# 1

#### Cp text: The National Labor Relations Bureau should, after soliciting notice and comment, find that denying all public employees the right and authorizing permanent replacement of lawful strikers is a violation of the right to strike.

That’s the aff link to US opinion juris and insufficiency; resolving it solves

#### Solves and competes - Notice and comment rulemaking solves the case and spills over to set a precedent that the courts will uphold

Zeisler 14 [Royce Zeisler, J.D. Candidate 2014, Columbia Law School; B.S., B.A. 2012, University of British Columbia, "CHEVRON DEFERENCE AND THE FTC: HOW AND WHY THE FTC SHOULD USE CHEVRON TO IMPROVE ANTITRUST ENFORCEMENT", Columbia Business Law Review, 2014, HeinOnline]

An instructive use of this style of regulation occurred in 1991 with the National Labor Relations Board's ("NLRB") promulgation of 29 C.F.R. § 103.30. There, the NLRB promulgated its first rule seeking to cease the costly, frequent, and ineffective litigation aimed at determining collective bargaining units in hospitals.1 3 1 Specifically, the regulation created the legal presumption that, absent "extraordinary circumstances," there were only eight possible collective bargaining units in acute care hospitals. 132 In limiting the presumed form of bargaining units, the NLRB specifically intended to overrule conflicting precedent and create a legal presumption for courts to employ. After promulgation, this rule was challenged and a unanimous Supreme Court upheld the regulation partly based on Chevron deference. 33 Notably, this regulation did not turn litigation into a simple application of predetermined values (as the rules in Vermont Yankee did). 3'4 It simply set the presumption for generalist courts to deploy in deciding the existence of bargaining units.

# 2

#### The economy is picking up and will expand late into 2022

**Bartash 11/18** – Bartash, Jeffrey, 18 November 2021, “Leading indicators point to acceleration in U.S. economy,” MarketWatch, <https://www.marketwatch.com/story/leading-indicators-point-to-acceleration-in-us-economy-2021-11-18> Jeffry Bartash is a reporter for MarketWatch in Washington. He’s been an economic reporter for more than 30 years. [Harker KB]

The U.S. leading economic index jumped 0.9% in October and pointed toward a pickup in growth toward the end of 2021, the Conference Board said Thursday. "The U.S. LEI rose sharply in October suggesting the current economic expansion will continue into 2022 and may even gain some momentum in the final months of this year," said Ataman Ozyildirim, director of business cycles research at the board. The one caveat: Rising Covid cases in parts of the Northeast and Midwest. That could mar an otherwise strong finish to the year. The leading index had increased just 0.1% in September and 0.7% in August. The LEI is a weighted gauge of 10 indicators designed to signal business-cycle peaks and valleys.

#### Unions crush employment, investment, entrepreneurship – specifically kill auto and railroad industries

Holcombe and Gwartney 10 [Randall G. Holcombe is DeVoe Moore Professor of Economics at Florida State University, and James D. Gwartney is Gus A. Stavros Eminent Scholar at Florida State University. “Unions, Economic Freedom, and Growth” Cato Journal, Vol. 30, No. 1 (Winter 2010).]

The Effect of Unions on U.S. Productivity and Growth Vedder and Gallaway (1993: 141) estimate that in 1939 the unemployment rate was more than 6 percent higher than it would have been in the absence of the growth of unionized labor in the 1930s. They are looking at a period in which labor law greatly expanded the power of unions, and before mitigating legislation was passed in the 1940s and 1950s. Reynolds (1987: 61) reviews the evidence and concludes that there is “no obvious association between the degree of unionism and aggregate productivity growth in the historical data,” and reviewing the literature finds that a consensus is that unionization may be responsible for a 0.33 percent reduction in aggregate income. He notes that these estimates do not take account of the effects of unionization on investment and entrepreneurship, where unions may have a larger effect. The estimates show a small impact of unionization, and private sector union density has fallen substantially since he drew those conclusions. In the United States, where private sector union density is below 12 percent and falling, the direct effects of unions on productivity and growth fall into two primary areas: the impact of unions in retarding productivity in heavily unionized industries, pushing those industries into decline; and in the public sector, where union density remains higher and stable, where there are few alternatives to those public sector services, and where they can be paid for by compulsory taxation. The auto and railroad industries provide two examples where union contracts substantially raised the costs of unionized firms, resulting in their declines and shifting employment toward nonunionized industries. In the private sector, market forces are reducing the impact of unions on productivity, but public sector unionization is more problematic. One of the looming issues regarding public sector union contracts is retirement benefits, which threaten to overwhelm governments, especially at the state and local level. The two problems are the ability of public sector employees to retire young coupled with very generous retirement benefits. A key factor is that because public sector employees are funded by compulsory tax payments, governments do not face the same market discipline as private sector firms, and the tax burden that will be applied to finance generous pension benefits will impose a cost on private sector productivity. Chrysler and GM were able to renegotiate generous benefits to union retirees in bankruptcy. That burden will be more difficult for governments to overcome. Looking ahead, the biggest impact unions will have on prosperity will come from public sector unions, not those in the private sector.

