## \*\*1NC- Off Case\*\*

### 1NC- Police Unions PIC

#### Counterplan text:

#### -A just government ought to recognize only non-essential private sector citizens’ unconditional right to strike.

#### -The United States federal government ought to recognize the unconditional right of workers to strike except police officers.

#### We solve for the entirety of the affirmative’s case. This is mutually exclusive with the aff’s plan because they grant an unconditional right to strike for all workers.

#### The affirmative allows police strikes, which causes massive unrest, crime, and exacerbates corruption within police unions.

DiSalvo 20 (Daniel, