# 1NC vs Harrison TB

## CP

#### CP Text: A just government ought to recognize a worker right to strike except

* When a strike is for an unlawful purpose
* When strikes engage in misconduct as specified by the US National Labor Rights Act
* For strikes that violate a non-strike provision of a contract
* For strikes that support union unfair practices

#### It’s competitive -- Unconditional means no limitations

Merriam-Webster No Date <https://www.merriam-webster.com/dictionary/unconditional> //AA

Definition of **unconditional** 1: **not conditional or limited** : **ABSOLUTE**, UNQUALIFIED unconditional surrender unconditional love

#### These conditions are key – unconditional right to strike devolves into chaos

NLRB 12 National Labor Relations Board No Date “The Right to Strike | National Labor Relations Board.” Nlrb.gov, [www.nlrb.gov/strikes. Accessed 7 Nov. 2021](http://www.nlrb.gov/strikes.%20Accessed%207%20Nov.%202021). //AA

Unfair labor practice strikers defined.Employees who strike to protest an unfair labor practice committed by their employer are called unfair labor practice strikers. Such strikers can be neither discharged nor permanently replaced. When the strike ends, unfair labor practice strikers, absent serious misconduct on their part, are entitled to have their jobs back even if employees hired to do their work have to be discharged. If the Board finds that economic strikers or unfair labor practice strikers who have made an unconditional request for reinstatement have been unlawfully denied reinstatement by their employer, the Board may award such strikers backpay starting at the time they should have been reinstated. Strikes unlawful because of purpose. A strike may be unlawful because an object, or purpose, of the strike is unlawful. A strike in support of a union unfair labor practice, or one that would cause an employer to commit an unfair labor practice, may be a strike for an unlawful object. For example, it is an unfair labor practice for an employer to discharge an employee for failure to make certain lawful payments to the union when there is no union-security agreement in effect (Section 8(a)(3). A strike to compel an employer to do this would be a strike for an unlawful object and, therefore, an unlawful strike. Strikes of this nature will be discussed in connection with the various unfair labor practices in a later section of this guide. Furthermore, Section 8(b)(4) of the Act prohibits strikes for certain objects even though the objects are not necessarily unlawful if achieved by other means. An example of this would be a strike to compel Employer A to cease doing business with Employer B. It is not unlawful for Employer A voluntarily to stop doing business with Employer B, nor is it unlawful for a union merely to request that it do so. It is, however, unlawful for the union to strike with an object of forcing the employer to do so. These points will be covered in more detail in the explanation of Section 8(b)(4). In any event, employees who participate in an unlawful strike may be discharged and are not entitled to reinstatement. Strikes unlawful because of timing—Effect of no-strike contract. A strike that violates a no-strike provision of a contract is not protected by the Act, and the striking employees can be discharged or otherwise disciplined, unless the strike is called to protest certain kinds of unfair labor practices committed by the employer. It should be noted that not all refusals to work are considered strikes and thus violations of no-strike provisions. A walkout because of conditions abnormally dangerous to health, such as a defective ventilation system in a spray-painting shop, has been held not to violate a no-strike provision. Same—Strikes at end of contract period.Section 8(d) provides that when either party desires to terminate or change an existing contract, it must comply with certain conditions. If these requirements are not met, a strike to terminate or change a contract is unlawful and participating strikers lose their status as employees of the employer engaged in the labor dispute. If the strike was caused by the unfair labor practice of the employer, however, the strikers are classified as unfair labor practice strikers and their status is not affected by failure to follow the required procedure. Strikes unlawful because of misconduct of strikers. Strikers who engage in serious misconduct in the course of a strike may be refused reinstatement to their former jobs. This applies to both economic strikers and unfair labor practice strikers. Serious misconduct has been held to include, among other things, violence and threats of violence. The U.S. Supreme Court has ruled that a “sitdown” strike, when employees simply stay in the plant and refuse to work, thus depriving the owner of property, is not protected by the law. Examples of serious misconduct that could cause the employees involved to lose their right to reinstatement are: Strikers physically blocking persons from entering or leaving a struck plant. Strikers threatening violence against nonstriking employees. Strikers attacking management representatives. Section 8(g)—Striking or Picketing a Health Care Institution Without Notice. Section 8(g) prohibits a labor organization from engaging in a strike, picketing, or other concerted refusal to work at any health care institution without first giving at least 10 days’ notice in writing to the institution and the Federal Mediation and Conciliation Service.

