is that it was either make concessions or be unemployed and lose their pensions. The other is that many people believed that weak GM management had negotiated too generous collective bargaining agreements with the UAW. Union workers were overpaid and had too generous benefits, and that contributed to GM’s financial problems and being unable to survive a recession without government assistance. The union storyline today is that union members bore a “significant portion of the pain” required to restore GM’s financial health. A New York Times headline read, “G.M. Workers Say They Sacrificed, and Now They Want Their Due.” This is the foundation of the strike today. Union members have bought into the union stance that they suffered to help GM in 2009, and now GM is taking advantage of them. The opposing viewpoint is that unions did make concessions, but the uncompetitive wages were largely responsible for GM’s financial instability. The UAW was given preferential treatment during the bankruptcy proceedings. Usually a bankruptcy leads to wages being dropped to a competitive level, but in this case union wages were not cut. GM was in trouble before the recession because of the exorbitant compensation paid to union employees and competition. Now the [union says](https://www.cbsnews.com/news/why-are-united-auto-workers-on-strike-against-gm/) this about the current strike, “We are standing up for fair wages. We are standing up for affordable quality healthcare.” They continue, “We are standing up for our share of the profits. We are standing up for job security for our members.” So, what exactly does all of this mean in the real world? In 2007 and 2008, GM lost $70 billion. At the time, the labor costs were approximately 45 percent higher than the labor costs of competitors. The level of compensation was untenable and likely would have eventually driven GM into bankruptcy even without the recession. Was the union standing up for the little guy by helping the company go broke? For example, production workers were paid 95 percent of their salaries when temporarily laid off. Union workers back then made approximately $31 per hour plus bonuses and had full benefits that included a lifelong pension. One of the concessions made before the recession was that permanent people hired after 2007 could start at $17 per hour and work eight years to reach $29 per hour. Another concession is that union workers have 401(K) retirement plans instead of pensions. The union agreed to forgo cost of living wage increases and a four-year wage freeze. Workers also had to start paying a 3 percent health care cost-sharing amount. All workers get a nice health care package, with the only difference being the temporary workers don’t have vision and dental benefits. GM’s temporary workers earn approximately $15 an hour. Since 2010, GM has paid out $80,500 each to permanent hourly workers as bonuses. The union’s complaints cover a range of items. One is that they don’t like GM’s [planned change](https://projectionsinc.com/unionproof/communicating-change-in-house-communications-team/) to use more temporary workers which currently account for 7 percent of the workforce. The union wants a cap on the number of temporary workers. Minimum pay for temp workers is at $15. They don’t like the fact there are two very different pay levels in the workforce so want the pay leveled out between the pre- and post-2007 workers hired. They want entry-level workers to reach $30 an hour within 3-4 years. Top production wages are at $33 per hour. Unions don’t like the fact GM plans to close four plants, will build the Chevy Blazer in Mexico, and already laid off 2,800 employees with plans for more layoffs. The unions don’t like GM’s request for union members to contribute 15 percent of health insurance costs. All of these [company changes](https://projectionsinc.com/unionproof/company-change-and-how-it-leads-to-union-organizing/) the union doesn’t like are used to justify the strike. Here is the reality. GM is facing intense competition from foreign vehicle manufacturers. Earnings are falling. The company cannot afford to pay everyone on an equal basis and needs to cut, not increase, labor costs in order to stay competitive. GM needs to increase the number of lower-cost temporary workers so there is more scheduling flexibility. The union points to a 2018 GM profit of $12 billion, but revenues were only 1 percent higher compared to 2017, an indication of coming financial problems. However, GM announced a restructuring last November and needs the profits to pay for the restructuring and protect itself against a future economic downturn and the competition causing further revenue declines. Here is what GM offered during the contract negotiations. The company said it planned on investing $7 billion in eight plants in the U.S. GM said it would adding 5,400 jobs and an $8,000 signing bonus after contract signing. The company offered a new profit sharing formula that increases the amount permanent workers would get, and workers are already averaging $10,000 each on an annual basis. However, the new offer did not include temporary workers in the profit sharing. GM also said it would build batteries and electric pickups in Detroit-Hamtramck and manufacture battery cells in Lordstown, two of the plants targeted for closure. There are two cities where GM plants were closed. This strike has many elements reflecting a [clash of the past with the present.](https://projectionsinc.com/unionproof/employees-need-union-history/) Unions want to continue to do business the old way. They want companies to hire mostly full-time permanent workers, guarantee schedules, not plan plant closures as a strategy for company survival and increase the total compensation package, including profit sharing. One striking worker said