#### Recessions cause global crises – ensuring continued growth is key

Baird ’20 [Zoe; October 2020; C.E.O. and President of the Markle Foundation, Member of the Aspen Strategy Group and former Trustee at the Council on Foreign Relations, J.D. and A.B. from the University of California at Berkeley; Domestic and International (Dis)order: A Strategic Response, “Equitable Economic Recovery is a National Security Imperative,” Ch. 13]

A strong and inclusive economy is essential for American national security and global leadership. As the nation seeks to return from a historic economic crisis, the national security community should support an equitable recovery that helps every worker adapt to the seismic shifts underway in our economy. Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come. An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market. To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement. Shared Economic Prosperity Is a National Security Asset A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world. After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership. Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people. The COVID-19 Crisis Puts Millions of American Workers at Risk For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement. Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3 The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4 The Case for an Inclusive Recovery A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity. The U.S. has unique advantages that give it the tools to emerge from the crisis with tremendous economic strength— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

# 3

#### Debt ceiling passes now and solves collapse, but floor time is limited and avoiding new fights is key

Zhou 10/7 [Li, politics and policy reporter for Vox, “The debt ceiling fight is far from over” https://www.vox.com/22711441/debt-ceiling-congress-december]

Lawmakers have ended another standoff over the debt ceiling — at least temporarily.

On Thursday, the Senate voted 50-48 to increase the debt ceiling (a legal cap to how much the US can borrow) by $480 billion, an action the House is expected to take too. That money will enable the US government to cover its loan obligations until early December, when Congress will once again have to either pass a longer-term increase or another stopgap suspension. The current agreement is the product of a weekslong stalemate on the issue that saw Democrats trying to pressure the GOP into giving up their roadblock of an increase or suspension of the debt ceiling, and Republicans repeatedly refusing to do so. The impasse had high stakes, as the US faced a rapidly approaching default deadline. According to Treasury Secretary Janet Yellen, the US could run out of money as early as October 18. Passing that deadline without an increase or suspension would have likely triggered a massive domestic and international economic collapse. Ultimately, Republican senators decided to cooperate with Democrats, for now. However, in approving this short-term fix, lawmakers have failed to address the issues that brought them to a stalemate in the first place. They’ve now set themselves up for another dangerous impasse when this bill expires after December 3. The standoff, briefly explained Republicans have been intent on using the debt ceiling to make Democrats look bad. Prior to their offer to back an increase this week, Republicans had not only said that they wouldn’t vote for a suspension but also that they would be blocking Democrats’ attempts to approve one using regular legislative order. If Republicans didn’t previously block the vote, Democrats would have been able to pass it with 51 votes — but because they did, the measure required 60 to advance. Instead, Republicans pushed Democrats to use budget reconciliation — another process that would enable them to raise the debt limit with just 51 votes — to increase the cap on their own. Democrats were reluctant to use budget reconciliation both because it can be a lengthy and convoluted process and because it would have required them to specify how much they are raising the debt limit (something they ended up having to do anyway for the December increase). Effectively, Republicans wanted Democrats on the record as having increased the debt limit by trillions of dollars in order to portray them during the midterms as big spenders. Additionally, Republicans argued that because Democrats are working on a partisan basis to pass an expansive social spending bill, they should take care of any debt ceiling increases on a partisan basis, too. “Republicans’ position is simple,” Senate Minority Leader Mitch McConnell wrote to President Joe Biden on Monday. “We have no list of demands. For two and a half months, we have simply warned that since your party wishes to govern alone, it must handle the debt limit alone as well.” Senate Majority Leader Chuck Schumer (D-NY) talks with reporters on October 7. The Senate voted to increase the debt ceiling, enabling the US government to cover its loan obligations until early December. Win McNamee/Getty Images Democrats, on the other hand, have argued that Republicans ought to work with them to pass a suspension or increase, or simply get out of the way. One, because avoiding a gigantic economic collapse is in everyone’s interest, and the minority party hasn’t typically blocked action to this degree in the past. And two, because both Democrats and Republicans are responsible for the actual debt that this legislation would address. Both points are true: The debt grew nearly $8 trillion during the Trump administration as a result of massive tax cuts and pandemic relief. In that time frame, Republicans and Democrats both voted to suspend the debt limit three times. But that didn’t sway Republican lawmakers. Because Republicans had refused to give up their opposition and Democrats were intent on keeping the pressure on the GOP, the two sides were at an impasse until this week. How the debt deal came together On Wednesday, McConnell reversed his position and told Democrats that Republicans would not block a short-term increase to the debt limit into December. Adamant that they would not pursue reconciliation to raise the ceiling (and, given the deadline, likely out of time to try doing so) Democrats raised the possibility of creating a carve-out in the filibuster rules that would also allow them to pass debt ceiling measures with the 51 Democratic votes they have, rather than the 60 votes filibuster rules require. That latter option appeared to be gaining momentum this week, although key moderates like Sen. Joe Manchin (D-WV) were still wary of it. As a sign of its traction, however, Biden — who has traditionally been cautious of altering filibuster rules — called carving out a special debt-ceiling-related exemption to the filibuster a “real possibility.” That possibility may have spurred McConnell’s decision to cave for the time being. According to CNN’s Manu Raju, McConnell was worried about potential threats to the filibuster when he offered Democrats a deal to increase the debt ceiling for now. The filibuster has allowed McConnell to block a range of Democratic priorities — from police to voting reforms — despite his party being in the minority. The assumption is that exempting the debt ceiling from the filibuster would increase pressure on Democrats to do so for other issues Republicans oppose, like expanding protections for voting rights. For now, the filibuster stands. And the GOP’s move helps prevent the US from going into default in the near term. It does little to resolve the central conflict at hand, however. Republicans are still insisting, after all, that Democrats use budget reconciliation to approve a longer-term debt ceiling increase on a partisan basis. Democrats, meanwhile, are refusing to do so and may consider a filibuster carve-out again in December. “We’re not doing it on reconciliation,” Sen. Tim Kaine (D-VA) emphasized earlier this week. There will be more debt drama in December The use of the debt limit as political leverage is nothing new. As Republicans have been fond of pointing out, Biden was among the Democratic senators who voted against raising it in 2006 in order to send a message about his disagreement with Republican policies. In that scenario, though, Democrats did not filibuster the legislation or prevent Republicans from approving it with a simple majority. Additionally, Republicans have previously withheld votes for debt ceiling increases in exchange for policy concessions, something that’s not the case this time around. This year, as Republicans emphasized, they took issue with the debt limit in order to simply make a point, a tough position to negotiate with. Senator Elizabeth Warren (D-MA) speaks to reporters as the Senate was nearing a deal on a short-term increase to the debt ceiling. Bloomberg via Getty Images This short-term fix does help Democrats in that it allows them to focus their time and energies instead on a larger social spending bill they’ve struggled to complete. “McConnell caved,” Sen. Elizabeth Warren (D-MA) told reporters. “And now we’re going to spend our time doing child care, health care, and fighting climate change.” But the larger disagreements between Republicans and Democrats regarding how to move forward remain. And by procrastinating on solving them, lawmakers have set themselves up for a difficult December. The new deadline to address the debt ceiling also coincides with another deadline to pass more government appropriations — that is, the money needed to keep the government functioning. That means Congress will find itself in a tough spot yet again in just a few months. Not only will lawmakers have to solve their debt ceiling disagreements and stave off economic disaster, but they’ll have to do so while fighting over how to avoid a government shutdown.

