# CQuarts NC

Coupleimportant things;  
1. Framing – our argument is that life liberty and property are the most valuable things – they said extinction is bad but we win this anyway since we value life – in our world it is most valuable that governments recogonize these fundamental rights in action – their argument about util pleasure and pain come from these rights

2. We will go for the CP – there were no good arguments

All they said was it is vague but there is nothing vague about the law – the law is well made, constructed and meticioulsy planned – our CP says that strikes that are unlawful, unethical, racist or create harm are bad – those are all issues with the aff – they allow strikes to be unlawful, be unethical, be dangerous which is why they lose.

We will go for this racism argument – their only argument against racism was that they solve better but no racist strikes do happen – our ev proves with historical rpecd

Healthcare

Teachers

democracy

## Social Contract

**the Oxford English Dictionary no date defines UNCONDITIONAL as:**

https://languages.oup.com/dictionaries/

not subject to any conditions [as in an] "unconditional surrender.”

**I have ONE observation about the resolution.**

**FIRST, the resolution specifies an UNCONDITIONAL right to strike. This means that negative’s burden is to prove that ANY restriction on the right is justified.**

**Now, my FRAMEWORK for this round:**

#### I VALUE GOVERNMENTAL LEGITIMACY because a government is only just if it maintains its legitimacy in the eyes of its citizens.

#### Any just government is CREATED through a social contact with its citizens. A social contract protects three fundamental rights. The first right is the SAFETY of citizens. The second right is the LIBERTY of a population. The final right is the protection of PROPERTY.

**Philosopher John Locke explain further:** [Locke, John. Two Treatises of Government. Ontario, Canada: McMaster University, Archive of the History of Economic Thought, Vol. 5, 1690. Evidence is bracket for clarity. We don’t endorse the gendered language. ]

If[ humans] man in the state of Nature be so free as has been said, if he be absolute lord of his own[ their] person and possessions, equal to the greatest and subject to nobody, why will he part with his freedom, this empire, and subject himself to the dominion and control of any other power? To which it is obvious to answer, that though in the state of Nature he hath such a right, yet the enjoyment of it is very uncertain and constantly exposed to the invasion of others; for all being kings as much as he, every man his equal, and the greater part no strict observers of equity and justice, the enjoyment of the property he has in this state is very unsafe, very insecure. This makes him willing to quit this condition which, however free, is full of fears and continual dangers; and it is not without reason that he seeks out and is willing to join in society with others who are already united, or have a mind to unite for the mutual preservation of their lives, liberties and estates, which I call by the general name - property.

§ 124. The great and chief end, therefore, of men uniting into commonwealths, and putting themselves under government, is the preservation of their property; to which in the state of Nature there are many things wanting.

#### The social contact must ensure the natural property rights in order to maintain legitimacy.

#### Thus, my value criterion is consistency with the social contract.

**My first contention is that the unconditional right of essential workers to strike reduces the natural right to life of all citizens.**

**For example, doctors are critical to protecting the natural right to life of all citizens.**

**David Ollier Weber writes in 2019 that:**

**According to a 2018 survey by the Physicians Foundation, doctors on average work 51 hours a week and see 20 patients a day. Almost a quarter of their time is taken up with nonclinical (and frustrating) paperwork.**

**Doctors save lives every day, and if they were to unconditionally strike, countless citizens’ lives would be put at risk, and millions of people would die.**

Tha’s Aacharya and Varghese 16 [Ramesh P Aacharya, Department of Emergency and General Practice, Tribhuvan University Teaching Hospital, Institute of Medicine, and Sibichan Varghese, Department of Higher Secondary Education, Omanoor P.O. Malappuram, 2016, “Medical Doctors’ Strike: An Ethical Overview with Reference to the Indian Context,” Journal of Clinical Research & Bioethics, https://www.longdom.org/open-access/medical-doctors-strike-an-ethical-overview-with-reference-to-the-indiancontext-2155-9627-1000272.pdf]/Kankee

According to United Nation's Millennium Development Goal (MGD) programme 21 percent out of India's population of 1.29 billion are living below the poverty line [34]. Further, in India, only less than 10 per cent of people have comprehensive health insurance coverage. This worsens their poor condition ending in sometimes very fatal results because they cannot financially afford to go to private hospitals. Thus outcomes of physicians’ strikes are likely to affect patients and their vulnerability to illness makes patients relatively powerless in relationship to the health care system, and influencing patients’ attitudes (of trust) towards medical doctors [1,26,35]. In India, there is a system of employing part time or alternative service especially doctors from army during periods of strike. Нe relatively small number of such part-time and/or full-time consultants in most departments is insuٹcient in comparison to the patients’ load of those who are seriously ill requiring hospital care. According to Pandya “…. If doctors in such hospitals go on strike, the only option open to these patients is to turn their faces to the wall, sicken further, and, in some instances, die.