the [union told us](https://www.usatoday.com/story/money/cars/2019/09/21/gm-uaw-strike-one-week-in-strikers-worried-determined/2402195001/), “We’re fighting for, honestly, a thing of the past, where health care is provided by the employer.” GM wants to do what it takes to secure a strong company future so that people have good employment for decades. As GM earns profits, the unions believe compensation and benefits should increase, even if those profits are used to build or modernize facilities and equipment and establish a contingency fund to carry the company through the next recessions. The union wants GM to agree to a permanent path for temporary workers to reach permanent status. This defeats the whole purpose of hiring temporary workers, a trend occurring across industries. Unions are never satisfied. GM offered to retain all healthcare benefits and add new coverage for allergy testing, autism, and therapy care. As mentioned, GM workers currently pay 3 percent of costs, and GM has offered to come down from the 15 percent requested. However, 3 percent is significantly less than what most employed people play. Currently, the national average for employee cost-sharing of health benefits is 28 percent. GM offered two percent raises in alternating years and 2 percent lump sum payments, also in alternating years. The union says it is not enough. GM offered to keep or retain the 5,400 jobs with half of them new ones. The union doesn’t think this is good enough because, of course, they want to increase their membership. You may think a company suffers as much as or more than workers during a strike. That is the message unions give workers. If union members didn’t believe that, there would be no reason to go on strike. The whole purpose of a strike is to hurt the business so the employer caves in to union demands. Of course, strikes are a powerful example in which unions hurt workers. However, consider the fact it’s the employees walking picket signs in all kinds of weather. It’s not the employer. As the strike starts its second week, it’s the employees who will have to live on $250 per week strike pay after the eighth day of the strike. It’s the workers who toss-and-turn at night while wondering how they will support their families pay their bills. During the first week of the strike, GM chose to [shift the cost of healthcare payments](https://www.reuters.com/article/us-usa-autos-labor/gm-switches-health-insurance-costs-to-union-for-striking-workers-talks-continue-idUSKBN1W21TW) for striking employees to the union, in order to help make up for likely stalled vehicle production and to demonstrate the costs the company carries (over $900 million each year) to provide excellent benefits to its workers. The unions will have to pay the money for health insurance out of their strike fund, including for COBRA payments for hourly employees. The strike fund does not cover vision, dental, and hearing, so all workers are penalized again for striking. Unions are also using the GM workers for a larger strategy. If the unions can get concessions from GM, the plan is to do the same during talks with other auto companies like Ford. Politicians are also using the workers. Not long ago, [AFL-CIO President Richard Trumka](https://www.foxnews.com/politics/labor-union-afl-cio-richard-trumka-2020-democratic-presidential-candidates-lets-be-nore-honest-about-the-democratic-partys-record) sent a public warning that Democrats shouldn’t take the support of union workers for granted because they aren’t doing enough in terms of influencing [labor laws](https://projectionsinc.com/unionproof/category/labor-law/) to favor employees and are supporting the Green New Deal which will cost unions members their jobs. It’s not surprising people like Presidential candidates [Elizabeth Warren and Joe Biden](https://www.nytimes.com/2019/09/22/us/politics/elizabeth-warren-uaw-strike.html) are publicly aligning themselves with the striking employees. They need union votes to win an election. Unions always have an agenda that begins with protecting its own organization. A strike is where unions hurt workers the most. Strikes lead to worker financial hardship and cause harm in community relations with their employer. There are ripple effects too. For example, 4,500 Unifor union employees have been [laid off in Canada](https://www.cnbc.com/2019/09/20/thousands-more-workers-furloughed-as-gm-and-suppliers-idle-plants-in-uaw-strike.html) due to the U.S. strike, [GM suppliers](https://www.wxyz.com/money/auto-news/general-motors-suppliers-feeling-the-pinch-in-day-5-of-uaw-strike) are already feeling the loss of business and facing layoffs, and communities are experiencing negative economic impacts. When union members strike, they cause harm to many more people than themselves. The unions don’t talk about these kinds of issues because it would damage their efforts. [Unions use words](https://projectionsinc.com/unionproof/the-language-of-unionization/) like “sacrifice” and “taken advantage of” to appeal to people’s emotions. They don’t talk about local businesses hurt by the strikes. They don’t make mortgage payments for their members. Additionally, they don’t offer to increase strike pay to put food on people’s tables. Ultimately, they don’t recognize or address the ways unions hurt workers. All of this is a good reminder that keeping a business union free remains an important strategy for long-term business sustainability. [Educate your leaders and employees on unions](https://projectionsinc.com/) by taking advantage of communication tools like [video, web and eLearning](https://projectionsinc.com/unionproof), engage your employees and be transparent about changes needed to remain competitive. It’s the path to becoming an employer of choice with a workforce that has no need for unions.

#### Turn: Strikes fail and spark backlash – makes workers more vulnerable to marginalization.

Grant and Wallace 91 [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>]

\*\*RM = Resource-Mobilization, or Strikes

3. Violent tactics.-Violent tactics are viewed by RM theorists exclu- sively as purposeful strategies by challengers for inciting social change with little recognition of how countermobilization strategies of elites also create violence. The role of elite counterstrategies has been virtually ig- nored in research on collective violence. Of course, history is replete with examples of elites' inflicting violence on challenging groups with the full sanction of the state. Typically, elite-sponsored violence occurs when the power resources and legal apparatus are so one-sidedly in the elites' favor that the outcome is never in doubt. In conflicts with weak insiders, elites may not act so openly unless weak insiders flaunt the law. Typically, elite strategies do not overtly promote violence but rather provoke violence by the other side in hopes of eliciting public condemnation or more vigorous state repression of challenger initiatives. This is a critical dynamic in struggles involving weak insiders such as unions. In these cases, worker violence, even when it appears justified, erodes public support for the workers' cause and damages the union's insider status.

4. Homogeneity and similarity.-Many RM theorists incorrectly as- sume that members of aggrieved groups are homogeneous in their inter- ests and share similar positions in the social structure. This (assumed) homogeneity of interests is rare for members of outsider groups and even more suspect for members of weak-insider groups. Indeed, groups are rarely uniform and often include relatively advantaged persons who have other, more peaceful channels in which to pursue their goals. Internal stratification processes mean that different persons have varying invest- ments in current structural arrangements, in addition to their collective interest in affecting social change. Again, these forces are especially prev- alent for weak insiders: even the group's lowest-status members are likely to have a marginal stake in the system; high-status members are likely to have a larger stake and, therefore, less commitment to dramatic change in the status quo.

Internal differences may lead to fragmentation of interests and lack of consensus about tactics, especially tactics suggesting violent confronta- tion. While group members share common grievances, individual mem- bers may be differentially aggrieved by the current state of affairs or differentially exposed to elite repression. White's (1989) research on the violent tactics of the Irish Republican Army shows that working-class members and student activists, when compared with middle-class partici- pants, are more vulnerable to state-sponsored repression, more likely to be available for protest activities, and reap more benefits from political violence. When we apply them to our study of strike violence, we find that differences in skill levels are known to coincide with major intraclass 1120 Strikes divisions in material interests (Form 1985) and are likely to coincide with the tendency for violent action. For instance, skilled-craft workers, who are more socially and politically conservative than unskilled workers, are less likely to view relations with employers as inherently antagonistic and are prone to separate themselves from unskilled workers, factors that should decrease their participation in violence.