#### Manchin and Sinema would fight the plan - they hate labor reform – that’s a massive floor time suck

Harold 21 [Zack, staf reporter for The Guardian, “US minimum wage activists face their toughest foe: Democrat Joe Manchin” https://www.theguardian.com/us-news/2021/feb/22/us-15-dollar-minimum-wage-joe-manchin-west-virginia]

Hopes that the US will finally increase the federal minimum wage for the first time in nearly 12 years face a seemingly unlikely opponent: a Democrat senator from one of the poorest states in the union. Joe Manchin of West Virginia, the state’s former governor and the Democrats’ most conservative senator, has long opposed his party’s progressive wing and is on record saying he does not support increasing the minimum wage from $7.25 to $15 an hour, the first increase since 2009. “I’m supportive of basically having something that’s responsible and reasonable,” he told the Hill. He has advocated for a rise to $11. Industry lobbying allied to Republican and – until relatively recently – Democrat opposition has locked the US’s minimum wage at $7.25 since the last raise in 2009. 'Hopefully it makes history': Fight for $15 closes in on mighty win for US workers None of this has found favor with some low-wage workers in a state where an estimated 278,734 West Virginians lived in poverty in 2019, 16% of the population and the sixth highest poverty rate in the US. Last Thursday Manchin reaffirmed his stance during a virtual meeting with members of the West Virginia Poor People’s Campaign (WVPPC), a group pushing for an increased minimum wage and other policy changes that would benefit the working class. That meeting was closed to the media but at an online press conference immediately afterward, participants said Manchin refused to budge. “He was kind of copping out,” said WVPPC member Brianna Griffith, a restaurant worker and whitewater rafting guide who, due to exemptions for tipped workers, only makes $2.62 an hour. As a result of her sub-minimum wage job, Griffith received only $67 a week in unemployment benefits until that ran out in August. She lost her house and was forced to move in with her grandmother. Although she has now returned to work, business is slow and she estimates tips have fallen by 75%. When Griffith told Manchin about her plight on Thursday, she said he asked about the $600 stimulus check approved by Congress in December. “He seemed to think that $600 … was enough to get me by,” she said. “I feel like he’s got his head in the clouds and he doesn’t understand what’s happening to poor people in West Virginia.” Despite Manchin’s insistence on an $11 minimum wage, according to MIT’s living wage calculator, even a $15 minimum wage would only provide a living wage for single West Virginians without children. For a West Virginia family with two working parents and two children, both parents would need to be making at least $20.14 an hour to make ends meet. Griffith said if the minimum wage was increased to $15 an hour, “I could afford to live on my own. I could afford a car that’s not 25 years old.” The Rev Dr William Barber, co-chair of the national Poor People’s Campaign, was in last week’s meeting and said Manchin agreed the current $7.25 minimum wage was “not enough”. But Barber said he was “amazed” Manchin could hear from people like Griffith and still oppose increasing the minimum wage to $15. “What he is suggesting would just further keep people in poverty and hurting,” he said. Raising the minimum wage was a key part of Democrats’ 2020 platform. The former presidential candidate and now Senate budget committee chairman, Bernie Sanders, has referred to the current $7.25 rate as “a starvation wage”. The wage hike, formally known as the Raise the Wage Act of 2021, is now part of a proposed $1.9tn Covid-19 relief bill. The measure would incrementally raise the minimum wage from $7.25 to $15 over the next four years. With only a razor-thin majority in the Senate, all 50 Democrat senators need to be onboard for the bill to pass. But in addition to Manchin, Kyrsten Sinema of Arizona has told Politico she does not want the minimum wage increase to be part of the Covid relief package.

#### Debt default is the easiest way to wreck the US economy—ruins the US dollar and financial reputation

Egan 9/8 [Matt Egan is an award-winning reporter at CNN, covering business, the economy and financial markets across CNN's television and digital platforms, "'Financial Armageddon.' What's at stake if the debt limit isn't raised", 9/8/21, <https://www.cnn.com/2021/09/08/business/debt-ceiling-default-explained/index.html>]