#### Healthcare strikes stifle public support and don’t help workers

Li et al. 15 [Su-Ting T. Li, MD, MPH Department of Pediatrics, University of California Davis, School of Medicine, Malathi Srinivasan, MD Department of Internal Medicine, University of California Davis, School of Medicine, Richard L. Kravitz, MD, MSPH Department of Internal Medicine, University of California Davis, School of Medicine, and Michael S. Wilkes, MD, MPH, PhD Department of Internal Medicine, University of California Davis, School of Medicine, 2015, “Ethics of Physician Strikes in Health Care,” INTERNATIONAL ANESTHESIOLOGY CLINICS, https://sci-hub.se/10.1097/AIA.0000000000000054]/Kankee

Modern History of Physician Strikes—Have Physician Strikes Been Successful? Withdrawal or cessation of clinical services (striking) is the most extreme form of collective action. Physician strikes over the past 20 years have varied in purpose and success (Table 1). Health care provider strikes may have a negative impact on health care providers overall, if the public does not support the rationale surrounding the strike or if patient harm results from the strike. This negative public view increases if the strike is considered primarily physician welfare–centered rather than patient welfare-centered.2,25,36 Physicians, even when employed, are usually high wage earners, relative to the average wage earner. Yet, the practice of medicine is tightly regulated. Professionals in less tightly regulated fields have the ability to increase or decrease their professional fees more easily. A strong negative reaction was seen during the Ontario, Canada strike in 1986. In this strike, physicians went on a 23-day strike to try to prevent a federal ban on “extra-billing” (charging more than the amount payable by the Ontario Health Insurance Plan for providing an insured service). The strike failed to prevent the ban from going into law, and it also alienated the public.25 Looking Toward the Future of Strike

**Therefore, the unconditional right to strike violates the natural right to life of all citizens, and a conditional right to strike would still let my opponent’s contentions happen**

**My second contention is that the unconditional right to strike reduces the natural right to property of employers**

**Recognizing an UNCONDITIONAL right would legalize several forms of strikes that violate the property rights of employers. According to Law Library no date:**

[Law Library - American Law and Legal Information](http://law.jrank.org/)[Free Legal Encyclopedia: Strategic Health Authorities (SHAs) to Taking a conveyance without consent (TWOC)](http://law.jrank.org/collection/241/Free-Legal-Encyclopedia-Strategic-Health-Authorities-SHAs-Taking-conveyance-without-consent-TWOC.html)[Strike - Federal Labor Law, Status, A Lexicon Of Labor Strikes, Unlawful Tactics, Settlement - Union Members](http://law.jrank.org/pages/10558/Strike.html)  
Read more: [Strike - Status - Employees, Employer, Strikes, and Labor - JRank Articles](https://law.jrank.org/pages/10554/Strike-Status.html#ixzz71MEjsF00) <https://law.jrank.org/pages/10554/Strike-Status.html#ixzz71MEjsF00>

A Lexicon of Labor Strikes Over the years different types of labor strikes have acquired distinctive labels. The following are the most common types of strikes, some of which are illegal: Wildcat strike A strike that is not authorized by the union that represents the employees. Although not illegal under law, wildcat strikes ordinarily constitute a violation of an existing collective bargaining agreement.[First] Walkout An unannounced refusal to perform work. A walkout may be spontaneous or planned in advance and kept secret. If the employees' conduct is an irresponsible or indefensible method of accomplishing their goals, a walkout is illegal. In other situations courts may rule that the employees have a good reason to strike. [Second] Slowdown An intermittent work stoppage by employees who remain on the job. Slowdowns are illegal because they give the employees an unfair bargaining advantage by making it impossible for the employer to plan for production by the workforce. An employer may discharge an employee for a work slowdown. [Third] Sitdown strike A strike in which employees stop working and refuse to leave the employer's premises. Sitdown strikes helped unions organize workers in the automobile industry in the 1930s but are now rare. They are illegal under most circumstances. Whipsaw strike A work stoppage against a single member of a bargaining unit composed of several employers. Whipsaw strikes are legal and are used by unions to bring added pressure against the employer who experiences not only the strike but also competition from the employers who have not been struck. Employers may respond by locking out employees of all facilities that belong to members of the bargaining unit.