#### Strikes can cause potential backlash that moots meaningful progress – California proves

**Garofoli 13**

[Joe Garofoli, 12-13-2013, "Labor faces backlash over BART strikes," SFGATE, <https://www.sfgate.com/politics/joegarofoli/article/Labor-faces-backlash-over-BART-strikes-5060807.php>]

The two strikes that BART workers staged this year damaged the image of labor unions in California, particularly among middle-of-the-road voters, according to a new Field Poll. The survey found that 45 percent of respondents said unions do more harm than good, while 40 percent felt they do more good. That's a large shift from when the Field Poll asked the question in March 2011, when 46 percent said unions do more good and 35 percent felt they do more harm. Among those who described their political ideology as "middle-of-the-road," 47 percent in the new survey said unions do more harm and 36 percent believed the opposite. Two years ago, the numbers were reversed: 45 percent believed unions are generally a force for good, and 34 percent said they aren't. The latest poll's findings are a warning to unions, said Field Poll director [Mark DiCamillo](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Mark+DiCamillo%22), heading into a year in which voters statewide could be considering a ballot measure that would increase public employees' pension contributions. "A lot of this is due to the BART strikes," DiCamillo said. "It may have only affected Bay Area commuters, but it was watched around the state." Bay Area voters, despite being more liberal than those elsewhere in California, are now especially unsympathetic to public transit workers unions, the poll found. Although voters statewide support such unions' right to strike by a bare 47-45 percent, a majority of Bay Area respondents said such strikes should be banned. "As effective as unions are in winning battles in Sacramento and at the ballot box, they may be losing the war in the battle for public opinion," DiCamillo said. [Steve Smith](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Steve+Smith%22), a spokesman for the 2.1 million-member [California Labor Federation](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22California+Labor+Federation%22), said the results of one poll did not concern him. "The flip among moderate voters is probably due to all the attacks on unions that they are hearing about nationally," Smith said. "They are generally the voters who don't have a personal connection to a union, so they might not be familiar with how they can help people." BART employees "continue to be in the fire for taking a stand for getting a living wage and decent health care benefits," said [Anna Bakalis](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Anna+Bakalis%22), a spokeswoman for [Service Employees International Union Local](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Service+Employees+International+Union+Local%22) 1021, one of the BART unions that went on strike this year. "Unfortunately, the riding public is caught in the crosshairs," Bakalis said. Unions in California are in better shape than elsewhere in the country. Seventeen percent of workers in the state are union members, compared with 11 percent nationally. And while union membership dropped in nearly every state last year, unions in California gained 110,000 members, said [John Logan](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22John+Logan%22), a professor of labor and employment studies at [San Francisco State University](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22San+Francisco+State+University%22). Unions also retain political power in Sacramento. This fall, they persuaded Gov. [Jerry Brown](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Jerry+Brown%22) to sign a measure raising the minimum wage to $10 an hour - the highest in the nation - by 2016. Politically, bad feelings from the BART strikes may have an effect in 2014. San Jose Mayor [Chuck Reed](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Chuck+Reed%22) and four other California mayors are trying to qualify a ballot initiative that would force public employees to pay more toward their retirement. This month, state Sen. [Bob Huff](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Bob+Huff%22), R-Diamond Bar (Los Angeles County), introduced a measure that would bar public transit workers from striking. [Steve Glazer](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Steve+Glazer%22), an Orinda city councilman whose constituents spent idle hours on Highway 24 during the BART strikes, has made such legislation a cornerstone of his Assembly campaign. Logan, however, said strike bans are unlikely to get far in the Legislature, where union-friendly [Democrats](https://www.sfgate.com/search/?action=search&amp;channel=politics%2Fjoegarofoli&amp;inlineLink=1&amp;searchindex=solr&amp;query=%22Democrats%22) enjoy a two-thirds supermajority. "And as for putting it on the ballot," Logan said, "do you think anybody in Southern California would care about that?" The Field Poll surveyed 1,002 registered voters in California between Nov. 14 and Dec. 5. The margin of error was plus or minus 3.2 percentage points.

#### Strikes spark countermobilization.

Grant and Wallace 91 [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>]

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