The easiest way to spark a financial crisis and wreck the US economy would be to allow the federal government to default on its debt. It would be an epic, unforced error — and millions of Americans would pay the price. And yet that unlikely situation is once again being contemplated. If Congress doesn't raise the limit on federal borrowing the federal government will most likely run out of cash and extraordinary measures next month, Treasury Secretary Janet Yellen warned lawmakers on Wednesday. In short, a default would be an economic cataclysm. Interest rates would spike, the stock market would crater, retirement accounts would take a beating, the value of the US dollar would erode and the financial reputation of the world's only superpower would be tarnished. "It would be financial Armageddon," Mark Zandi, chief economist at Moody's Analytics, told CNN. "It's complete craziness to even contemplate the idea of not paying our debt on time." But it's a crazy world. Lawmakers in Washington are again playing chicken with America's creditworthiness. And the path to raising the debt ceiling is not clear. Even though Congress has in the past raised the debt ceiling with a bipartisan vote, Senate Minority Leader Mitch McConnell vowed in July that Republicans will not vote to raise the debt ceiling. JPMorgan Chase (JPM) CEO Jamie Dimon urged lawmakers not to even think about going down this path again. During a hearing in May, Dimon said an actual default "could cause an immediate, literally cascading catastrophe of unbelievable proportions and damage America for 100 years." 'Irreparable damage' In her letter to Congress, Yellen said history shows that waiting "until the last minute" to suspend or increase the debt limit "can cause serious harm" to business and consumer confidence, raise borrowing costs for taxpayers and hurt America's credit rating. "A delay that calls into question the federal government's ability to meet all its obligations would likely cause irreparable damage to the U.S. economy and global financial markets," Yellen wrote. A US default would undermine the bedrock of the modern global financial system. "We pay our debt. That's what distinguishes the United States from almost every other country on the planet," Zandi of Moody's said. Because of America's long track record of paying its debt, it's very cheap for Washington to borrow. But a default would force ratings companies to downgrade US debt and shatter that borrowing advantage. Markets plunged in 2011 when that debt ceiling standoff caused Standard & Poor's to downgrade America's credit rating. Higher borrowing costs would make it much harder for Washington to borrow to pay for infrastructure, the climate crisis or to fight future recessions. And refinancing America's nearly $29 trillion mountain of existing debt would become that much more expensive. Interest expenses, which totaled $345 billion in fiscal 2020, would quickly rival what Washington spends on defense.

#### Extinction

Joshua Zoffer 20, Investor at Cove Hill Partners, Fellow at New America, JD Candidate at Yale University Law School, AB from Harvard University, “To End Forever War, Keep the Dollar Globally Dominant”, The New Republic, 2/3/2020, https://newrepublic.com/article/156417/end-forever-war-keep-dollar-globally-dominant

In early 2016, Obama Treasury Secretary Jack Lew cautioned that the dollar’s dominance as a global currency rested, in part, on the U.S. government’s reluctance to fully weaponize it. If foreign markets and governments “feel that we will deploy sanctions without sufficient justification or for inappropriate reasons,” he warned, “we should not be surprised if they look for ways to avoid doing business in the United States or in U.S. dollars.” Lew’s case stemmed from the more fundamental view that the dollar’s international role is “a source of tremendous strength for our economy, a benefit for U.S. companies and a driver of U.S. global leadership”—in other words, a role worth keeping. This view is emblematic of American financial governance since the Second World War. U.S. economic analysts, especially at the Treasury, have jealously guarded the dollar’s role and the many benefits it offers: the ability to run large deficits at low cost and disproportionate influence over the structure of the global economy, among others. Yet in their recent article in The New Republic, David Adler and Daniel Bessner argue the U.S. should abandon these advantages. In their view, the dollar’s role has encouraged American militarism and should be relinquished to curb such behavior. Dollar hegemony is not without cost, but to renounce it would be a profound mistake. Adler and Bessner’s view neglects the sizable economic benefits the dollar’s role confers on the U.S., as well as its possible use as an antidote to military adventurism. It ignores the enormous good that can be done with deficit spending, much of which has gone to the American military but could instead fund progressive programs. And it elides the inability of the U.S. and its global trading partners to shift away from dollar dominance without creating worldwide financial distress. Adler and Bessner are right that the U.S. has misused its privilege, but Washington should not abandon it; rather, American leaders should seek to transform it. Generations of American policymakers have been right to protect the dollar’s key currency role for economic reasons. Most notably, dollar hegemony affords the U.S. the ability to run large and prolonged budget and balance-of-payments deficits. The dollar represents 62 percent of allocated foreign exchange reserves, is used to invoice and settle roughly half of world trade, and accounts for 42 percent of global payments. Because governments, banks, and businesses worldwide need lots of dollars, the world market always stands ready to absorb new U.S.-dollar-denominated debt without charging higher interest rates. Adler and Bessner correctly point out that the rest of the world considers the dollar’s role as the world’s reserve currency to be an “exorbitant privilege,” a term coined in the 1960s by then French Finance Minister Valéry Giscard D’Estaing. The ability to spend beyond its means has enabled the U.S. to fund its impressive military might, whether one views that power as the fountainhead of Pax Americana or the source of illegitimate military adventurism. But these economic benefits go beyond just deficits. The demand for dollars also pushes up the dollar’s value against other currencies, enhancing American purchasing power and offering consumers access to imports on the cheap. The dollar’s role also means American firms rarely need to do business in foreign currencies, reducing transaction costs and exchange-rate risks. More broadly, America’s central economic role gives it outsize influence at crucial moments. At the height of the financial crisis that began in 2008, the Federal Reserve was able to inject vital liquidity into the global financial system by selectively offering dollar swap lines to trusted foreign central banks. Dollar hegemony enabled the U.S. to act swiftly, effectively, and on its own terms. In addition, the dollar’s role offers a potent alternative to kinetic military action as a means of pursuing foreign policy objectives. The dollar’s broad use means access to dollar liquidity—which in turn requires access to the U.S. financial system—is essential for foreign governments and businesses. For foreign banks, especially, being cut off from dollar access is essentially a death sentence. That makes sanctions that do so a powerful tool in the international arena. In 2005, for example, the U.S. used the dollar to strike a devastating blow against North Korea without firing a single shot or even formally enacting sanctions. Using authority provided by Section 311 of the Patriot Act, the Department of the Treasury crippled Banco Delta Asia, a bank accused of facilitating illegal activity by the North Korean government, by merely threatening to cut off its access to the American financial system. Deposit outflows began within days; within weeks the bank was placed under government administration to avoid a full collapse. Pyongyang was hit hard, as other banks ceased their business with it to avoid meeting the same fate. Similarly, though the Trump administration has worked hard to undo it, the Joint Comprehensive Plan of Action with Iran to limit the development of nuclear weapons was made possible, in part, by painful dollar sanctions that brought Iran to the table. Far from being a proximate cause of military conflict, the dollar’s central global role has often been used to contain adversaries without military intervention. Still, skeptics are right to point out that the dollar’s role has indirectly funded American interventionism and that dollar sanctions have been overused, provoking the ire of American allies. But these facts suggest we should use our dollar power to forge a more progressive U.S. order, not abandon the advantage altogether. America’s exorbitant privilege need not fund warships and missiles: The same low-interest borrowing could be used to fund a new universal health care system, expand access to higher education, or pursue any number of large-scale social policy objectives, including financing global public goods that no other country or consortium of countries is prepared to fund, such as climate change mitigation.