**The only difference between the negation and the affirmation is that the negation believes in a conditional right to strike.**

#### Thus

#### Contention 3

#### Instead of the resolution, A just government ought to recognize a conditional worker right to strike making strikes illegal

* For a strike is for an unlawful purpose
* For 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
* For strikes that are racist and bigoted

#### 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.

#### Racist union strikes have happened before and we need ways to check them – only the negative solves

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.

## Case

### FW

#### Government legitimacy is the root cause of util – without a strong government we can never aggregate strong good policies – its valuable that our government also cares about the right thing

## They conceded right to life liberty and pursuit of happiness is what’s important – that’s our framework conceded in CX Teachers

#### 1] Right to strike turn – sole reliance on the right to strike weakens unions and turn case.

**1AC Casey 20** Leo Casey, 12-2-2020, "The Teacher Strike: Conditions for Success," Dissent Magazine, <https://www.dissentmagazine.org/online_articles/the-teacher-strike-conditions-for-success>

The irony here is that reliance exclusively on the strike creates the very conditions for weakening it as a tactic, making it less powerful and less effective. One of the reasons why teacher strikes went from being formidable tools for improving the lives of teachers in the 1960s and early ’70s to becoming ineffective and at times counterproductive by the late ’70s and ’80s was the fact that teacher unions had become wholly dependent on it, and did not increase the repertoire of direct-action tactics in their arsenals. When the only tool a union has is the hammer of the strike, it treats every strategic challenge as a nail, even when different problems could be better addressed by a different direct-action tool or by political action.

#### 2] No uniqueness for the advantage. Teacher strikes are rising now: the Erie School District teacher strike, Scranton teacher strike, Co-op academy teacher strike, Pleasanton teacher strike, etc are all examples from within this month and prove that teachers are striking regardless of legality.

#### **Framing issue – ALL of their evidence is talking about how CURRENT strikes are enough and affecting national politics so the RIGHT TO STRIKE doesn’t increase solvency more – err heavily NEG since they haven’t read any solvency evidence.**

#### Their evidence definitely negates on this issue: we’ll insert rehighlightings in blue.

#### A]

**1AC LawInfo 20** [Peter Serdyukov, National University, La Jolla, California. 05/18/20, Teachers Unions & Collective Bargaining. <https://www.lawinfo.com/resources/labor-law/teachers-unions-collective-bargaining.html>] // SC SD

**In Texas, Georgia, North Carolina, Virginia, and South Carolina, collective bargaining was entirely prohibited for public employees as of 2014. Only 11 states explicitly give teachers the right to do things like going on strike, and many states make it completely illegal for public employees to strike. In some right-to-work states, these employees may be allowed to strike, but the power of unions to compel them to join is often significantly limited**. As major walkouts and strikes over low pay have shown, these rules aren't always successful at stopping collective action, and public opinion may be evolving about educators' rights as employees.

#### B]

1AC Richards 19 [[Erin Richards](https://www.usatoday.com/staff/2647805001/erin-richards/), 6-18-19, “Strikes, pay raises & charter protests: America's teachers' exhausting, exhilarating year” <https://www.usatoday.com/story/news/education/2019/06/18/teacher-pay-raises-strike-last-day-of-school-summer/1437210001/>] // SC SD

"Oh, the places you'll go!" the popular Dr. Seuss book promises to new graduates.

And, this past year, to their teachers.

America's educators have survived a rollicking year in the public spotlight — and no slowdown is in sight.

In the last 18 months, we've seen **teachers striking for higher pay**, teachers running for political office, teachers protesting charter schools, teachers organizing insurgent groups within their unions and teachers broadcasting the state of their under-resourced classrooms.

USA TODAY tracked the pressures on America's teachers with a school-year-long series of stories, capped by a [nationwide analysis of teacher pay and housing costs](https://www.usatoday.com/in-depth/news/education/2019/06/05/teachers-pay-cost-of-living-teaching-jobs/3449428002/).

Here's what happened.

**It's working: Teachers are pushing policy changes**

Starting last summer, it was front-line teachers rather than policymakers driving the national discussion over how best to educate children and compensate educators.

