# 1NC vs Immaculate Heart RR

## 1

### 1nc – t

#### Interpretation—the aff may not specify a just government

#### A is an generic indefinite singular. Cohen 01

Ariel Cohen (Ben-Gurion University of the Negev), “On the Generic Use of Indefinite Singulars,” Journal of Semantics 18:3, 2001 <https://core.ac.uk/download/pdf/188590876.pdf>

\*IS generic = Indefinite Singulars

French, then, expresses the two types of reading differently. In English, on¶ the other hand, generic BPs are ambiguous between inductivist and normative¶ readings. But even in English there is one type of generic that can express only¶ one of these readings, and this is the IS generic. While BPs are ambiguous¶ between the inductivist and the rules and regulations readings, ISs are not. In¶ the supermarket scenario discussed above, only (44.b) is true:¶ (44) a. A banana sells for $.49/lb.¶ b. A banana sells for $1.00/lb.¶ The normative force of the generic IS has been noted before. Burton-Roberts¶ (1977) considers the following minimal pair:¶ (45) a. Gentlemen open doors for ladies.¶ b. A gentleman opens doors for ladies.¶ He notes that (45.b), but not (45.a), expresses what he calls “moral necessity.”7¶ Burton-Roberts observes that if Emile does not as a rule open doors for ladies, his mother could utter [(45.b)] and thereby successfully imply that Emile was not, or was¶ not being, a gentleman. Notice that, if she were to utter. . . [(45.a)] she¶ might achieve the same effect (that of getting Emile to open doors for¶ ladies) but would do so by different means. . . For [(45.a)] merely makes a¶ generalisation about gentlemen (p. 188).¶ Sentence (45.b), then, unlike (45.a), does not have a reading where it makes¶ a generalization about gentlemen; it is, rather, a statement about some social¶ norm. It is true just in case this norm is in effect, i.e. it is a member of a set of¶ socially accepted rules and regulations.¶ An IS that, in the null context, cannot be read generically, may receive a¶ generic reading in a context that makes it clear that a rule or a regulation is¶ referred to. For example, Greenberg (1998) notes that, out of the blue, (46.a)¶ and (46.b) do not have a generic reading:¶ (46) a. A Norwegian student whose name ends with ‘s’ or ‘j’ wears green¶ thick socks.¶ b. A tall, left-handed, brown haired neurologist in Hadassa hospital¶ earns more than $50,000 a year.¶ However, Greenberg points out that in the context of (47.a) and (47.b),¶ respectively, the generic readings of the IS subject are quite natural:¶ (47) a. You know, there are very interesting traditions in Norway, concerning the connection between name, profession, and clothing. For¶ example, a Norwegian student. . .¶ b. The new Hadassa manager has some very funny paying criteria. For¶ example, a left-handed. . .¶ Even IS sentences that were claimed above to lack a generic reading, such¶ as (3.b) and (4.b), may, in the appropriate context, receive such a reading:¶ (48) a. Sire, please don’t send her to the axe. Remember, a king is generous!¶ b. How dare you build me such a room? Don’t you know a room is¶ square?

#### Only our evidence speaks to how indefinite singulars are interpreted in the context of normative statements like the resolution. This means throw out aff counter-interpretations that are purely descriptive

#### Violation—they specified the US—we’ve inserted a list of other potentially just governments in the doc – there are at least 96 countries that could count as “just governments” as a democracy, with more depending on their definition and metric.

A close up of a map

Description automatically generated

#### Vote neg:

#### 1] Precision –any deviation justifies the aff arbitrarily jettisoning words in the resolution at their whim which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### 2] Limits—specifying a just government offers huge explosion in the topic since they get permutations of more than 50 just governments in the world depending on their definition of just government. Neg positions like the Economy DA, Advantage CPs, etc. are jettisoned when the aff specifies a country that we don’t have specific ev to.

**3] TVA solves – read the aff as advantage – most authors advocate for a change in a strike writ large**

#### Topicality is a voting issue that should be evaluated through competing interpretations – it tells the negative what they do and do not have to prepare for

#### No RVIs—it’s your burden to be topical.

#### T before 1ar theory – normsetting – t norms specific to the topic but 1ar theory can be set anytime

## 2

### 1nc – t

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

#### Just governments respect liberties

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

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

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

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

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

#### Prefer –

#### 1] c/a precision

#### 2] Limits – there are 200 governments in the world – letting them pick an unjust ones explodes limits via infinite permutations of governments

#### C/A paradigm issues

## 3

### 1nc – da

#### Build Back Better passes now

**Tasolides et al 11-5** [Justin Tasolides, Breanne Deppisch and Spectrum News Staff] “House passes $1 trillion bipartisan infrastructure bill: 'A monumental step forward as a nation'” Spectrum News, [https://spectrumlocalnews.com/nc/coastal/news/2021/11/05/biden-social-climate-bill-congress 11-5-21](https://spectrumlocalnews.com/nc/coastal/news/2021/11/05/biden-social-climate-bill-congress%2011-5-21) RE

Progressives agreed to pass the smaller bill Friday night, while moderates pledged to back the larger $1.85 trillion Build Back Better bill later this month, provided official estimates of the cost via the Congressional Budget Office are in line with expectations.

"We commit to voting for the Build Back Better Act, in its current form other than technical changes, as expeditiously as we receive fiscal information from the Congressional Budget Office – but in no event later than the week of November 15th," the group of five moderates wrote.

Asked Saturday about the future of his Build Back Better legislation, Biden told reporters, "Let me be clear: We will pass this in the House. And we will pass it in the Senate."

Biden declined to say whether moderate Democrats had given him any assurances that they plan to approve the spending package, saying only, "I'm not going to answer that question … but I feel confident we will have enough votes."

The infrastructure bill, which passed the Senate in August with significant bipartisan support, includes $550 billion in new spending, focusing on “hard” infrastructure projects, like roads, bridges, airports, clean water and expanding broadband internet access.

The bipartisan bill will be funded largely by repurposing other money, including unused COVID-19 relief funds, as well as other revenue streams and spending cuts. An analysis from the Congressional Budget Office projected that it could add $256 billion to projected deficits over the next decade.

The House also voted late, along party lines (221-213) on a rule to end debate on the 10 year, allowing for a vote on President Biden's $1.85 trillion Build Back Better act the week of Nov. 15. The bill would boost health and family programs and devote $550 billion to climate initiatives, the largest legislative investment to combat the climate crisis in history.

"I’m also proud that a rule was voted on that will allow for passage of my Build Back Better Act in the House of Representatives the week of November 15th," Biden wrote in his statement.

"The Build Back Better Act will be a once-in-a-generation investment in our people," he continued. "It will lower bills for healthcare, child care, elder care, prescription drugs, and preschool. And middle-class families get a tax cut."

"This bill is also fiscally responsible, fully paid for, and doesn’t raise the deficit. It does so by making sure the wealthiest Americans and biggest corporations begin to pay their fair share and doesn’t raise taxes a single cent on anyone making less than $400,000 per year."

"Generations from now, people will look back and know this is when America won the economic competition for the 21st Century," Biden said.

#### Manchin’s broadly opposed to strike activity – plan causes a fight

Furman & Winant 10/17/21 [Jonah Furman is a labor movement organizer and writer for Labor Notes based in Maryland. Gabriel Winant is an assistant professor of history at the University of Chicago. He is the author of “The Next Shift: The Fall of Industry and the Rise of Health Care in Rust Belt America.” "The John Deere Strike Shows the Tight Labor Market Is Ready to Pop." https://theintercept.com/2021/10/17/john-deere-strike-labor-market/]

In terms of strike activity, the current private sector wave picks up where the teachers left off, after an interlude of relative inaction during the height of the pandemic. In 2020, moreover, teachers formed the first major group of workers to refuse to accept whatever terms the employer dictated for reopening the workplace. It is difficult to imagine teachers speaking out against returning to work in unsafe conditions as much as they did without the national wave of militant teachers’ strikes in the two preceding years. This resistance has now spread across the economy, in both organized and individual forms.

TODAY, WORKERS’ ECONOMIC resistance — whether through organized strikes or in the refusal of dangerous, underpaid, and unappealing jobs — is shaping the political agenda. Many of the policies in the Democrats’ $3.5 trillion budget proposal would pursue the same ends as workers’ actions but in the realm of social policy. Proposed subsidies for home health care and child care, the child tax credit, Medicaid expansion, and investments in housing and green energy would all indirectly support workers’ power. Either by increasing demand for labor further or by alleviating some of the grotesque social pressures that have forced employees to accept whatever terms employers offered them, the federal government would strengthen workers’ bargaining position. When Sen. Joe Manchin, D-W.Va., warns against becoming an “entitlement society,” what he is opposing is the shift in labor market power that such policy measures help secure.

#### Sinema hates organized labor –

Duda 21 [Associate Editor Jeremy Duda is a Phoenix native and began his career in journalism in 2003 after graduating from the University of Arizona. Prior to joining the Arizona Mirror, he worked at the Arizona Capitol Times, where he spent eight years covering the Governor's Office and two years as editor of the Yellow Sheet Report. Before that, he wrote for the Hobbs News-Sun of Hobbs, NM, and the Daily Herald of Provo, Utah. Jeremy is also the author of the history book “If This Be Treason: the American Rogues and Rebels Who Walked the Line Between Dissent and Betrayal.” "Business groups urge Kelly, Sinema to oppose pro-union PRO Act." https://www.azmirror.com/2021/08/30/business-groups-urge-kelly-sinema-to-oppose-pro-union-pro-act/]

Business groups publicly called on Democratic U.S. Sens. Mark Kelly and Kyrsten Sinema to oppose a sweeping piece of pro-organized labor legislation that would wipe out Arizona’s “right-to-work” law that prohibits mandatory union membership.

At a press conference at the office of the Arizona chapter of the Associated General Contractors near the state Capitol on Monday, leaders of several business groups warned that the Protecting the Right to Organize Act — or PRO Act, as it’s more commonly known — would undermine Arizona’s recovery from the economic slump it faced last year due to the COVID-19 pandemic, undermine the “gig economy,” jeopardize secret ballots in union organization votes, give unions access to confidential employee information and strip Arizonans of their right not to join a union.

The bill would allow unions to override right-to-work laws and collect union dues from non-members who still benefit from collective bargaining. It would also prohibit company-sponsored meetings to urge employees against unionizing, define most independent contractors as employees, protect employees who are attempting to unionize from being fired and allow unions to engage in secondary strikes in support of other striking workers, among other provisions.

“We want to thank and tell Senator Sinema and Senator Kelly that we appreciate them for not signing on as co-sponsors to the PRO Act, because if they were to change their opinions, New York Sen. Chuck Schumer will put this up for a vote,” said Danny Seiden, president and CEO of the Arizona Chamber of Commerce and Industry.