# Case

#### Squo solves – the AFF’s I/Ls are dependent on strike protections that the NLRA already grants

SHRM n.d. (SHRM – Society for Human Resource Management citing the National Labor Relations Act, “Are All Types of Labor Strikes Protected Under The National Labor Relations Act?”, https://www.shrm.org/resourcesandtools/tools-and-samples/hr-qa/pages/cms\_021003.aspx, EmmieeM)

An employee's right to strike is a critical component of the right to organize but is not without limitations. Certain strikes qualify as protected activity under the National Labor Relations Act (NLRA), but not all strikes are protected. The main types of strikes covered by the NLRA are: Unfair labor practice strikes, which protest employers' illegal activities. Economic strikes, which may occur when there are disputes over wages or benefits. Recognition strikes, which are intended to force employers to recognize unions. Jurisdictional strikes, which are concerted refusals to work to affirm members' right to particular job assignments and to protest the assignment of work to another union or to unorganized employees. A unionized employee's right to reinstatement after a strike ends varies based on the type of strike and the underlying reason for the strike. Employers are allowed to hire replacement workers during unfair labor practice strikes and economic strikes. Economic strikers who are striking as a result of the employer's failure to reach an agreement over wages or other working conditions may be permanently replaced but cannot be terminated. Strikers who are striking as a result of an unfair labor practice cannot be permanently replaced or terminated. At the end of a strike, unfair labor practice strikers are entitled to be reinstated to their former positions (even if that means the employer has to terminate replacement workers) as long as they have not participated in any misconduct. Economic strikers who offer to return to work after the employer has hired permanent replacement workers are not entitled to reinstatement. However, if they can't find equivalent employment elsewhere, they are entitled to be recalled as job openings become available.

#### Make them specifically justify unconditionality – they have to isolate a type of strike that is significant that the NLRA doesn’t already cover

None of their links have any timeframe; the status quo of labor regulation has been around for ever which means all of their legitimacy crises should’ve already happened

No ev the us wants to enforce so even if courts could they wouldn’t; essentially circumvention bc the us is antil labor

### lbl

First card is powertagged; the card does not say that US policy creates noncompliance or legitimacy spirals. This is the foundation of the aff so if I win this claim its gg

Second card is nebulous; it says theres an ILO crisis, but doesn’t say the ILO has lost its ability to function or that nobody listens to the ILO anymore

#### The Brudney evidence DISPROVES THE THESIS OF THE 1AC – says the US is an international leader in RTS [harker is blue]