**How the movement started:** [‘Any talks of striking?’ A West Virginia teacher’s Facebook post started a national wave](https://www.usatoday.com/story/news/education/2019/02/20/teacher-strike-west-virginia-school-closings-education-bill/2848476002/)

Their actions are helping to change the narrative. Red-state governors who cracked down on teachers unions a decade ago and trimmed education budgets are now adding money to education efforts. In Texas, state Gov. Greg Abbott, a Republican, just signed into law [a $5 billion school finance package](https://bit.ly/2Y3pFuk), with much of the money slated for teacher raises.

In Oklahoma, home to [one of the first statewide teacher strikes](https://www.usatoday.com/story/news/nation/2018/04/02/teacher-strikes-shut-down-schools-across-oklahoma-kentucky/478102002/) in 2018, Republicans passed a budget that offers about $200 million in new education spending, partly to fund teacher raises.

On the Democratic side, presidential candidates Kamala Harris, a senator from California, and Joe Biden, former vice president, have both made pay raises for teachers part of their platforms.

In general, the public has backed the idea.

In a national poll from USA TODAY and Ipsos Public Affairs, a majority of people said teachers [had the right to strike](https://www.usatoday.com/story/news/2018/09/12/teachers-union-strike-pay/1227089002/), a view held even by the parents whose lives were most disrupted when teachers walked off the job.

#### 3]

#### 4] Group LawInfo and Richards – strikes hurt working conditions in the long term.

Lovenheim and Bio 20 Lovenheim, M. F., & Bio, A. W. A. (2020, August 5). *A Bad Bargain*. Education Next. https://www.educationnext.org/bad-bargain-teacher-collective-bargaining-employment-earnings/. Sosa Re-Cut Justin

These data enable us to examine the effects of teacher collective-bargaining policies on multiple indicators of students’ labor-market success. Taken as a whole, our results clearly indicate that laws supporting collective bargaining for teachers have adverse long-term consequences for students.

Earnings. We find strong evidence that teacher collective bargaining has a negative effect on students’ earnings as adults. Attending school in a state with a duty-to-bargain law for all 12 years of schooling reduces later earnings by $795 dollars per year (see Figure 3). This represents a decline in earnings of 1.9 percent relative to the average. Although the individual effect is modest, it translates into a large overall loss of earnings for the nation as a whole. In particular, our results suggest a total loss of $196 billion per year accruing to those who were educated in the 34 states with duty-to-bargain policies on the books.

Hours worked. Consistent with this reduction in earnings, we also find that exposure to a duty-to-bargain law throughout one’s school years is associated with a decline of 0.49 hours worked per week. This is a 1.4 percent decline relative to the average, and it suggests that a reduction in hours worked is a main driver of the lower earnings.  
Wages. The reduced earnings caused by unionization could also reflect lower wages, and the evidence suggests a negative relationship between collective-bargaining exposure and wages. While this relationship is not statistically significant, it is consistent with our other results and suggests that teacher collective bargaining may also have a modest adverse effect on average wages.

Employment. The fact that teacher collective bargaining reduces working hours suggests that duty-to-bargain laws may also affect employment levels. In fact, when we use the share of individuals who are employed as the outcome variable, we find that duty-to-bargain laws reduce employment. Specifically, exposure to a duty-to-bargain law for all 12 years of schooling lowers the likelihood that a worker is employed by 0.9 percentage points. Duty-to-bargain laws have no impact on unemployment rates, however, suggesting that they reduce employment by leading some individuals to drop out of the labor force altogether.

Occupational skill level. Finally, we analyze the effects of collective bargaining on the skill level of a student’s selected occupation, as measured by the share of workers in that occupation who have any education beyond a high school diploma. The results suggest yet another negative effect: being exposed to a duty-to-bargain law for all 12 years of schooling decreases the proportion of such workers in an occupation by almost half of a percentage point (or 0.6 percent relative to the average). This effect is modest in size, but it implies that teacher collective bargaining leads students to work in occupations requiring lower levels of skill.

Educational attainment. The reduced earnings and labor force participation associated with teacher collective bargaining raise the possibility that affected students may have completed less education. Our analysis, however, finds little evidence of bargaining power having a significant effect on how much schooling students completed. This finding is surprising in light of the substantial labor-market effects we document, but it comports with prior research that has found no effect of duty-to-bargain law passage on high-school dropout rates.

Additionally, educational attainment is but one measure of the amount of human capital students accumulate. Even if students do not complete fewer years of education, they may be acquiring fewer skills while they are in school. We believe that our results concerning earnings and employment are driven by other aspects of school quality that are not reflected in educational attainment, and they reinforce the importance of studying labor-market outcomes directly in order to understand how major reforms such as the enactment of teacher collective-bargaining laws affect students’ life outcomes.