Kelly and Sinema are two of only three Senate Democrats, along with Virginia’s Mark Warner, who haven’t co-sponsored the bill or thrown their public support behind it. Kelly last month told the Huffington Post that he opposes the independent contractor provision, but that he supports the “overall goals” of the legislation.

Sinema is widely known as a holdout on the Democratic side and hasn’t supported the PRO Act, but spokesman Pablo Sierra-Carmona indicated that she hasn’t made up her mind, and that she won’t do so unless and until it comes up for a vote in the Senate.

#### Passage allows an unprecedented investment in combatting climate change

Morton 10/28 [Joseph Morton, "Democrats tout climate spending in reconciliation", 10/28/21, https://www.rollcall.com/2021/10/28/framework-includes-clean-energy-tax-credits-omits-methane-fee/]

“At the same time, substantial investments in electric vehicle charging stations and clean heavy-duty vehicles, like school buses, will serve the dual purpose of slashing our carbon emissions while helping American manufacturing stay globally competitive,” Pallone said. Rep. Cindy Axne, D-Iowa, had pushed for funding to support biofuels infrastructure, complaining it was left out of the bipartisan infrastructure bill even as that measure delivered significant funding for electric vehicles. The latest reconciliation package text includes $1 billion over 10 years in funding for the Agriculture Department to provide grants for expanding biofuel pump infrastructure, upgrade existing infrastructure and increase usage of higher blends of ethanol and biodiesel. “Not only does the Build Back Better Act represent the largest investment in clean energy and combating climate change ever — it also confirms that my colleagues have listened to my central argument in our clean energy discussions: biofuels can and should be a part of our fight against climate change,” Axne said in a statement. The White House framework released earlier in the day envisions that $320 billion would be delivered in the form of clean energy tax credits to accelerate the transition from coal and gas-fired power plants to renewable energy sources such as wind turbines and solar panels. That includes incentives for both utilities and residents and support for additional transmission and storage capacity — areas where bottlenecks have hampered the development of renewable energy sources. The framework includes incentives intended to cut the cost for Americans to put rooftop solar panels on their homes and make it easier to purchase electric vehicles. New EV tax credits would lower the cost of a vehicle by $12,500 for a middle-class family, according to the White House. The framework calls for $105 billion for climate resiliency and addressing legacy pollution in communities. For example, a new Clean Energy and Sustainability Accelerator that would invest in climate-related projects around the country would allocate 40 percent of those benefits to disadvantaged communities — part of a pledge the Biden administration has made to deliver climate spending to communities traditionally on the front lines of environmental damage. It also would fund grants to support environmental justice in disadvantaged communities and create a new Civilian Climate Corps with more than 300,000 members working on conservation projects that could help mitigate climate change. The framework includes $110 billion in spending and incentives to boost domestic supply chains supporting solar power and batteries. It also would fund grants, loans and tax credits aimed at moving steel, cement and aluminum industries toward decarbonization. There’s also $20 billion for the government to purchase new technologies such as long-duration storage, small modular reactors and clean construction materials. While the size of the package falls short of initial proposals, some Capitol Hill Democrats declined to say they were disappointed with the climate portion. Sen. Christopher S. Murphy, D-Conn., said he didn’t want to undersell the framework, as it would represent the most significant spending on climate policy since he joined Congress. The fact that climate makes up about one-third of the overall spending shows how much the issue has been elevated within the Democratic Party, he said, and negotiations over bolstering it aren’t finished. “I think there's a number of things that we can still find consensus on that might not be in this agreement. So climate is something you’ve got to work on every single day,” Murphy said. “If we're not passing climate change legislation every year, then we're not doing our job. So this is just one admittedly very big piece of the overall policy puzzle.”

#### C/a climate change causes extinction ev from the 1AC

## 4

### 1nc – cp

#### CP: The National Labor Relations Board should, after soliciting notice and comment, should recognize by rule an unconditional right to strike for workers in the United States.

#### 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.

#### It avoids politics – it’s under the radar

Estreicher 15 [Samuel Estreicher. Dwight D. Opperman Professor of Law & Director, Center for Labor and Employment Law, NYU School of Law. I appreciate the comments of several current members of the NLRB, as well of those of former chair Wilma Liebman and NLRB attorneys John Colwell and Joan Flynn. All persisting errors are my fault. Copyright© 2015 by Samuel Estreicher. All rights are reserved. "‘DEPOLITICIZING’ THE NATIONAL LABOR RELATIONS BOARD: ADMINISTRATIVE STEPS." https://scholarlycommons.law.emory.edu/cgi/viewcontent.cgi?article=1173&context=elj]

The charge of politicization contains a kernel of truth but is nearly always an overstatement. The members of the Board and the General Counsel, the other presidential appointee, are conscientious professionals aware of their distinct obligations in serving a public agency. Most cases involve relatively fact-specific applications of the Act by administrative law judges; these rulings stir little controversy and are summarily affirmed by three-member panels of the agency without dissent (and routinely enforced by the courts of appeals). It is with respect to a relatively small number of cases and certain agency initiatives, such as the promulgation of national rules, where the law is either unclear or reversal of the agency law is being sought, and where Board members are likely to be especially responsive to their pre-NLRB political or ideological inclinations.3 It is this relatively narrow, yet important, sphere of the agency’s work that triggers the politicization charge.

#### **Normal means is a congressional amendment of existing labor law to remove exceptions – that draws tons of fire from moderate democrats - proves the politics link**

TLA 21 [This Legal Alert provides an overview of a specific federal bill. It is not intended to be, and should not be construed as, legal advice for any particular fact situation. "A Resurrected PRO Act Could Pay Dividends For Big Labor This Time Around." https://www.fisherphillips.com/news-insights/a-resurrected-pro-act-could-pay-dividends-for-big-labor-this-time-around.html]

As we recently forecasted, the House of Representatives has reintroduced a bill designed to radically transform the labor relations landscape, substantially tilting the playing field towards organized labor. The “Protecting the Right to Organize Act of 2021,” or PRO Act, was introduced on February 4 after an earlier version of the same legislation failed to clear the Senate last year. However, now that both houses of Congress and the White House are controlled by the Democratic party, this proposal stands closer than ever to becoming law. What do employers – both unionized and non-unionized – need to know about this startling prospect, and what can you do to help prevent it from becoming reality?

The PRO Act: A Primer

If you think you’ve heard about this proposal before, you’re not experiencing déjà vu. The same bill was passed by the House a year ago this month. But at that time, it faced a hostile Senate controlled by the G.O.P. – which kept the proposal from reaching the floor for an up-or-down vote – and a president that would have vetoed the measure in the unlikely event it reached his desk. The winds of change have shifted, however, and we now have a Senate controlled by the Democrats by the slimmest of margins and an unabashedly pro-union president who campaigned on promises to deliver for organized labor.

So what could you be in store for if this law passes? Whether you currently operate in a unionized environment or have yet to encounter a labor union, be prepared to rethink just about everything you know about the regulatory framework governing your labor relations functions. The PRO Act would make it far easier for unions to organize your workforce, grant far more power to workers protesting working conditions, and shackle unionized businesses like never before, while undermining other longstanding employment models embedded with workplaces across the country.

Radical Shift In Union Organizing

If passed, the PRO Act would radically transform the process of union organizing, tilting the balance of power towards unions to a remarkable degree by altering seven critical steps in the organizing process.

Reinstalling “Quickie” Elections: In the absence of majority card support, the PRO Act would reinstate controversial rules substantially reducing the period of time between a petition for representation and the ensuing election is held, placing employers at a significant disadvantage when it comes to educating workers on the facts they may need to make an informed decision.

Cutting Employers Out Of The Process: The bill would deny employers standing to appear in administrative proceedings for purposes of challenging the petitioned-for bargaining unit or otherwise contesting the representation process. It would also give the petitioner an option to choose whether the election will be conducted electronically, by mail, or at an alternative location not controlled by the employer. If the union loses an election in which it possessed a majority of signed authorization cards, then the agency would be empowered to automatically issue a bargaining order.

Creating A National Gag Rule: Further hamstringing employers, the proposed law would for the first time prohibit all businesses from convening mandatory “captive audience” meetings for purposes of sharing facts on third party representation, effectively gagging them from utilizing their free speech rights in a group setting.

A Return To “Micro” Units: The PRO Act would effectively bar employers from challenging petitions for smaller, gerrymandered groupings of employees within departments or shifts that may be more sympathetic to union interests – representing a stark reversal of gains achieved by employers through the National Labor Relation Board’s (NLRB’s) 2017 decision in PCC Structurals, litigated by Fisher Phillips attorneys.

Expanding Pool Of Potential Union Members: The proposed bill would substantially narrow the statutory definition of “supervisor,” thereby expanding the base of workers who could organize into unions and engage in other “concerted” activities protected by the National Labor Relations Act (NLRA). It would do so by requiring only that workers devote a majority of their worktime to performing supervisory duties in order to be considered a part of management, while eliminating other key “indicia” of supervisory status such as the responsibility to “assign” and “responsibly direct” other employees.

Permitting Workers To Use Company Equipment: The PRO Act would also restrict employer rights to control their own computers, equipment, and related electronic communications systems by establishing statutory employee rights to use them on premises for protected activities, absent compelling business considerations. Not only would employers be forced to allow workers to do so in union organizing campaigns, but they would also be limited in their ability to manage workplace dialogue via company-owned email, intranet, and other digital messaging platforms.

Compelling Disclosure Of Confidential Fee Information: Finally, the law would revive the moribund “persuader” rule, which attempted to require disclosure of confidential information associated with fees paid to legal counsel in connection with virtually all forms advice rendered in the context of an organizing campaign.

Shifting Power To Protesting Workers

The PRO Act would also take steps to further empower workers participating in workplace disputes – at the expense of their employers’ rights to manage the workplace.

Permitting Secondary Boycotts: Breaking from 85 years of established legal authority, the PRO Act would allow unions to extend economic pressure to ensnare companies that are not otherwise involved with them in a primary labor dispute. The law would eliminate the longstanding prohibition on secondary boycotts and allow unions to apply such pressure through protests, pickets and related activities.

Emboldening Protesting Workers: The proposed law would encourage intermittent and recognition strikes, such as the quickie strikes of the Fight for $15 Movement, by amending federal labor law to authorize strikes regardless of the duration, scope, frequency, or intermittence.

Constraining Unionized Employers

Further, the proposed law would restrict the rights of unionized employers when it comes to several critical activities.

Blocking Permanent Replacements: The PRO Act would prohibit employers from exercising their rights to permanently replace workers engaged in an economic strike. This right has long since been recognized as the employer’s counter-right to the union’s right to strike. Without it, strikers will always be entitled to reinstatement whenever the strike is over – regardless of whether they were replaced in the interim.

Prohibiting “Offensive” and Pre-Strike Lockouts: The bill would also prohibit employers from utilizing lockouts as an offensive economic weapon, or from doing so at all prior to a strike – thereby leaving intact only the prospect of a post-strike “defensive” lockout.