#### Unconditional right to strikes are objectively bad -- Racist union strikes have happened before and we need ways to check them

Allison Keyes, JUNE 30, **2017**, "The East St. Louis Race Riot Left Dozens Dead, Devastating a Community on the Rise," Smithsonian Magazine, https://www.smithsonianmag.com/smithsonian-institution/east-st-louis-race-riot-left-dozens-dead-devastating-community-on-the-rise-180963885/ //SR

Racial tensions began simmering in East St. Louis—a city where thousands of blacks had moved from the South to work in war factories—as early as February 1917. The African-American population was 6,000 in 1910 and nearly double that by 1917. In the spring, the largely white workforce at the Aluminum Ore Company went on strike. Hundreds of blacks were hired. After a City Council meeting on May 28, angry white workers lodged formal complaints against black migrants. When word of an attempted robbery of a white man by an armed black man spread through the city, mobs started beating any African-Americans they found, even pulling individuals off of streetcars and trolleys. The National Guard was called in but dispersed in June.

## Util

#### Value Criterion for this round is Maximizing Expected Well Being- their own 1AC includes this proving all frameworks collapse to util

#### Utilitarianism is the only moral philosophy available to governments

Goodin 95 – Professor of Philosophy at the Research School of the Social Sciences at the Australian National University (Robert E., Cambridge University Press, “Utilitarianism As a Public Philosophy” pg 63)

My larger argument turns on the proposition that there is something special about the situation of public officials that makes utilitarianism more plausible for them (or, more precisely, makes them adopt a form of utilitarianism that we would find more acceptable) than private individuals. Before proceeding with that larger argument, I must therefore say what it is that is so special about public officials and their situations that makes it both more necessary and more desirable for them to adopt a more credible form of utilitarianism. Consider, first the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices-public and private alike- are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, at **relatively poorly informed as to the effects that their choices will have on individuals, one by one**. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy makers to use the utilitarian calculus – if they want to use it at all – to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rule. But they cannot be sure what the payoff will be to any given individual or on any particular occasion. Their knowledge of generalities, aggregates and averages is just not sufficiently fine-grained for that.

**AND,**

#### Conflicting moral claims necessitate util –

MULHOLLAND 86

MULHOLLAND Professor of Philosophy – Newfoundland 1986 Journal of Philosophy v.83 i.6 p. 328

For many, the persuasiveness of utilitarianism as a moral theory lies in its power to provide a way out of difficulties arising from the conflict of moral principles. The contention that utilitarianism permits people to override rights in case of conflict of principles or in those cases where some recognized utility requires that a right be disregarded, is then not an internal objection to utilitarianism. Nor does it even indicate a plausible alternative to the convinced utilitarian. For him, utilitarianism has its force partly in the coherence and simplicity of the principle in explaining the morality of such cases.

## Case

### ROB/ROJ

#### The ROB is to vote for the better debater through a lens of comparative worlds – anything else is arbritary and self serving which moots predictablity meaning it can’t be used for debates since both sides wouldn’t be ready

#### Prefer

#### 1] Our ROB includes theirs – it still critically empowers students as affirmatives still attack the squo

#### 2] Policy making ed, phil ed and all other forms of education – these forms are only accessible under our ROB thus prefer it

#### 3] Weighing post fiat implementations of policy options provides critical education INCLUDING policy perspectives by seeing how those are evaluated within the debate round

### We’ll beat them top-down

#### 1] None of their ev is specific to an unconditional right to strike – Cmd F their doc – means the 1AC isn’t key the CP is sufficient

#### 2] They don’t solve -- Bogage says employers contract the work out but that has nothing to do with the right to strike – Cross-Apply NLRB 12 from the CP – employers aren’t allowed to discharge employees for legal strikes – they can simply hire workers to fill in for the strikers during the strike, but those workers must be fired once the strike ends – this means recognizing the right to strike fails – they would need to change what that right entails but they don’t

#### 3] Their McNicholas ev destroys solvency – it proves future leaders can bypass past laws meaning the 1AC is circumvented or ignored anyway

#### 4] On McNicholas & Poydock – their ev conceeds a) workers were fired before strikes, they striked as a response b) Only public sector workers in economic strikes can be replaced – that means they don’t access any labor condition arguments – this means C) The COVID era workers advocating for protections their ev talks about were legally protected – any exceptions were violations of the law proving bad enforcement of 1AC

#### 5] Their tag on Gourevitch 1 clarifies they enable employees to refuse to work under objectionable conditions – a) Our NLRB ev proves they have this right – striking workers still have rights to their jobs

#### 6] All their Gourevitch offense is solved under the CP – they want a way to quit work without quiting the job BUT the instances the CP excludes are important. If a worker quits work and chooses to harm other workers as part of their strike that should be illegal

#### 7] On Gourevitch 3 – turn – the 1AC creates an illusion of change while dooming us to the current system – failed strikes means the system doesn’t change. The so-called affirmation of a workers freedom to quit is a neoliberal policy to maintain inequality –

#### **8]** the 1AC doesn’t enable a freedom to quit work either because poor workers need to work to survive – a poor laborer can’t afford the strike duration of weeks on end for a potential increase in conditions – they need the money now

#### 9] On Gourevitch 4 – no meaningful spillover –a) their ev pinpoints the $15 minimum wage alongside other worker conditions that strikes bring attention to BUT these changes have failed in the squo. Any potential attention is insufficent to solve anything anyway – b) this ev is from 2016 and their Bogage ev from 2021 reflects the same groups striking again – strikes empirically don’t solve!