1AC Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin

It is worth emphasizing this series of developments. United States political diplomacy and input from executive branch experts has helped the transnational legal process to strengthen the international right to strike. The U.S. has been a leading advocate on the international stage promoting both FOA principles and the right to strike—in its trade legislation, bilateral and regional trade agreements, and official positions at the ILO Governing Body. That the U.S. has not ratified Convention 87 does not mean it is somehow undemocratic or improper for U.S. officials to be bound by rules that U.S. influence helped create. To be sure, Sosa recognizes that Congress may “shut the door to the law of nations” explicitly or implicitly by treaties or statutes that occupy the field.271 And there is some domestic law that is inconsistent with the right to strike set forth in CIL. As discussed in Part I.C, this law notably includes a 1935 statutory provision exempting states as “employers” under the NLRA, thereby relegating public employees to state-by-state regulation of FOA and the right to strike; and a 1938 Supreme Court decision allowing private employers to hire permanent replacements for strikers.272 But these expressions of domestic law do not appear to be “controlling” in the relevant sense of addressing or responding to the CIL that is asserted here. The 1935 statutory provision and 1938 Supreme Court decision predate the promulgation of Convention 87 by a decade or more—hence they are not in any way responsive to the existence of FOA or the right to strike at an international level.273 The Court has relied on its 1938 statutory interpretation decision approving of permanent replacements in more recent decades.274 And there were legislative efforts in the early 1990s to overturn the permanent replacement doctrine that did not succeed. 275 It is possible to contend that despite the absence of legislative approval for permanent replacements, the Court’s continuing endorsement of its jurisprudence, and Congress’s failure to override those decisions, are sufficiently controlling in this context. On the other hand, there is a respectable and perhaps persuasive argument that these judicial decisions and instances of congressional inaction do not amount to a sufficiently comprehensive scheme of statutes and regulations addressing the precise issue.276 Relatedly, there is no indication that either the Court or Congress acted with a purpose to preclude the application of CIL in the right-to-strike setting, or even with an awareness that relevant CIL existed.277 In this regard, it is noteworthy that the international right to strike assumed increased visibility and importance beginning in the mid to late 1990s, following elevation of FOA as one of the eight fundamental ILO conventions and the promulgation of the 1998 Declaration. The Supreme Court in the context of admiralty law—relying on the law of nations—has applied recent CIL to overrule its own precedents, or to bypass or distinguish earlier statutory provisions. 278 In doing so, the Court has recognized the primacy of evolving developments in CIL so long as these changes in the law of nations are not directly contradicted by earlier federal statutory text. 279 Violations of CIL, like violations of international law generally, can produce friction between nations that hinders the accomplishment of foreign relations goals.280 As noted earlier, government officials and scholars have expressed concern in recent decades that failure to ratify Convention 87 and other fundamental ILO conventions can undermine U.S. standing on matters of international labor and human rights law.281 At the same time, the U.S. has been a leading advocate on the international stage promoting both FOA principles and the right to strike—in its trade legislation, bilateral and regional trade agreements, and official positions at the ILO Governing Body. And again, while CIL can give way when there is genuinely controlling positive law, such law must be meant to control an otherwise applicable CIL. The mere presence of a relevant statutory provision or judicial decision, without evidence that Congress or the court was aware the CIL existed, is unlikely to qualify. Moreover, if there is a potential conflict between established CIL and sufficiently clear federal statutes, the relative timing of these two sources of law becomes important. The Court has made clear that Congress can override CIL based on subsequent clear legislation.282 It is also well-settled that federal statutes and treaties are equal in authority such that “if a treaty and a federal statute conflict, ‘the one last in date will control the other.’”283 Given the status accorded to CIL as federal law comparable to treaties, it should follow that the last-in-time rule also applies to resolve any differences between an earlierenacted federal statute and a later CIL norm, at least one that meets the Sosa standard of definiteness, specificity, and widespread acceptance.284 Applying the last-in-time rule in our setting, the two most prominent divergences between CIL and existing federal statutory law would be resolved in favor of CIL. The NLRA doctrine allowing employers to permanently replace lawful strikers is not addressed at all in the text. It was derived from the 1935 law as part of a 1938 Supreme Court interpretation that has been relied upon in subsequent Court decisions through the late 1980s. The exemption of state and local government workers from federal law was itself part of the 1935 statute. Both the Court decisions establishing a permanent replacement doctrine and the text exempting state and local governments arose well before—and with no evident awareness of—the establishment and evolution of CIL on FOA and the right to strike. This CIL began emerging in the late 1960s and became fully developed from the late 1990s, continuing to the present.

The fourth card says that labor standards are key to sustainable development goals; this isn’t about the aff; its talking bare minimum standards largely in third world countries that still have child labor, no minimum wages, etc; its not talking about right to strike at all

You should be inherently skeptical of their links based on how many cards it took to establish the aff; any one of these cards has seemingly no relation to the 1ac premise but they somehow draw a very thin link chain

#### Multilateral internationalism fails – collective action problem prevents enforcement, and relative power outweighs

Knopf 18—Jeffrey W. Knopf, professor at the Middlebury Institute of International Studies at Monterey, chair of the M.A. program in Nonproliferation and Terrorism Studies (“After diffusion: Challenges to enforcing nonproliferation and disarmament norms,” *Contemporary Security Policy*, Vol. 39, Issue 3, February 9th, pages 367-398, Available Online)

A second challenge that complicates efforts to enforce international norms is the well-known collective action problem (Olson, 1965). In many cases, effective enforcement will require the participation of more than one actor. Unless one state has unusual economic leverage, for example, economic sanctions usually require multilateral enforcement to be effective. Otherwise, the target state can evade sanctions by trading with those states that choose not to participate in the sanctions effort. Even military enforcement often depends on the involvement of multiple states. Take the U.S.-led invasion of Iraq in 2003 for example. Although often seen as a case of U.S. unilateralism, this is not entirely accurate. The United States relied on earlier UN Security Council resolutions for legal justification, so at minimum the United States needed other members of the Security Council to have voted in favor of relevant resolutions. It also sought a so-called second resolution that would have explicitly authorized the use of force, and the U.S. failure to obtain Security Council passage of this authorization reduced international support for the U.S.-led operation (Thompson, 2009). In addition, the United States sought to enlist other partners in the “coalition of the willing” that conducted the military operation. The United States could have gone it alone if it chose to, but it clearly had a strong preference to obtain as much legitimacy as it could from the presence of coalition partners. In short, effective unilateral enforcement is likely to be rare; norm enforcement will typically be more effective as a multilateral enterprise. Multilateral cooperation is not automatic however. By the familiar logic of collective action, states will be tempted to free ride on the enforcement efforts of others. As long as others enforce the nonproliferation or disarmament norm in question, free riders still enjoy the benefits. But free riders do not have to pay the costs of enforcement, in trade forgone, in diplomatic frictions with the target or its friends, or in potential casualties should military force come into play. If all states give in to the temptation to free ride, however, then effective enforcement will not happen. In some cases, a lack of participation in collective action may arise less from states deliberately free riding than from a lack of consensus about whether or not a particular state is actually violating a particular norm. There can be ambiguity about the standards for ascertaining norm compliance or about the evidence of a violation. When this occurs, states can come to different interpretations of whether the situation even calls for an effort at enforcement (for examples involving NPT safeguards, see Goldschmidt, 2010) The end result will be similar to when free riding occurs, in that many states will choose not to join in collective action. The collective action problem is accentuated by global power asymmetries. The United States is so much more powerful than most other states, and has demonstrated such an obvious commitment to enforcing nonproliferation in certain cases, that other states may hope that the United States will shoulder the entire burden of enforcement. This creates an especially strong temptation to free ride. To the extent that the United States cannot on its own bring about norm compliance, however, the collective action problem will become a major barrier to enforcement of nonproliferation norms.