Prohibiting Anticipatory Withdrawal of Recognition: The bill would overturn a 2019 Board decision allowing employers to withdraw recognition in anticipation of contract expiration – compelling them instead to work through the agency’s formal decertification election process.

Forcing Union Contracts: The proposed law would force unionized employers to come to the table within 10 days of an initial union demand, and empower a tripartite arbitration board to impose collective bargaining agreements of up to two years in duration on all parties that fail to reach an agreement within the first 120 days of negotiations for an initial contract, depriving employers of a critical input into the terms and conditions governing their workplace against the backdrop of unreasonable union demands. The bill would also prohibit employers from implementing changes to working conditions upon reaching “impasse” in first contract bargaining – forcing them instead to maintain the “status quo” for the duration of such negotiations.

Shattering Commonplace Workplace Standards For All Employers

But the PRO Act wouldn’t just impact unionized workplaces. It would completely transform workplace law for unionized and non-union businesses alike by invalidating arrangements that have become commonplace over the last several decades.

Broadening Misclassification Law: The PRO Act would significantly expand the definition of “employee” to capture workers who are currently independent contractors, making it difficult for businesses to properly classify workers as such. In bringing California’s ABC test to the national stage, the bill would require businesses to prove (a) the individual is free from the employer’s control, (b) the service they perform is outside the usual course of the employer’s business, and (c) the individual is engaged in the same trade or business as called upon to perform. This would deny many individuals their choice and ability to work independently, threatening the expanding gig economy, and eliminating business flexibility to flex their size due to growth. The bill would also make it an independent violation to misclassify workers as independent contractors.

Expanding Joint Employment: The PRO Act would also codify the extremely broad joint employer standard previously established by the Obama NLRB by virtue of its decision in Browning Ferris Industries (“BFI”), exposing employers to liability for workplaces they don’t control and workers they don’t employ. Under this standard, courts and government agencies would be free to consider the exercise of control over employment terms that is either direct or indirect, and actual or potential, leading to a potential joint employer finding merely by establishing that a business has “reserved” such authority.

Prohibiting Arbitration Agreements: The PRO Act would ban pre-dispute arbitration agreements in all workplace settings, effectively overturning the Supreme Court’s landmark decision in Epic Systems upholding use of class waivers. Eliminating the ability of employers and employees to resolve disputes through arbitration would potentially overwhelm the court system by increasing needless and expensive lawsuits, including class action ligation.

Mandatory Posting Requirement: The bill reinstates prior proposed regulations compelling employers to post notices educating employees on their rights under the NLRA, and to notify all new hires of the information on that notice with penalties of $500 for every incident of technical non-compliance.

Expanding Legal Exposure: Finally, the bill would adopt never-before-seen penalties that would liquidate (double) the amount of damages (up to $100,000) for violations, in addition to providing for backpay, front pay and consequential damages. It would also create a new private right of legal action against employers directly in federal court, providing for recovery of back pay (without any reduction for interim earnings), front pay, consequential, liquidated, and punitive damages, and attorneys’ fees. Punishment at such levels could have a severe chilling effect on employers seeking to assert their free speech and other statutory rights when it comes to day-to-day workplace activities.

What's Next?

It’s worth noting that although it enjoys the support of the new administration, the bill faces a number of hurdles before it becomes law – chief of which is a filibuster that threatens to block any further progress on this legislation to the extent it remains in place through the current session of Congress. Even within the Democratic side of the aisle, the bill could generate opposition from some of its own moderate members. That being said, one of the chief impediments to its passage has already been removed, and the bill could receive a friendlier reception under the current political climate.

#### **All strike policy is established by statute – Congress is key**

Weiss 2000 [Marley S. Weiss, Professor of Law at University of Maryland. School of Law. "Professor of Law at University of Maryland. School of Law." https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=2189&context=fac\_pubs]

The right to strike, that is, to collectively, temporarily, withhold one’s labor, should not be confused with the individual’s right to quit working for the employer, that is, to permanently, individually, withhold one’s labor.25 The Thirteenth Amendment to the Constitution of the United States, which ended slavery and “ involuntary servitude” , consistently has been interpreted to prohibit courts from ordering unwilling employees to continue their employment relationship with a particular employer.26 Common law doctrines even before the Civil War were customarily construed to similar effect. The Norris-LaGuardia Act, the RLA, and the Labor Management Relations Act (LMRA) each contain separate provisions confirming this principle.27 C. Scope of Coverage of the Collective Labor Laws It is useful to start by outlining what types of activities fall within the jurisdiction of which body of labor law. The RLA covers the rail and air transportation sectors, both freight and passenger transport, and applies to rail carriers regardless of whether they are public or private. 28 Certain aspects of the RLA —determination of appropriate units for collective bargaining, mediation of collective interest disputes, and recognition of impasse— are administered by a federal agency, the National Mediation Board (NMB).29 Once the NMB is involved in mediating a labor dispute, the union may not strike, and the employer may not make changes in rates of pay, rules, and working conditions until a lengthy series of steps has taken place. The status quo is frozen throughout negotiations and mediation, until the NMB deems its efforts to mediate a settlement fruitless, and, after an unsuccessful proffer of voluntary interest arbitration, releases the parties, as well as for a thirty-day cooling-off period thereafter.30 The NLRA covers virtually everything else in the private sector, with the main sectoral exclusions being agricultural labor and domestic household labor.31 The National Labor Relations Board, or NLRB, administers many aspects of this law, including determination of appropriate bargaining units and enforcement of the rights created by the law against unfair labor practices by employers or unions.32 The NLRB does not, however, play the same role as the NMB in mediation; the Federal Mediation and Conciliation Service is available to the parties for that purpose.33 The NLRB has no role akin to the NMB in declaring an impasse to have been reached in bargaining. Under the NLRA, the parties may exercise their rights to use economic weapons against each other without any advance ruling by the agency, although if they act in violation of the NLRA, the agency may afterwards find a violation and impose a suitable remedy, or the other side may be free to resort to otherwise unavailable self-help measures. If either the NLRA or the RLA is applicable to an employer, that statute applies to the exclusion of any state regulation of the right to organize and bargain collectively, including to a very great extent the right to strike, lockout, boycott, and engage in other non-violent, economic pressure tactics.34 One limited exception has to do with the location of picket lines and other union activities when they entail trespassing on the employer’s property.35 Violent or coercive strike-related misconduct remains subject to state as well as federal intervention.36 Public sector labor law is addressed separately, with legislation at the federal level regarding federal employees, and at the state level regarding state and local government employees.37 The Federal Service Labor-Man agement Relations Act (or FSLMRA), covers employees of the federal government.38 Federal employees have the right to bargain collectively, but only over a limited range of topics, mainly concerned with working conditions, because the federal Congress has by statute set the rules governing most aspects of wages and benefits.39 The exception here is the U.S. Postal Service, which under the Postal Reorganization Act, is partially subject to the NLRA, albeit without the right to strike or to engage in “ other concerted activities for mutual aid or protection.40 Each state has authority over its own public sector collective labor relations, and the states have enacted a wide range of legislation. In the majority of states, collective bargaining legislation covers state employees; many states either include local government employees under the same state laws or include them under separate legislation. Some states instead delegate to the county or city the authority to legislate regarding the collective bargaining rights of their own employees. A few states have no public employee collective bargaining legislation whatsoever; others have none covering state employees, while several have none covering local government employees.41

#### Key to democracy and court acquiescence---notice and comment engages participants and creates deference.

Harry First and Spencer Weber Waller 13. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s democracy deficit on the procedural side can be done with the tools of administrative law. Administrative law is the body of law that controls the procedures of governmental decision making.151 It allows interested persons to participate in decisions that affect their interests. Normally, it requires appropriate notice, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are granted a degree of deference as to the interpretation of the laws they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of administrative law are available to make antitrust enforcement decisions more transparent and more responsive to the interests that the antitrust laws were meant to serve, thereby promoting both better decision making and greater democratic legitimacy.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of democratic institutions, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved too far from democratic institutions and toward technocratic control, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will strengthen the institutions of antitrust, the market economy, and the democratic branches of government themselves.

#### c/a that democracy solves climate change from case

## 5

### 1nc – da

#### Trade is stable and growing---governments are avoiding protectionism, the key threat

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Global supply chains have weathered the pandemic intact, and the deep recession has not unleashed a wave of protectionism. That is good for global trade, and probably for foreign direct investment, too, and suggests that predictions of globalization’s demise were premature.

Trade is recovering robustly alongside the upticks in growth in major economies. This good news deserves more attention. Less than 12 months ago, many observers were predicting an end to globalization. The pandemic disrupted supply chains, and governments, suddenly confronted with the resulting vulnerabilities and dependencies, encouraged “reshoring” production of critical goods.

Today, the outlook is much brighter. There is little indication of a sustained movement away from global supply chains. And many governments have realized that trade is more of an opportunity than a threat to national sovereignty. As a result, the World Trade Organization expects the volume of global trade to increase by 8% in 2021, more than offsetting last year’s 5.3% decline.

True, foreign direct investment (FDI) still lags, having plummeted 42% in 2020. Europe actually recorded a negative flow. But the pandemic’s differential impact on trade and investment is not surprising. Transporting goods around the world requires little physical human interaction. Giant cranes, often remotely operated, load and unload containers, and supertankers pump oil ashore.

In contrast, acquiring a firm or establishing a new production facility in another country requires travel to meet potential partners, and in many cases close contact with foreign governments to obtain permits. Pandemic-induced border closures and travel restrictions obviously made this much more difficult.

But FDI is notoriously volatile, often plunging one year and recovering the next, so it could still bounce back strongly in 2021. In fact, the OECD has already detected signs of a recovery.

Moreover, global supply chains have proved to be less vulnerable than many had feared. The notion of a “supply chain” conjures up an image of a fragile arrangement, with each enterprise depending on inputs from the adjacent link. And a chain is only as strong as its weakest link.

The global trading system’s vulnerability to choke points seemed to be driven home in March, when a single large freighter blocked the Suez Canal, after sandstorms restricted visibility and transformed the huge stack of containers on board into sails. But this incident, which was resolved relatively quickly, is not representative of how global trade works.

It is more accurate to talk of interrelated networks of suppliers than supply chains. Most enterprises have more than one supplier of key components, and multinational companies with operations in many countries source supplies from many other countries. The pandemic has reinforced multi-sourcing, rather than triggering a retrenchment from the division of labor.

Yes, governments almost everywhere have interfered with trade during the pandemic to address acute shortages of key products, such as personal protective equipment in 2020 and COVID-19 vaccines during the first few months of 2021. But both of these products, while vital in the context of the pandemic, play only a marginal role in the wider economy. The rich countries could vaccinate the entire world for less than a dollar a week from each citizen.