#### 10] On Gourevitch 5 – this contracts argument is crazy – NDAs are a contract that technically limits the right to free speech BUT is key to innovation and econ growth. Thus certain labor contracts need to limit strikes or it could result in national security threats that amplify the 1ACs impacts – to win the contracts arg they need empircal ev of a group that’s limited by contracts where the contracts not being there wouldn’t result in a terrible impact AND they need win that workers couldn’t just collectively refuse to sign the contracts to force the employers to recognize their right to strike

#### 11] Recognize means to acknowledge something

Oxford No Date [Oxford’s Learner’s Dictionary, No Date, “Recognize” Oxford’s Learner’s Dictionary, https://www.oxfordlearnersdictionaries.com/us/definition/english/recognize#:~:text=recognize%20to%20admit%20or%20be,to%20take%20the%20problem%20seriously]/Kankee

to admit or to be aware that something exists or is true SYNONYM acknowledge recognize something They recognized the need to take the problem seriously. Most of us recognize the importance of diet. The government does recognize the value of the arts in this country. You must recognize the fact that the situation has changed. recognize something as something Drugs were not recognized as a problem then. recognize somebody/something to be/have something Drugs were not recognized to be a problem then. recognize how, what, etc… Nobody recognized how urgent the situation was. recognize that… We recognized that the task was not straightforward. it is recognized that… It is widely recognized that driver fatigue is a problem on motorways. It was recognized that this solution could only be temporary. to accept and approve of somebody/something officially recognize somebody/something The UK has refused to recognize the new regime. These qualifications are recognized throughout the EU. internationally recognized human rights The court explicitly recognized the group's right to exist. be recognized as somebody/something The organization has not been officially recognized as a trade union. Such crimes are recognized by international law as crimes against humanity. be recognized to be/have something He is recognized to be their natural leader. be recognized (as something) to be thought of as very good or important by people in general The book is now recognized as a classic. She's a recognized authority on the subject. ​recognize somebody/something to give somebody official thanks for something that they have done or achieved His services to the state were recognized with the award of a knighthood.

#### They don’t overturn legal barriers on conditions on the right to strike like the US NLRA or other restrictions & since the courts don’t care about official acknowledgements, but rather laws, the 1AC solves nothing & the Trump era decisions their McNicholas ev talks about remain

### Tech Turn

#### Unionization and improved bargaining power destroys tech innovation

Their studies don’t assume new findings about the importance of blue collar workers

**Bradley et al. 15** (Daniel\* Incheol Kim\*\*, Xuan Tian\*\*\*, last revisited August 24th 2015,, \*professor of the Muma College of Business Finance Department and holds the Lykes Chair in Finance and Sustainability at the University of South Florida, \*\*University of Texas - Rio Grande Valley - College of Business and Entrepreneurship, \*\*\*Tsinghua University - PBC School of Finance, “Do Unions Affect Innovation?,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2232351)//RTF

In this paper, we examine the effect of unionization on the innovation activities of firms. We find patent counts and citations decline significantly after firms elect to unionize. Economically, passing a union election leads to an 8.7% decline in patent counts and a 12.5% decline in the number of citations per patent three years after the election. We provide a battery of diagnostic and robustness tests and find our conclusions are unchanged. Next, we show that the results are statistically insignificant in states with right-to-work legislation where unions have less bargaining power to expropriate rents. A reduction in R&D expenditures, reduced productivity of existing and newly hired inventors, and the departure of innovative individuals appear plausible underlying mechanisms through which unionization impedes innovation. Finally, in response to unionization, we find that firms move their innovation activities away from states where union elections win.

While we show a negative effect of unions on innovation using the regression discontinuity approach, one needs to use caution when interpreting and generalizing our results because of some limitations of the RDD. First, while RDD has strong local validity, it has weak external validity. Therefore, the negative effect of unions on innovation may only apply to firms that fall in a narrow band of vote shares around the cutoff. For firms in which unions overwhelmingly win or lose the elections, we cannot establish the effect of unionization on innovation. Second, there might be a selection issue for firms that choose to hold or not hold union elections. Because our focus is on the firms that hold union elections and explore how barely passing or failing the election affects firm innovation, our setting is not subject to this selection problem. However, our findings cannot answer the question of whether holding a union election would affect innovation. Third, the political science literature (e.g., Snyder, 2005; Caughey and Sekhon, 2011) has shown that substantial imbalance near the threshold that distinguishes winners from losers may create “strategic sorting” around the election threshold and bias the results. In other words, some firm observable attributes appear to be significantly correlated with victory even in very close elections. While we have shown that this is not the case in our setting because ex-ante characteristics of publicly-traded firms that barely pass and fail the union elections are comparable, we cannot completely rule out the possibility that our results are driven by strategic sorting because we do not observe attributes of privately-held firms falling in the small margin around the cutoff due to data limitations.