#### Warming doesn’t trigger extinction

* peer-reviewed journal shows IPCC exaggeration
* history proves resilience
* no extinction- warming under Paris goals
* rock breaking strategy could offset warming

IBD 18 [Investors Business Daily, Citing Study from Peer reviewed journal by Lewis and Curry, “Here's One Global Warming Study Nobody Wants You To See”, 4/25/18, https://www.investors.com/politics/editorials/global-warming-computer-models-co2-emissions/]

Settled Science: A new study published in a peer-reviewed journal finds that climate models exaggerate the global warming from CO2 emissions by as much as 45%. If these findings hold true, it's huge news. No wonder the mainstream press is ignoring it. In the study, authors Nic Lewis and Judith Curry looked at actual temperature records and compared them with climate change computer models. What they found is that the planet has shown itself to be far less sensitive to increases in CO2 than the climate models say. As a result, they say, the planet will warm less than the models predict, even if we continue pumping CO2 into the atmosphere. As Lewis explains: "Our results imply that, for any future emissions scenario, future warming is likely to be substantially lower than the central computer model-simulated level projected by the (United Nations Intergovernmental Panel on Climate Change), and highly unlikely to exceed that level. How much lower? Lewis and Curry say that their findings show temperature increases will be 30%-45% lower than the climate models say. If they are right, then there's little to worry about, even if we don't drastically reduce CO2 emissions. The planet will warm from human activity, but not nearly enough to cause the sort of end-of-the-world calamities we keep hearing about. In fact, the resulting warming would be below the target set at the Paris agreement. This would be tremendously good news. The fact that the Lewis and Curry study appears in the peer-reviewed American Meteorological Society's Journal of Climate lends credibility to their findings. This is the same journal, after all, that recently published widely covered studies saying the Sahara has been growing and the climate boundary in central U.S. has shifted 140 miles to the east because of global warming. The Lewis and Curry findings come after another study, published in the prestigious journal Nature, that found the long-held view that a doubling of CO2 would boost global temperatures as much as 4.5 degrees Celsius was wrong**.** The most temperatures would likely climb is 3.4 degrees. It also follows a study published in Science, which found that rocks contain vast amounts of nitrogen that plants could use to grow and absorb more CO2, potentially offsetting at least some of the effects of CO2 emissions and reducing future temperature increases.

#### Geoengineering coming now and solves warming

**Pearce 19** – Pearce, Fred, 29 May 2019, “Geoengineer the Planet? More Scientists Now Say It Must Be an Option” Yale Environment, 360 <https://e360.yale.edu/features/geoengineer-the-planet-more-scientists-now-say-it-must-be-an-option>, Fred Pearce is a freelance author and journalist based in the U.K. He is a contributing writer for *Yale Environment 360*

Some experts contend we may be approaching a moment when nothing other than geoengineering can meet the international community’s promise — made when signing the UN Climate Change Convention at the Earth Summit in 1992 — to prevent “dangerous anthropogenic interference with the climate system.” Myles Allen of Oxford University’s Environmental Change Institute says: “Every year we are not even trying to reduce emissions is another 40 billion tons of CO2 dumped into the atmosphere that we are blithely committing future generations to scrub out again.” Possible geoengineering schemes and schedules are now being discussed. Take this plan published last fall by Gernot Wagner, executive director of Harvard University’s Solar Geoengineering Research Program: In 15 years’ time, as the impacts of warming worsen, planes loaded with sulphate particles start taking off from airfields around the world. They fly to 65,000 feet, well above existing air lanes, and spray their loads into the stratosphere: 4,000 flights in the first year, 8,000 in the second, 12,000 in the third, and so on until, after another 15 years, fleets of purpose-built, high-altitude tankers are making 60,000 flights annually. The thickening shroud of particles would fight climate change by mimicking the output of volcanic eruptions that deflect solar radiation streaming into the atmosphere. Famously, the eruption of sulphate particles from Mount Pinatubo in the Philippines in 1991 caused a global cooling of up to 0.6 degrees C for the [following two years](https://earthobservatory.nasa.gov/images/1510/global-effects-of-mount-pinatubo). The planned 15-year human-made “eruption” would shave 0.3 degrees off warming, halving the likely increase during that time.

### Underview

Aff theory is reasonability; ca their reasons for neg reasonability

# 4

#### CP Text: The United States of America should recognize the unconditional ability of workers to strike regardless of legal or judicial restrictions.

#### The discourse of rights and freedoms is the substrate for neoimperialism – it produces the conditions for global interventions

Ferreri 14 [Ferreri, Masters Candidate at SUNY Brockport, Education and Human Development Master's Thesis, January, “Challenging American Exceptionalism in the 21st Century”]