The main danger is that governments, fearing similar dependence on foreign suppliers for many other key products, introduce protectionist measures. Prompted by the EU’s concern that such dependence could leave the bloc vulnerable to political pressures from hostile governments, the European Commission has recently completed a fascinating study of strategic dependencies and capacities.

#### Unions cause protectionism – that slows growth and causes tariffs

Epstein 16 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Rise of American Protectionism." https://www.hoover.org/research/rise-american-protectionism]

This point explains why the American labor movement has historically opposed free trade. The essence of unionism is, and always will be, the acquisition of monopoly power. There is no way for a union to obtain that monopoly power in the marketplace. It can only secure it through legislation. The first step in that process was the exemption of unions from the antitrust laws under Section 6 of the Clayton Act of 1914. The second major step was the legitimation of collective bargaining under the National Labor Relations Act of 1935, which gave the union the exclusive bargaining rights against the firm once it was successful in a union election. These major statutory benefits strengthened private sector unions and imposed inefficiencies on unionized firms. This, in turn, opened the field for new firms, like the Japanese automobile companies, to organize outside the union envelope. In response, labor’s strategy went one step further. It pushed hard on trade and tariff barriers to keep out foreign imports, and exerted political influence to encourage local zoning boards to exclude new businesses that do not use union labor. Add to these issues the aggressive rise of minimum wage laws and other mandates like Obamacare and family leave statutes, and you construct a regulatory fortress that defeats the corrective forces of free trade and renders the nation less economically resilient and productive than before.

It is easy to say that people are “screwed” by free trade if you only look at the stories of those individuals who lose their jobs. It is much more difficult to make that case after taking into account the simple but powerful truth that overall levels of profitability and wealth increase under free trade. The short-term relief that targeted groups get from protectionist measures mask the larger inefficiencies that slow down the rate of growth. Despite what the Democrats think, transfer programs are no substitute for growth. Indeed, the imposition of new taxes without return benefits on the firms taxed only depresses the rate of return on investment further, which will necessarily compound the problem.

#### New trade conflicts cause global war and undermine cooperation on collective action problems

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Four structural forces will shape the future of International Relations: globalization (but without liberal rules, institutions, and leadership)1; multipolarity (the end of American hegemony and wider distribution of power among states and non-states2); the strengthening of distinctive, national and subnational identities, as persistent cultural differences are accentuated by the disruptive effects of Western style globalization (what Samuel Huntington called the “non-westernization of IR”3); and secular economic stagnation, a product of longer term global decline in birth rates combined with aging populations.4 These structural forces do not determine everything. Environmental events, global health challenges, internal political developments, policy mistakes, technology breakthroughs or failures, will intersect with structure to define our future. But these four structural forces will impact the way states behave, in the capacity of great powers to manage their differences, and to act collectively to settle, rather than exploit, the inevitable shocks of the next decade.

Some of these structural forces could be managed to promote prosperity and avoid war. Multipolarity (inherently more prone to conflict than other configurations of power, given coordination problems)5 plus globalization can work in a world of prosperity, convergent values, and effective conflict management. The Congress of Vienna system achieved relative peace in Europe over a hundred-year period through informal cooperation among multiple states sharing a fear of populist revolution. It ended decisively in 1914. Contemporary neoliberal institutionalists, such as John Ikenberry, accept multipolarity as our likely future, but are confident that globalization with liberal characteristics can be sustained without American hegemony, arguing that liberal values and practices have been fully accepted by states, global institutions, and private actors as imperative for growth and political legitimacy.6 Divergent values plus multipolarity can work, though at significantly lower levels of economic growth-in an autarchic world of isolated units, a world envisioned by the advocates of decoupling, including the current American president. 7 Divergent values plus globalization can be managed by hegemonic power, exemplified by the decade of the 1990s, when the Washington Consensus, imposed by American leverage exerted through the IMF and other U.S. dominated institutions, overrode national differences, but with real costs to those states undergoing “structural adjustment programs,”8 and ultimately at the cost of global growth, as states—especially in Asia—increased their savings to self insure against future financial crises.9

But all four forces operating simultaneously will produce a future of increasing internal polarization and cross border conflict, diminished economic growth and poverty alleviation, weakened global institutions and norms of behavior, and reduced collective capacity to confront emerging challenges of global warming, accelerating technology change, nuclear weapons innovation and proliferation. As in any effective scenario, this future is clearly visible to any keen observer. We have only to abolish wishful thinking and believe our own eyes.10

Secular Stagnation

This unbrave new world has been emerging for some time, as US power has declined relative to other states, especially China, global liberalism has failed to deliver on its promises, and totalitarian capitalism has proven effective in leveraging globalization for economic growth and political legitimacy while exploiting technology and the state’s coercive powers to maintain internal political control. But this new era was jumpstarted by the world financial crisis of 2007, which revealed the bankruptcy of unregulated market capitalism, weakened faith in US leadership, exacerbated economic deprivation and inequality around the world, ignited growing populism, and undermined international liberal institutions. The skewed distribution of wealth experienced in most developed countries, politically tolerated in periods of growth, became intolerable as growth rates declined. A combination of aging populations, accelerating technology, and global populism/nationalism promises to make this growth decline very difficult to reverse. What Larry Summers and other international political economists have come to call “secular stagnation” increases the likelihood that illiberal globalization, multipolarity, and rising nationalism will define our future. Summers11 has argued that the world is entering a long period of diminishing economic growth. He suggests that secular stagnation “may be the defining macroeconomic challenge of our times.” Julius Probst, in his recent assessment of Summers’ ideas, explains:

…rich countries are ageing as birth rates decline and people live longer. This has pushed down real interest rates because investors think these trends will mean they will make lower returns from investing in future, making them more willing to accept a lower return on government debt as a result.

Other factors that make investors similarly pessimistic include rising global inequality and the slowdown in productivity growth…

This decline in real interest rates matters because economists believe that to overcome an economic downturn, a central bank must drive down the real interest rate to a certain level to encourage more spending and investment… Because real interest rates are so low, Summers and his supporters believe that the rate required to reach full employment is so far into negative territory that it is effectively impossible.

…in the long run, more immigration might be a vital part of curing secular stagnation. Summers also heavily prescribes increased government spending, arguing that it might actually be more prudent than cutting back – especially if the money is spent on infrastructure, education and research and development.

Of course, governments in Europe and the US are instead trying to shut their doors to migrants. And austerity policies have taken their toll on infrastructure and public research. This looks set to ensure that the next recession will be particularly nasty when it comes… Unless governments change course radically, we could be in for a sobering period ahead.12

The rise of nationalism/populism is both cause and effect of this economic outlook. Lower growth will make every aspect of the liberal order more difficult to resuscitate post-Trump. Domestic politics will become more polarized and dysfunctional, as competition for diminishing resources intensifies. International collaboration, ad hoc or through institutions, will become politically toxic. Protectionism, in its multiple forms, will make economic recovery from “secular stagnation” a heavy lift, and the liberal hegemonic leadership and strong institutions that limited the damage of previous downturns, will be unavailable. A clear demonstration of this negative feedback loop is the economic damage being inflicted on the world by Trump’s trade war with China, which— despite the so-called phase one agreement—has predictably escalated from negotiating tactic to imbedded reality, with no end in sight. In a world already suffering from inadequate investment, the uncertainties generated by this confrontation will further curb the investments essential for future growth. Another demonstration of the intersection of structural forces is how populist-motivated controls on immigration (always a weakness in the hyper-globalization narrative) deprives developed countries of Summers’ recommended policy response to secular stagnation, which in a more open world would be a win-win for rich and poor countries alike, increasing wage rates and remittance revenues for the developing countries, replenishing the labor supply for rich countries experiencing low birth rates.

Illiberal Globalization

Economic weakness and rising nationalism (along with multipolarity) will not end globalization, but will profoundly alter its character and greatly reduce its economic and political benefits. Liberal global institutions, under American hegemony, have served multiple purposes, enabling states to improve the quality of international relations and more fully satisfy the needs of their citizens, and provide companies with the legal and institutional stability necessary to manage the inherent risks of global investment. But under present and future conditions these institutions will become the battlegrounds—and the victims—of geopolitical competition. The Trump Administration’s frontal attack on multilateralism is but the final nail in the coffin of the Bretton Woods system in trade and finance, which has been in slow but accelerating decline since the end of the Cold War. Future American leadership may embrace renewed collaboration in global trade and finance, macroeconomic management, environmental sustainability and the like, but repairing the damage requires the heroic assumption that America’s own identity has not been fundamentally altered by the Trump era (four years or eight matters here), and by the internal and global forces that enabled his rise. The fact will remain that a sizeable portion of the American electorate, and a monolithically pro- Trump Republican Party, is committed to an illiberal future. And even if the effects are transitory, the causes of weakening global collaboration are structural, not subject to the efforts of some hypothetical future US liberal leadership. It is clear that the US has lost respect among its rivals, and trust among its allies. While its economic and military capacity is still greatly superior to all others, its political dysfunction has diminished its ability to convert this wealth into effective power.13 It will furthermore operate in a future system of diffusing material power, diverging economic and political governance approaches, and rising nationalism. Trump has promoted these forces, but did not invent them, and future US Administrations will struggle to cope with them.

What will illiberal globalization look like? Consider recent events. The instruments of globalization have been weaponized by strong states in pursuit of their geopolitical objectives. This has turned the liberal argument on behalf of globalization on its head. Instead of interdependence as an unstoppable force pushing states toward collaboration and convergence around market-friendly domestic policies, states are exploiting interdependence to inflict harm on their adversaries, and even on their allies. The increasing interaction across national boundaries that globalization entails, now produces not harmonization and cooperation, but friction and escalating trade and investment disputes.14 The Trump Administration is in the lead here, but it is not alone. Trade and investment friction with China is the most obvious and damaging example, precipitated by China’s long failure to conform to the World Trade Organization (WTO) principles, now escalated by President Trump into a trade and currency war disturbingly reminiscent of the 1930s that Bretton Woods was designed to prevent. Financial sanctions against Iran, in violation of US obligations in the Joint Comprehensive Plan Of Action (JCPOA), is another example of the rule of law succumbing to geopolitical competition. Though more mercantilist in intent than geopolitical, US tariffs on steel and aluminum, and their threatened use in automotives, aimed at the EU, Canada, and Japan,15 are equally destructive of the liberal system and of future economic growth, imposed as they are by the author of that system, and will spread to others. And indeed, Japan has used export controls in its escalating conflict with South Korea16 (as did China in imposing controls on rare earth,17 and as the US has done as part of its trade war with China). Inward foreign direct investment restrictions are spreading. The vitality of the WTO is being sapped by its inability to complete the Doha Round, by the proliferation of bilateral and regional agreements, and now by the Trump Administration’s hold on appointments to WTO judicial panels. It should not surprise anyone if, during a second term, Trump formally withdrew the US from the WTO. At a minimum it will become a “dead letter regime.”18

As such measures gain traction, it will become clear to states—and to companies—that a global trading system more responsive to raw power than to law entails escalating risk and diminishing benefits. This will be the end of economic globalization, and its many benefits, as we know it. It represents nothing less than the subordination of economic globalization, a system which many thought obeyed its own logic, to an international politics of zero-sum power competition among multiple actors with divergent interests and values. The costs will be significant: Bloomberg Economics estimates that the cost in lost US GDP in 2019- dollar terms from the trade war with China has reached $134 billion to date and will rise to a total of $316 billion by the end of 2020.19 Economically, the just-in-time, maximally efficient world of global supply chains, driving down costs, incentivizing innovation, spreading investment, integrating new countries and populations into the global system, is being Balkanized. Bilateral and regional deals are proliferating, while global, nondiscriminatory trade agreements are at an end.