Our study has important implications for policy makers when they alter union regulations or labor laws to encourage innovation, which is perhaps the most important driver of economic growth. Our paper also highlights the importance of blue collar workers in the innovation process, which has been generally ignored by the previous literature but has received more interest and attention as of late.

Finally, while a fast growing literature has provided empirical evidence supporting the implications of Manso (2011) that tolerance for failure is necessary for motivating innovation (e.g., Bernstein, 2015; Ederer and Manso, 2013; Tian and Wang, 2014), our paper shows that one cannot ignore the importance of the other side of the story, namely, that agents need to be rewarded for success in the long run. Labor unions are a good example of contract arrangements that tolerate failure in the short term but do not reward success in the long run, and hence impede innovation. Our research calls for future studies that explore contract designs that combine both short-term failure tolerance and long-term reward for success and best nurture firm innovation.

#### Those are key to the defense industrial complex – we need to supply our military to deter war

**O’Hanlon et al 12** (Mackenzie Eaglen, American Enterprise Institute Rebecca Grant, IRIS Research Robert P. Haffa, Haffa Defense Consulting Michael O'Hanlon, The Brookings Institution Peter W. Singer, The Brookings Institution Martin Sullivan, Commonwealth Consulting Barry Watts, Center for Strategic and Budgetary Assessments “The Arsenal of Democracy and How to Preserve It: Key Issues in Defense Industrial Policy January 2012,” <http://www.brookings.edu/~/media/research/files/papers/2012/1/26%20defense%20industrial%20base/0126_defense_industrial_base_ohanlon>)

The current wave of defense cuts is also different than past defense budget reductions in their likely industrial impact, as the U.S. defense industrial base is in a much different place than it was in the past. Defense industrial issues are too often viewed through the lens of jobs and pet projects to protect in congressional districts. **But the overall health of the firms that supply the technologies our armed forces utilize does have national security resonance**. Qualitative superiority in weaponry and other key military technology has become an essential element of American military power in the modern era—**not only for winning wars but for deterring them**. **That requires world-class scientific and manufacturing capabilities—**which in turn can also generate civilian and military export opportunities for the United States in a globalized marketplace.

**That’s key to deterring a litany of existential threats --- extinction.**

**Helprin 15** Mark Helprin, senior fellow of the Claremont Institute, 6/22/15,”Indefensible Defense”, <http://www.nationalreview.com/article/419604/indefensible-defense-mark-helprin> - BS

\*edited for language – in brackets

Continual **warfare in the Middle East**, **a nuclear Iran**, **e**lectro**m**agnetic-**p**ulse **weapons**, **emerging pathogens**, **and terrorism** involving weapons of mass destruction variously **threaten the United States**, some with catastrophe on a scale we have not experienced since the Civil War. Nevertheless, these are phenomena that bloom and fade, and that, with redirection and augmentation of resources we possess, we are **equipped to face**, given the wit and will to do so. But underlying the surface chaos that dominates the news cycle are the currents that **lead to world war**. In governance by tweet, these are insufficiently addressed for being insufficiently immediate. And yet, more than anything else, how we approach the strength of the American military, the nuclear calculus, **China, and Russia will determine the security**, prosperity, honor, and at long range even the sovereignty and existence of this country. **THE AMERICAN WAY OF WAR** Upon our will to **provide for defense**, **all else rests**. Without it, even the most brilliant innovations and trenchant strategies will not suffice. In one form or another, the American way of war and of **the deterrence of war** has always been **reliance on surplus**. Even as we barely survived the winter of Valley Forge, we enjoyed immense and forgiving strategic depth, the 3,000-mile barrier of the Atlantic, and the great forests that would later give birth to the Navy. In the Civil War, the North’s burgeoning industrial and demographic powers meshed with the infancy of America’s technological **ascendance** to **presage superiority in mass industrial** — and then scientific — **20th-century warfare**. The way we fight is that we do not stint. Subtract the monumental preparations, ~~cripple~~ [**harm**] **the defense industrial base**, and **we will fail** to **deter wars** that we will then go on to lose.

#### Extinction comes first ---

#### 1] maximum amount of suffering meaning greatest magnitude –

#### 2] prevents future gains – can’t solve the impacts of the 1AC if everyone is dead

#### 3] prevents their framework – how do we critically empower students while preventing them from formulating solutions to extinction level threats – extinction is the biggest impact

#### CX concessoin