Another claim of the Bush administration was that “by removing the dictator Saddam Hussein democracy would bloom in Iraq” (Schmit and Williams 2007). The White House wanted to use a humanitarian argument, stating that by invading Iraq they would be spreading democracy to those who desperately needed it because of the oppressive leadership of Saddam Hussein. According to the neoconservative view that the creation of “Iraqi democracy will succeed, and that success will send forth news form Damascus to Tehran, that freedom can be the future of every nation. Promoting democracy and freedom in the Islamic world, by force if necessary was viewed as a crucial element of the overall strategy of countering radical extremism and terror” (Bush, 2003). Barry Munslow and Tim O’Dempsey agree with Schmit, Williams and Parados, declaring “gross policy miscalculations were directly the result of the ideologically driven neoconservative agenda, adopting a missionary zeal to spread a neoconservative American version of freedom and democracy to the Middle East by military force” (Munslow and O’Dempsey 2009). They highlight Paul Pillar who stated in 2006 that “in the wake of the Iraq war, it has become clear that official intelligence analysis was not relied on in making even the most significant national security decisions, that intelligence was misused publicly to justify decisions already made” by the administration, who repeatedly ignored information that was contrary to their exceptionalist policies and ideology (Pillar 2006). One effect, Munslow and O’Dempsey describe is that Iraq “has had serious implications for humanitarianism world wide…the great gains in the development of humanitarianism, pioneered by Western enlightenment values, have been undermined by the Bush government’s categorization of, and strategic implementation of, a war on terror. The means used to fight the war defeated the very principles and humanitarian values that the West has developed and propounded over time, undermining the credibility of the project” (Munslow and O’Dempsey 2009). These views are also apparent in Francis Fukuyama and Michael McFaul’s analysis: “the years since the September 11 attacks, the rhetorical attention devoted to promoting freedom, liberty and democracy has greatly outpaced actual progress in advancing democracy. To date, democracy has failed to take hold in the two countries in which Bush ordered the forcible ouster of autocratic regimes, Afghanistan and Iraq” (Fukuyama and McFaul 2008). These actions and policies of the United States have created an environment in the Middle East where “autocratic regimes in the region have used the excuse of terrorism (Egypt and Pakistan) or the alleged threat of U.S. invasion (Iran) to tighten autocracy” (Fukuyama and McFaul 2008).

#### 2. Rights discourse shuts down political discussion – it creates a framework of moral absolutism that breaks down democratic participation

Glendon 91 [Mary Ann Glendon is the Learned Hand Professor of Law, emerita, at Harvard University, and a former U.S. Ambassador to the Holy See. "RIGHTS TALK: THE IMPOVERISHMENT OF POLITICAL DISCOURSE." http://www.thesocialcontract.com/pdf/two-one/Glendon.pdf]

This book argues that the prominence of a certain kind of rights talk in our political discussions is both a symptom of, and a contributing factor to, this disorder of the body politic. Discourse about rights has become the principal language that we use in public settings to discuss weighty questions of both right and wrong, but time and again it proves inadequate, or leads to a standoff of one right against another. The problem is not, however, as some contend, with the very notion of rights, or with our strong rights tradition. It is with a new version of rights discourse that has achieved dominance over the past thirty years. Our current American rights talk is but one dialect in a universal language that has developed during the extraordinary era of attention to civil and human rights in the wake of World War II. It is set apart from rights discourse in other liberal democracies by its starkness and simplicity, its prodigality in bestowing the rights label, its legalistic character, its exaggerated absoluteness, its hyperindividualism, its insularity, and its silence with respect to personal, civic, and collective responsibilities. "Our rights-laden political discourse does provide a solution of sorts to the communications problems that beset a heterogeneous nation whose citizens decreasingly share a common history, literature, religion or customs. But the `solution' has become part of the problem." This unique brand of rights talk often operates at cross-purposes with our venerable rights tradition. It fits perfectly within the ten-second formats currently preferred by the news media,3 but severely constricts opportunities for the sort of ongoing dialogue upon which a regime of ordered liberty ultimately depends. A rapidly expanding catalog of rights — extending to trees, animals, smokers, nonsmokers, consumers, and so on — not only multiplies the occasions for collisions, but it risks trivializing core democratic values. A tendency to frame nearly every social controversy in terms of a clash of rights (a woman's right to her own body vs. a fetus' right to life) impedes compromise, mutual understanding, and the discovery of common ground. A penchant for absolute formulations ("I have the right to do whatever I want with my property") promotes unrealistic expectations and ignores both social costs and the rights of others. A near-aphasia concerning responsibilities makes it seem legitimate to accept the benefits of living in a democratic social welfare republic without assuming the corresponding personal and civic obligations. As various new rights are proclaimed or proposed, the catalog of individual liberties expands without much consideration of the ends to which they are oriented, their relationship to one another, to corresponding responsibilities, or to the general welfare. Converging with the language of psychotherapy, rights talk encourages our all-too-human tendency to place the self at the center of our moral universe. In tandem with consumerism and a normal dislike of inconvenience, it regularly promotes the short-run over the long-term, crisis intervention over preventive measures, and particular interests over the common good. Saturated with rights, political language can no longer perform the important function of facilitating public discussion of the right ordering of our lives together. Just as rights exist for us only through being articulated, other goods are not even available to be considered if they can be brought to expression only with great difficulty, or not at all.4 My principal aim in the chapters that follow has been to trace the evolution of our distinctive current rights dialect, and to show how it frequently works against the conditions required for the pursuit of dignified living by free women and men. With stories and examples drawn from disputes over flag-burning, Indian lands, plant closings, criminal penalties for homosexual acts, eminent domain, social welfare, child support, and other areas, I have endeavored to demonstrate how our simplistic rights talk simultaneously reflects and distorts American culture. It captures our devotion to individualism and liberty, but omits our traditions of hospitality and care for the community. In the images of America and Americans that it projects, as well as in the ideals to which it implicitly pays homage, our current rights talk is a verbal caricature of our culture — recognizably ours, but with certain traits wildly out of proportion and with some of our best features omitted. Our rights-laden political discourse does provide a solution of sorts to the communications problems that beset a heterogeneous nation whose citizens decreasingly share a common history, literature, religion, or customs. But the "solution" has become part of the problem. The legal components of political discourse, like sorcerers' apprentices, have taken on new and mischief-making connotations when liberated from their contexts in the speech community of lawyers. (A person has no duty to come to the aid of a "stranger.") With its non-legal tributaries rapidly dwindling, political rhetoric has grown increasingly out of touch with the more complex ways of speaking that Americans employ around the kitchen table, in their schools, workplaces, and in their various communities of memory and mutual aid.