Economies of scale will shrink, incentivizing less investment, increasing costs and prices, compromising growth, marginalizing countries whose growth and poverty reduction depended on participation in global supply chains. A world already suffering from excess savings (in the corporate sector, among mostly Asian countries) will respond to heightened risk and uncertainty with further retrenchment. The problem is perfectly captured by Tim Boyle, CEO of Columbia Sportswear, whose supply chain runs through China, reacting to yet another ratcheting up of US tariffs on Chinese imports, most recently on consumer goods:

We move stuff around to take advantage of inexpensive labor. That’s why we’re in Bangladesh. That’s why we’re looking at Africa. We’re putting investment capital to work, to get a return for our shareholders. So, when we make a wager on investment, this is not Vegas. We have to have a reasonable expectation we can get a return. That’s predicated on the rule of law: where can we expect the laws to be enforced, and for the foreseeable future, the rules will be in place? That’s what America used to be.20

The international political effects will be equally damaging. The four structural forces act on each other to produce the more dangerous, less prosperous world projected here. Illiberal globalization represents geopolitical conflict by (at first) physically non-kinetic means. It arises from intensifying competition among powerful states with divergent interests and identities, but in its effects drives down growth and fuels increased nationalism/populism, which further contributes to conflict. Twenty-first-century protectionism represents bottom-up forces arising from economic disruption. But it is also a top-down phenomenon, representing a strategic effort by political leadership to reduce the constraints of interdependence on freedom of geopolitical action, in effect a precursor and enabler of war. This is the disturbing hypothesis of Daniel Drezner, argued in an important May 2019 piece in Reason, titled “Will Today’s Global Trade Wars Lead to World War Three,”21 which examines the pre- World War I period of heightened trade conflict, its contribution to the disaster that followed, and its parallels to the present:

Before the First World War started, powers great and small took a variety of steps to thwart the globalization of the 19th century. Each of these steps made it easier for the key combatants to conceive of a general war. We are beginning to see a similar approach to the globalization of the 21st century. One by one, the economic constraints on military aggression are eroding. And too many have forgotten—or never knew—how this played out a century ago.

…In many ways, 19th century globalization was a victim of its own success. Reduced tariffs and transport costs flooded Europe with inexpensive grains from Russia and the United States. The incomes of landowners in these countries suffered a serious hit, and the Long Depression that ran from 1873 until 1896 generated pressure on European governments to protect against cheap imports.

…The primary lesson to draw from the years before 1914 is not that economic interdependence was a weak constraint on military conflict. It is that, even in a globalized economy, governments can take protectionist actions to reduce their interdependence in anticipation of future wars. In retrospect, the 30 years of tariff hikes, trade wars, and currency conflicts that preceded 1914 were harbingers of the devastation to come. European governments did not necessarily want to ignite a war among the great powers. By reducing their interdependence, however, they made that option conceivable.

…the backlash to globalization that preceded the Great War seems to be reprised in the current moment. Indeed, there are ways in which the current moment is scarier than the pre-1914 era. Back then, the world’s hegemon, the United Kingdom, acted as a brake on economic closure. In 2019, the United States is the protectionist with its foot on the accelerator. The constraints of Sino-American interdependence—what economist Larry Summers once called “the financial balance of terror”—no longer look so binding. And there are far too many hot spots—the Korean peninsula, the South China Sea, Taiwan—where the kindling seems awfully dry.

Furthermore, powerful structural forces are working against liberal hegemony and in favor of offshore balancing. China’s rise and the partial revival of Russian power are forcing the United States to pay closer attention to balance-of-power politics, especially in Asia. The intractable problems of the Middle East will make future presidents reluctant to squander more blood and treasure there especially in chasing the siren song of democracy promotion. Pressure on the defense budget is unlikely to diminish, especially once the costs of climate change begin to bite, and because trillions of dollars' worth of domestic needs cry out for attention.

For these reasons, the foreign policy elite will eventually rediscover the grand strategy that helped build and sustain American power over most of the nations history. The precise path remains uncertain, and it will probably take longer to get there than it should. But the destination is clear. 5\*'

## Case

#### We get to insert re-highlightings – it’s not ‘cheating’ because it just points out broader arguments we’re making about the evidence – anything else causes a moral hazard where teams will spam miscut evidence because reading recuttings and pointing out evidentiary flaws takes longer than reading the evidence itself which magnifies 7-4-6 timeskew and causes a race to the bottom on evidence quality. Even if we don’t win rehighlightings good, you should evaluate the tags and be skeptical of their ev while looking through it for comparison purposes – our analytics still operate as arguments

#### You should be skeptical if the 1AR spends like 3-4 seconds on each rehighlighting – our arguments are warranted and specific to the aff’s cards – they are just truth level atrocious

### Advantage 1 — Workforce

#### **Semuels isn’t about the labor force, it’s about hospital workers specifically – that means no heg I/L, Harker reads yellow**

1AC Semuels 10/8 [(Alana, Journalist and currently senior economics correspondent at TIME magazine, previously The Atlantic, The Los Angeles Times, The Boston Globe.) “U.S. Workers Are Realizing It’s the Perfect Time to Go on Strike,” TIME, 10/8/21. <https://time.com/6105109/workers-strike-unemployment/>] RR

Thousands of workers have gone on strike across the country, showing their growing power in a tightening economy. The leverage U.S. employees have over the people signing their paychecks was amplified in Friday’s jobs report, which showed that employers added workers at a much slower-than-expected pace in September. The unemployment rate fell 0.4 percentage points during the month, to 4.8 percent, the government said Friday, and wages are continuing to tick up across industries as employers become more desperate to hire and retain workers. In the first five days of October alone, there were 10 strikes in the U.S., including workers at Kellogg plants in Nebraska, Michigan, Pennsylvania, and Tennessee; school bus drivers in Annapolis, Md.; and janitors at the Denver airport. That doesn’t include the nearly 60,000 union members in film and television production who nearly unanimously voted to grant their union’s president the authority to call a strike.

Jess Deyo is one of nearly 700 nurses who have been on strike as part of the longest healthcare strike in Massachusetts history. For the past seven months, Deyo has reported for duty at the hospital in Worcester, Mass. where she worked as a nurse for more than 15 years, sometimes bringing her daughters, and standing outside through the chills of spring and the heat of summer. The nurses are demanding higher nurse-to-patient ratios after a harrowing 19 months of working during a pandemic. “There’s no choice to give up on the strike,” she says. “It’s bigger than us—it’s for everyone.”

Most of these strikes aren’t counted by the federal government, which in the 1980s started only tracking strikes that involved 1,000 or more workers and that lasted one full shift or longer. There have only been 11 of those so far this year, according to government data, at places like Volvo Trucks and Nabisco.

But academics at Cornell University launched a strike database on May 1 that uses social media and Google alerts to keep track of all the strikes and protests happening in the U.S., even if they involve just a few workers. The database shows a picture of growing worker activism, of small actions that tell a story of how people at workplaces small and large are feeling after 19 months of a global pandemic, says Johnnie Kallas, a PhD student who is the director of Cornell’s Labor Action Tracker. It has documented 169 strikes so far in 2021. “Workers are fed up with low pay and understaffing, and they have more labor market leverage with employers needing to hire right now,” he says. “You are seeing a little bit more labor unrest.”

Of course, compared to half a century ago, there still aren’t many strikes in the U.S. There were 5,716 strikes in 1971 alone, according to government data from when the government tracked smaller strikes. And the share of unionized workers in the U.S. is near an all-time low, with just 12.1% of workers represented by unions last year.

But the activism comes at a time when approval of labor unions—even among Republicans—is trending upwards—and when a low unemployment rate is giving leverage to workers who have long put up with poor conditions and pay. A Gallup poll released in the beginning of July showed that 68% of Americans approve of labor unions, higher than it had been in years and up significantly from the 48% approval in 2009 during the throes of the Great Recession. The poll also showed that 47% of Republicans said they approved of unions—the highest share since 2003—and that 90% of Democrats did.

Greater income inequality, more strikes

Part of the support of unions and organizing may come from Americans’ discontent with growing inequality, much as inequality a century ago galvanized a labor movement then, says Tom Kochan, a professor of work and employment research at MIT. There are a growing number of billionaires in America–708 as of August—with a net worth of $4.7 trillion as of August 17. That’s more than the total net worth of the bottom 50% of Americans.

“I think the accumulated effects of the loss of good jobs in manufacturing, stagnant wages, growing inequality, and the growing disparity between executives and managers and the workforce—all of that is fueling increases in organizing,” he says.

Some of this labor activism was happening before the pandemic, Kochan says, when even the government’s strike tracker showed an uptick in unrest. Teachers in states like Arizona and Oklahoma started striking in 2018 because of low pay and a lack of public funding. In 2020, NBA athletes walked out of a playoff game to protest the shooting of Jacob Blake in Kenosha, Wisc.

The year 2019 saw 25 work stoppages involving 1,000 or more workers, the most since 2001. In 2017, 48% of non-unionized workers said they would vote to join a union if given the chance, higher than the share who said that in 1995 (32%) and 1977 (33%), according to Kochan’s research.

The pandemic worsened working conditions for thousands of workers like Deyo. Kellogg workers at a plant in Battle Creek, Mich., told the local news that they were lauded as heroes for working 16 hour days, seven days a week during the pandemic, and rather than reward them, the company recently decided to offshore some of their jobs. They went on strike on Oct. 5. Musicians at the San Antonio Symphony say they voluntarily accepted an 80% pay cut last season, and that the symphony then proposed first to permanently cut their pay by 50% and then to cut the number of full-time members from 72 to 42. They went on strike on Sept. 27.

Do strikes work?

For their part, employers say that they’re being fair, and that workers are being unreasonable. Kellogg provides workers with benefits and compensation that are among the industry’s best, a company spokesman, Kris Bahner, said in a statement. The company says it has not proposed moving any jobs from the Ready to Eat Cereal plants, which are the plants where the workers are striking, as part of negotiations.

The San Antonio Symphony said, in a statement, that the union and the symphony agreed to a 25% reduction in weekly salary for the 2020-2021 season, but that because there were fewer performances and because fewer musicians could fit on stage because of social distancing guidelines, some musicians did make 80% less than they would have made in a normal season. The symphony needs to make “fundamental changes,” a spokesperson said, and it cannot afford to spend more than it makes through ticket sales and donations.

Carolyn Jackson, the CEO of St. Vincent’s, where Deyo and hundreds of other nurses are striking, says that the nurses are trying to push a 1:4 nurse to patient ratio that Massachusetts voters rejected by a large margin in 2018. The hospital has done research and decided its staffing is appropriate, and that its staffing ratios are in fact better than most other hospitals in the state, she says. Ryan says the hospital announced it was hiring 100 permanent replacement nurses in May during a COVID-19 surge, and that the striking nurses are insisting on getting their old positions back.

That the hospital is not budging speaks to the fact that despite this increase in worker activism, workers may not gain much more power in the long run. Over the last 40 years, the government has made it much more difficult for workers to both form unions and to strike, says Heidi Shierholz, the president of the Economic Policy Institute, a progressive think tank. Amazon was able to effectively interfere in a union vote among its workers this spring, she says, preventing the union from succeeding.

Of course, a hearing officer at the National Labor Relations Board has recommended that the board throw out the results of the Amazon election and do it over, which speaks to a resurgence of government support for labor. President Joe Biden said he wanted to be “the most pro-union President leading the most pro-union administration in American history.” Labor has support at the state and local levels too: California Gov. Gavin Newsom recently signed a packet of pro-worker bills, including one that prohibits companies from imposing quotas on warehouse workers that prevent them from following health and safety law, and another that prohibits employers from paying workers with disabilities less than the state’s minimum wage. And in January, New York City Mayor Bill de Blasio signed a bill that forbids fast food restaurants from firing workers unless the employer has just cause, making New York City the first jurisdiction in the country that essentially ended at-will employment.

But even that support may not be enough to force a widespread change of working conditions in an economy where employees haven’t had much leverage since before the Great Recession, or earlier. Even some of the recent strikes haven’t led to workers’ desired outcomes. A five-week Nabisco strike recently ended with many of workers’ demands met, for instance, but the company still won the ability to pay weekend workers less than they do currently.

As for Jess Deyo and the Worcester nurses, many have been forced to move on. After Deyo’s unemployment benefits ended and her health insurance premiums spiked, she decided she needed to find another job so that she could support her family. She’s a single mother. She found a job working as a nurse at a doctor’s office, where she says she feels more appreciated than she’s ever felt at work. The hours are better and she finally feels respected. But she makes $13 less an hour.

#### AT Bahn and Lopezlira – their argument is that unions allow for collective bargaining, but [1] they don’t lead to union creation, just make existing ones potentially stronger – Seumuls cites Amazon blocking workers from creating unions as a barrier, means they don’t solve their internals [2] collective bargaining isn’t strike dependent, contracts are renegotiated on a schedule every few years – no link between AFF and bargaining [3] unions can and do already try to create collective bargaining agreements, companies can just refuse [4] the Lopezlira and Jacobs card is in the context of companies not being able to HIRE due to low wages, not current workers being upset – right to strike doesn’t affect people who aren’t applying to jobs due to low wages

#### Bahn says workers don’t want to strike – means no solvency, Harker reads yellow

1AC Bahn 19 [(Kate, the director of labor market policy and interim chief economist at the Washington Center for Equitable Growth) “The once and future role of strikes in ensuring U.S. worker power” Washington Center for Equitable Growth, 8/29/19. https://equitablegrowth.org/the-once-and-future-role-of-strikes-in-ensuring-u-s-worker-power/] RR

At the same time, there is an increasing consensus today that unions are a positive force for increasing worker power and balancing against economic inequality. In polling of support for unions and specific aspects of collective bargaining, Equitable Growth grantee Alex Hertel-Fernandez of Columbia University, along with William Kimball and Thomas Kochan of the Massachusetts Institute of Technology, find that support for unions has grown overall, with nearly half of U.S. workers in 2018 saying they would vote for a union if given the opportunity. This is a significant increase from one-third of workers supporting unionization in 1995. According to their research, workers primarily value unions’ role in collective bargaining and ensuring access to benefits such as healthcare, retirement, and unemployment insurance.

Strikes have historically been one of the strongest tools used by unions to ensure they have power to engage in collective bargaining. But striking was viewed as a negative attribute in the survey done by Hertel-Fernandez, Kimball, and Kochan. Yet, when they presented workers with the hypothetical choice of a union exercising strike power with other attributes of unions, such as collective bargaining, support increased.

But strikes, of course, do not take place in a bubble. The wider climate of worker bargaining power and institutions that support labor organizing plays a role in making this historically crucial tool effective again. So, too, does the power of employers to resist these organizing efforts when the labor market lacks competition that would increase worker bargaining power.

#### Lopezlira and Jacobs says squo solves wages – Harker reads yellow

1AC Lopezlira & Jacobs 9/3 [(Enrique, is the director of the Low-Wage Work program at the UC Berkeley Labor Center. He is a labor economist, directing and conducting research on how policies affect working families, with a particular focus on how these policies impact racial and gender equity. Doctorate in Economics from Howard University) (Ken, the chair of the University of California, Berkeley Center for Labor Research and Education, where he has been a labor specialist since 2002.) “Don’t Mistake the Disappointing Jobs Numbers for a Labor Shortage,” Barron’s, 9/3/21. <https://www.barrons.com/articles/dont-mistake-the-disappointing-jobs-numbers-for-a-labor-shortage-51630698151>] RR

Today’s jobs report shows a complicated picture for workers. The economy added only 235,000 jobs in August, despite near-record vacancies, while hourly wages grew faster than expected. But hold off a moment before calling it a labor shortage.

Yes, some employers are experiencing difficulty filling jobs as the economy begins to recover from the effects of the pandemic. But this alone is just one part of the picture. A labor shortage means there aren’t enough workers, and that is simply not the current case. While there are plenty of workers available, there are far fewer available, willing, and able to work at the current wages being offered. In other words, it isn’t that demand for workers is too high, it’s that wages are too low.

While it is true that wages have increased recently for some workers, it would be incorrect to believe that all workers now enjoy higher wages and greater bargaining power with employers. Unfortunately, the truth is millions of workers continue to earn low wages that make it nearly impossible for them to make ends meet.

The pandemic has made the economic situation for low-wage workers more dire, but typical workers’ pay has been growing very slowly over the last 40 years. Economic theory states wages are tied to productivity, but this is only in theory. The reality is that since 1979 the gap between pay and worker productivity has widened significantly, with productivity growing 62% over this period, while wages only grew by 18%. But if workers are more productive than ever before, why have they received few of the benefits of this increased productivity? The answer is that a greater share of the gains are going to those at the top—through higher salaries at the high end of the income distribution, as well as ever-larger corporate profits. And this has been made even worse by the pandemic, during which the net worth of billionaires in the U.S. increased by $1 trillion at the same time that 20 million workers lost their jobs.

Summer 2021 has seen some welcomed wage growth at the middle and bottom of the wage distribution. In terms of industries, the highest wage growth has been in leisure and hospitality (in restaurants and bars, for instance), which traditionally pays some of the lowest wages, and which saw the largest wage drops when Covid-19 hit.

Even with these wage increases, real wages for these service-sector workers have rebounded only to prepandemic trends. For workers in these sectors to experience real improvements in earnings, wages need to grow even further. However, there is no guarantee that the recent wage growth will last, let alone that further increases will materialize.

One way to help ensure a strong wage floor is by increasing the federal minimum wage, which has been stuck at $7.25 an hour since 2009. Twenty-nine states and the District of Columbia have higher minimum wages than the federal level, but that means there are 21 other states that do not. Increasing the federal minimum wage to $15 an hour, and indexing it to inflation, would help make sure all workers, regardless of where they live, receive decent pay—and that the value of their wages does not again erode over time.

While the minimum wage raises the floor, more is needed to improve wages and working conditions for the rest of America’s workers. Central to achieving a broad-based improvement in pay is enabling workers who wish to do so to form unions and engage in collective bargaining. Unions have been shown to improve not just wages and benefits, but also to reduce socioeconomic disparities. Unions raise wages and increase access to benefits for all workers, with the largest gains for those who earn the least in nonunion workplaces: women and workers of color. Unions don’t only benefit their members. When more workers in an industry are unionized, pay rises across the industry.

Unions also play an important role in promoting worker health and safety. As the Covid-19 crisis began, unionized workers were more likely to have access to personal protective equipment and paid sick days. Throughout the crisis, unions fought for strong worker protections on the job to reduce the spread of Covid-19 and to get the economy going again.

While support for unions is high, America’s labor laws make it extremely difficult for workers to organize and win collective bargaining. In just one egregious example, currently if an employer violates the National Labor Relations Act, there are no financial penalties. The Protecting the Right to Organize Act (PRO Act), which has now passed the House of Representatives and is waiting to be heard in the Senate, would change that. The PRO Act would create stronger remedies, expand bargaining rights, and put the decision over whether or not to join a union in the hands of the workers, where it belongs.

Many workers at the bottom have received raises over the last year. A growing body of evidence finds that policies which improve wages and family incomes help reduce racial disparities while having long-term, positive effects on a wide range of societal outcomes–from child and adult health to civic participation.

These structural and legal factors provide an important roadmap for us to ensure a robust and sustainable recovery that works for all Americans. Whether wage increases for the majority of workers continue depends on the decisions we make as a society.

#### Scull and Stone says lack of jobs is due to low education and talent not wages – AFF doesn’t solve, Harker reads yellow

1AC Scull and Stone 8/28 [(John, an associate in the Philadelphia, Pennsylvania, office of Jackson Lewis P.C. His practice focuses on representing employers in workplace law matters, including preventive advice and counseling.) (James, a principal of the Cleveland, Ohio, office of Jackson Lewis P.C. From the opening of the office in 2006 until early 2020, Jim served as office managing principal in Cleveland. At that time, he stepped down to focus on his busy practice and increased task force activities within practice groups and serving as co-leader of the firm’s Manufacturing industry group.) “Manufacturing Labor Shortage: Cultivating Skilled Labor By Engaging Local Communities,” JDSupra, 8/28/21. <https://www.jdsupra.com/legalnews/manufacturing-labor-shortage-1463687/>] RR

The worker shortage in manufacturing has been exacerbated by the 2020 COVID-19 pandemic, which erased over a decade of job gains in the manufacturing sector, eliminating more than 1.4 million positions, according to a report by Deloitte and the Manufacturing Institute (MI). To counter the trend, manufacturers should consider working with local schools and youth programs to develop a sustainable pipeline of talent.

While approximately 820,000 of the jobs lost in the COVID-19 pandemic have since been backfilled, nearly 500,000 positions remain open and manufacturing employers have had difficulty filling these roles. According to the MI report, manufacturing employers say it is currently 36 percent harder to find talent than it was in 2018, even though the unemployment rate today is much higher. This manufacturing employment shortage is likely to intensify as the number of unfilled manufacturing positions in the United States is expected to grow to approximately 2.1 million by 2030 — damaging the U.S. economy by up to $1 trillion.

While the pandemic certainly played a large role in damaging the U.S. manufacturing sector’s employment numbers, the worker shortage is nothing new. There are approximately five million fewer Americans employed in the manufacturing sector today than 20 years ago. Employers hope to reverse this trend and are under pressure to do so quickly as the median age of an American working in manufacturing is 44 years old, and older workers are retiring faster than they are being replaced.

#### AT Bloomberg Editorial Board – the internal link to US heg is a strong defense industry, but Scull and Stone is about generic manufacturing not the defense industry – proves no I/L to their heg terminal

#### Bloomberg Editorial Board admits the issue is lack of companies not lack of workers – Harker reads yellow

Bloomberg Editorial Board 4/7 [(Members of the editorial board will write and edit in other capacities within Bloomberg Opinion. Because our columnists have always spoken for themselves, they will continue as before — though columnists will still refrain from endorsing candidates, a policy we have had in place since we started in 2011.) “America’s Depleted Industrial Base Is a National Security Crisis,” Bloomberg, 4/7/21. <https://www.bloomberg.com/opinion/articles/2021-04-07/america-s-depleted-industrial-base-is-a-national-security-crisis>] RR

President Dwight D. Eisenhower’s farewell address is most famous for its warning against the “unwarranted influence” of the military-industrial complex. But Eisenhower also stressed the defense industry’s importance to the country’s security: After all, it helped the U.S. maintain superiority over its rivals, forestall great-power conflict and win the Cold War.

Six decades on, America’s military remains the most advanced in the world — but the industrial base supporting it has deteriorated. Industry consolidation, domestic manufacturing decline and dysfunctional federal budgeting have combined to reduce competition throughout the defense supply chain, eroding military readiness and potentially jeopardizing national security.

As Congress considers the Defense Department’s next budget, investing in a more nimble, innovative and resilient defense-industrial base should be among its highest priorities.

Some parts of the defense industry, to be sure, continue to flourish. The U.S. spends more on its military than the next 10 countries combined, with the Pentagon’s budget consuming more than half of all federal discretionary spending. Revenue for defense contractors has increased by 83% since 2011, with annual spending per company doubling in the past five years alone.

That money, however, is flowing to a reduced cast of contractors. An analysis by Bloomberg Government found that the number of Pentagon “prime vendors” — those that receive contracts directly from the government — has dropped by 36% in the last decade. An even smaller handful has reaped the most gains. According to the Government Accountability Office, nearly half of the 183 major contracts awarded by the Pentagon in 2018 went to just five contractors and their subsidiaries.

Such concentration imposes costs on both the military and the public. The first is financial. More than two-thirds of major Defense Department contracts are awarded without a competitive bidding process, according to the GAO; most of the rest receive bids from two or fewer companies. Fewer bidders means pricier contracts: Between 2008 and 2018, the average acquisition cost of a U.S. weapons program, in constant dollars, increased by 12.5%.

A lack of suppliers also undermines America’s ability to respond to crises. The Pentagon has identified a “staggering” number of cases where it relies on a single vendor for critical components. It’s down to a lone domestic source of both ammonium perchlorate, a key ingredient for warship propulsion systems, and chaff, a material that fighter jets release to evade enemy radar systems. A sole manufacturer provides all of the Army’s gun and howitzer barrels and mortar tubes. Meanwhile, offshoring has made the supply chain more vulnerable to trade disruptions, cyberattacks and sabotage.

This attenuation of the U.S.’s military supply chain poses a growing national security risk — and it demands a bold response.

President Joe Biden’s $2.25 trillion infrastructure plan includes $180 billion in investments to strengthen U.S. supply chains. The administration should use the Defense Production Act and other authorities to boost support for smaller domestic suppliers of critical goods and services. The Pentagon should also streamline its cumbersome contracting and acquisition process, which discourages innovation and crowds out nontraditional vendors. Initiatives like the Trusted Capital program, which connects investors with companies developing new military technologies, should be expanded. Finally, the Federal Trade Commission and the Justice Department should increase scrutiny of defense-industry mergers and acquisitions to limit excessive consolidation.

A well-functioning supply chain depends on a diverse array of private-sector companies. The viability of those companies, in turn, depends on a sufficient supply of skilled labor. Upgrading the skills of both service members and the civilian workforce that supports the military is critical. The Pentagon should expand digital training for current employees and offer promotions and higher pay to civilian staff with advanced technical skills. Congress should boost funding for the department’s Skills Imperative initiative, which brings together schools and employers to address defense-industry workforce needs. It should also encourage apprenticeship programs in key sectors, such as shipbuilding, that lack qualified workers.

As Eisenhower recognized, America’s influence abroad depends on its strength at home. Revitalizing the defense-industrial base is essential not only for national security, but also for the preservation of peace around the world.

#### AT Wright – their “pursuit inevitable” card just says that American people want us to keep pursuing democracy, that does not mean that the military actually has to do it – they don’t make policy choices or face policy constraints based on public opinion

#### Structural factors make hegemonic collapse inevitable and peaceful -- even restricting Trump can't reverse decline

Acharya 18 (Amitav, Professor of International Relations at the School of International Service, American University, UNESCO Chair in Transnational Challenges and Governance, Chair of its ASEAN Studies Initiative. *The End of American World Order: Second Edition*. Polity Press, Medford MA. Accessed via iBooks.)

In this new edition, I make the following arguments:

1. The global outpouring of concerns surrounding Trump's election as US President vindicate the book's analysis in 2014, that the US-led liberal international order or the American World Order (AWO) was in decline, even if the US itself was not.

2.Trump is the consequence, not the cause of the decline of the US-led liberal order.

3.Despite Trump's pledge to make “America great again,” he cannot reverse the decline of the US-led world order.

4. The global power shift from the West to the Rest continues despite recent economic slowdown and political crisis in several BRICS nations.

5. While the liberal order is imploding in the West, China and India are likely to pursue globalization, albeit in a way different from the earlier Western-led globalization. China in particular is taking on a more assertive role in reshaping globalization and global governance.

6. The architecture of global cooperation developed under the liberal order is fracturing and regionalism in Europe is facing a moment of crisis with Brexit, but new forms of international cooperation are emerging, such as China's Belt and Road Initiative.

7. While there are signs of growing conflict and violence in the world, these are not necessarily due to the decline of the American World Order. Many of the sources of violence are not new, and some are directly the result of policy choices made by Western powers led by the US (Iraq, Libya, and Syria). Some global challenges such as terrorism are actually highly localized, and there are long-term and newer sources of stability in the world that can be further developed through renewed cooperation and shared leadership with the emerging powers."

A multiplex world will not be free from conflicts and disorder. But absolute peace is illusory. The goal should be to achieve relative stability, preventing major power wars and genocide and managing regional conflicts to minimize human suffering. Just because the West is losing its hegemony does not mean the world is doomed to chaos, without leadership or cooperation. The nature of leadership is changing. A multiplex world presents both challenges and opportunities for global and regional cooperation. This would require the Western nations to shed their free-riding on the US and accept shared leadership with the rising and regional powers. It would require greater partnership between global and regional bodies, public, private and civil-society groups. This is a G-Plus World and requires a reformed system of global governance that accords genuine recognition to the voices and aspirations of the Rest. America and its Western allies must give up exclusive privileges in return for their trust and cooperation in order to make the system work. If this is the view of an optimist, then let me be one.

#### EVEN if the US regains legitimacy and economic strength, globalization ensures peace

Acharya 18 (Amitav, Professor of International Relations at the School of International Service, American University, UNESCO Chair in Transnational Challenges and Governance, Chair of its ASEAN Studies Initiative. *The End of American World Order: Second Edition*. Polity Press, Medford MA. Accessed via iBooks. 177-178)

No Going Back to the Future

But Trump notwithstanding, there is no going back to the future for the American World Order. Since the end of the Cold War, international relations scholars, policymakers, and public affairs pundits have offered a veritable medley of speculations about the future of world politics. The initial prognosis of many was a multipolar world akin to the European international system of the nineteenth and early twentieth centuries. While most greeted the end of the Cold War, others believed that multipolarity would make the future of world order similar to Europe's past, along with the danger of major power rivalry that characterized it. They even expressed nostalgia about Cold War bipolar stability, ignoring the regional conflicts and human catastrophes that occurred in the developing world.

With the US-led invasion of Iraq in 1991, arguments over whether multipolarity would prove more unstable than bipolarity were quickly overtaken by a new debate over the “unipolar moment.” On the one hand, its proponents saw unipolarity as stable and lasting; all the US needed to do was to actively police and counter any potential challengers. Yet the unipolarity is vanishing sooner than its proponents had forecast, the most optimistic of which expected it to last as long as the Cold War had. At the same time, those who had argued that the unipolarity would not last were wrong about how it might end. It was ended not by the rise of other powers, although this was a factor, nor by conservative isolationism. Rather, unipolarity carried within itself the seeds of its own demise: represented by the arrogance and unilateralism of the George W. Bush administration in the US. Its end was hastened not by isolationism but by adventurism.

It is not surprising that a good deal of the speculations about world order proved wrong-headed. They often drew their examples from European history and geopolitics. But the world was moving to a situation which had no precedent in human history: the simultaneous rise of a number of states existing in different locations which nonetheless were able to interact on a regular and sustained basis. While individual great powers had existed in different parts of the world through history, they had been in relative isolation from each other. Globalization and the attendant transport and communication revolution, and the emergence of global institutions, now make it possible for them to interact and affect international relations as a whole. The result is a world that can hardly be described in terms of the traditional Eurocentric jargon of polarity. By the time analysts were catching up to this realization, partly the result of another overblown narrative about the “rise of the rest,” one core belief about American power was making a last stand, the idea of a liberal hegemonic order.

This perspective argues that while America may be in decline, the liberal order it created will persist and might even co-opt its potential challengers, including China. This view, despite usefully highlighting the benign aspects of American hegemony, is flawed in important respects. It offers an exaggerated view of the scope of the liberal hegemonic order and glosses over its darker side, which had produced significant resistance to that order even before the 9/11 attacks on the US. There is scant recognition of the role of other states and transnational social movements in constructing international and regional cooperation.

In this book, I have offered a number of arguments why the future world order is unlikely to be an American-led liberal hegemony even if America recovers from its present economic downturn and legitimacy crisis. The degree of US dominance of the world will decline, even if the US itself does not. The resulting order would not be American, or hegemonic or liberal, in the narrow sense of reflecting US interests and values.

#### Business recovery is strong. Business confidence is high.

Halloran ’9-14 [Michael; 2021; M.B.A. from Carnegie Mellon University, former aerospace research engineer, Equity Strategist; Janney, “Despite Potential Headwinds, Key Labor Market Indicators Bode Well for the Economy,” https://www.janney.com/latest-articles-commentary/all-insights/insights/2021/09/14/despite-potential-headwinds-key-labor-market-indicators-bode-well-for-the-economy]

However, we remain encouraged by the recovery that has been unfolding since the economy began reopening. We continue to see improvement in important cyclical sectors of the economy while consumers are historically healthy and still have pent-up demand. Business confidence has rebounded with strong corporate profits that should support further capital spending and hiring (there are now more job openings than there are unemployed people by a record amount).

We expect to see further improvement in the international backdrop, supported by unprecedented fiscal and monetary stimulus and accelerating rates of vaccination. Although the impact of the Delta wave is still being felt, recent evidence confirms the effectiveness of vaccines in limiting deaths and hospitalizations. With the pace of vaccination now picking up in the areas most impacted by this wave—Asia and Australia—the case for fading headwinds leading to improving economic growth later this year remains positive.

The signals from financial markets themselves remain positive. Despite consolidating last week, stocks remain near record highs while the 10-year Treasury remains well above the lows of earlier this summer when concerns about Delta first emerged.

These factors support our view of a durable economic recovery from the pandemic that should continue supporting stock prices. A healthy labor market is a critical element for a sustainable recovery that supports profit growth and last week’s news from the labor market remains encouraging.

#### Unions devastate growth and worsen inequality – gains for workers shift costs to other parts of the economy

Epstein 20 [Richard A. Epstein Peter and Kirsten Bedford Senior Fellow @ the Hoover Institution. "The Decline Of Unions Is Good News." https://www.hoover.org/research/decline-unions-good-news]

This continued trend has elicited howls of protest from union supporters who, of course, want to see an increase in union membership. It has also led several Democratic presidential candidates to make calls to reconfigure labor law. Bernie Sanders wants to double union membership and give federal workers the right to strike, as well as ban at-will contracts of employment, so that any dismissal could be subject to litigation under a “for cause” standard. Not to be outdone, Elizabeth Warren wants to make it illegal for firms to hire permanent replacements for striking workers. They are joined by Pete Buttigieg in demanding a change in federal labor law so that states may no longer pass right-to-work laws that insulate workers from the requirement to pay union dues in unionized firms. All of these new devices are proven job killers.

The arguments in favor of unions are also coming from some unexpected sources in academia, where a conservative case has been put forward on the ground that an increase in union membership is needed to combat job insecurity and economic inequality.

All of these pro-union critiques miss the basic point that the decline of union power is good news, not bad. That conclusion is driven not by some insidious effort to stifle the welfare of workers, but by the simple and profound point that the greatest protection for workers lies in a competitive economy that opens up more doors than it closes. The only way to achieve that result is by slashing the various restrictions that prevent job formation, as Justin Haskins of the Heartland Institute notes in a recent article at The Hill. The central economic insight is that jobs get created only when there is the prospect of gains from trade. Those gains in turn are maximized by cutting the multitude of regulations and taxes that do nothing more than shrink overall wealth by directing social resources to less productive ends.

#### 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.

### Advantage 2 — Democracy

#### Werner isn’t about how US democracy is low, it’s about how the US deliberately only supports rich and powerful democracies due to power ambitions – AFF doesn’t change that and unions don’t control FoPo. ALSO NO WARRANT FOR SPILLOVER – CARD IS POWERTAGGED, Harker reads yellow

1AC Werner 7/9 [(Jake, a Postdoctoral Global China Research Fellow at the Boston University Global Development Policy Center.) “Does America Really Support Democracy—or Just Other Rich Democracies?” Foreign Affairs, 7/9/2021. https://www.foreignaffairs.com/articles/united-states/2021-07-09/does-america-really-support-democracy-or-just-other-rich] BC

In a speech he delivered in February, U.S. President Joe Biden painted a portrait of a world fundamentally divided between democracy and autocracy. “We’re at an inflection point,” he said, “between those who argue that, given all the challenges we face . . . that autocracy is the best way forward, . . . and those who understand that democracy is essential . . . to meeting those challenges.” Biden has insisted that both his domestic and foreign agendas put the United States in the best possible position to win this epochal conflict.

But this fixation on a clash between autocracy and democracy obscures a deeper divide in geopolitics. The United States asserts leadership of the world’s democracies, but it actually stands opposed to most democracies on many of the most significant global issues. From the COVID-19 pandemic to global trade rules, from climate change to economic development, the United States is actively frustrating the priorities of most of the world’s democracies. In the process, U.S. foreign policy is—in the name of democracy—compounding the global crisis of democracy and delegitimizing U.S. power.

Rich and poor democracies share many problems. Forty years of increasingly concentrated wealth, deteriorating public goods, eroding stability for workers, and a disintegrating sense of collective belonging have provided raw material for nationalism, racism, and authoritarianism in democracies of all levels of wealth. The Biden administration understands this. In speech after speech, Biden has made an essential point: people are losing faith in democracy because democracy is not meeting their needs. In his domestic agenda, Biden recognizes that investing in the common good, providing greater power and security to labor, and mobilizing people to confront the climate crisis are all crucial to the project of fending off illiberal politics and reviving democracy in the United States.

Yet Biden’s foreign policy suffers from a strange disconnect. Rather than pursuing a global strategy to revive faith in the common good, Biden focuses on outcompeting China—as if people outside the United States value democracy not because it empowers them but because it is synonymous with U.S. power. Biden argues that for the sake of democracy, Americans must “develop and dominate the products and technologies of the future.” That would certainly help Americans and people in other rich, technologically advanced democracies. That might help U.S. investors, but is not a vision of a global economy in which all democracies can deliver for their people.

A different approach is possible, one capable of reversing the global antidemocratic tide by opening new opportunities for people around the world. It will require a better framework for understanding today’s conflicts, one more capacious than a myopic binary that pits liberal democracy against its authoritarian other.

INVISIBLE DEMOCRACIES

The claim that the United States is at odds with most democracies may feel jarring, but that is only because U.S. leaders and media so often conflate the “world’s democracies” with the handful of rich countries, including former colonial powers in Europe (and Japan) and states that began as settler colonies, such as Australia and Canada. A 2020 New York Times article, for example, headlined the findings of a Pew Research Center poll this way: “Distrust of China Jumps to New Highs in Democratic Nations.” The poll was not, however, about “democratic nations.” Most of the world’s largest democracies—countries such as Brazil, India, Indonesia, Mexico, and South Africa—were not included, nor were many smaller democracies such as Botswana, Papua New Guinea, and Sri Lanka. It was instead a poll of people in (as Pew itself put it) “advanced economies.”

According to the Economist Intelligence Unit’s Democracy Index, democratic developing countries are home to twice as many people as rich democracies—three times as many, if one counts semidemocratic “hybrid regimes” such as those in Bangladesh, Nigeria, and Turkey. Yet the world’s many poor democracies remain largely peripheral to the worldview of U.S. policymakers. They enter into Beltway conversations only when they threaten regional stability or become useful in wider geopolitical conflicts.

This invisibility is understandable. Precisely because they are poor, the democracies of the global South exert far less influence over world politics and the global economy than their wealthy counterparts. The rich democracies account for about 15 percent of world population but enjoy 43 percent of global GDP as measured by purchasing power (59 percent in dollar terms), and their military budgets amount to nearly two-thirds of the world’s war spending. Many Americans also share a feeling of cultural or ethnic affinity with the rich democracies that does not extend to the poor democracies.

Confusing democracy with wealth fundamentally distorts strategic thinking about what U.S. leaders so often proclaim to be a top priority: ensuring that democracy flourishes around the world. Poor and rich democracies alike have been moving in an illiberal direction in recent years. But a foreign policy aimed at renewing and supporting democracy will fail if it is based solely on the preferences of rich countries. That’s because the democracies of the global South, more often than not, have interests that are very different from those of the rich democracies—interests that frequently align with more authoritarian developing countries. In other words, one effect of framing the major struggle in the world today as a fight between democrats and authoritarians is to render invisible the inequality that characterizes the global economy, which is often the more consequential division.

#### AT Pope – this card is about progressive legislation in terms of worker mistreatment, not democracy abroad – the card says that worker say leads to a more democratic US, but doesn’t change whether the US continues to exclusively support rich democracies or authoritarianism

#### AT Reddy – Again, says that strikes are key political tools, but doesn’t say that workers actually want to use strikes in order to shift US foreign policy or how it does or doesn’t support democracies abroad

#### AT Madeloni – XA responses to Pope and Reddy, this is about unions protecting worker rights and doesn’t say unions are motivated to strike over foreign policy and COMPANIES DON’T CONTROL US GOVERNMENT FOREIGN POLICY ANYWAYS SO THERE’S NO I/L

#### Turn – public employees striking is anti-democratic and hurts other government programs like welfare

Sherk, J., 2014. F.D.R. Warned Us About Public Sector Unions - NYTimes.com. [online] Nytimes.com. Available at: <https://www.nytimes.com/roomfordebate/2011/02/18/the-first-blow-against-public-employees/fdr-warned-us-about-public-sector-unions> [Accessed 15 July 2021].

“It is impossible to bargain collectively with the government.” That wasn’t Newt Gingrich, or Ron Paul, or Ronald Reagan talking. That was George Meany -- the former president of the A.F.L.-C.I.O -- in 1955. Government unions are unremarkable today, but the labor movement once thought the idea absurd. Public sector unions insist on laws that serve their interests -- at the expense of the common good. The founders of the labor movement viewed unions as a vehicle to get workers more of the profits they help create. Government workers, however, don’t generate profits. They merely negotiate for more tax money. When government unions strike, they strike against taxpayers. F.D.R. considered this “unthinkable and intolerable.” Government collective bargaining means voters do not have the final say on public policy. Instead their elected representatives must negotiate spending and policy decisions with unions. That is not exactly democratic – a fact that unions once recognized. George Meany was not alone. Up through the 1950s, unions widely agreed that collective bargaining had no place in government. But starting with Wisconsin in 1959, states began to allow collective bargaining in government. The influx of dues and members quickly changed the union movement’s tune, and collective bargaining in government is now widespread. As a result unions can now insist on laws that serve their interests – at the expense of the common good. Union contracts make it next to impossible to reward excellent teachers or fire failing ones. Union contracts give government employees gold-plated benefits – at the cost of higher taxes and less spending on other priorities. The alternative to Walker's budget was kicking 200,000 children off Medicaid. Governor Walker’s plan reasserts voter control over government policy. Voters’ elected representatives should decide how the government spends their taxes. More states should heed the A.F.L.-C.I.O. Executive Council’s 1959 advice: “In terms of accepted collective bargaining procedures, government workers have no right beyond the authority to petition Congress — a right available to every citizen.”

#### Every one of our scenarios turns warming – any risk means that we ow/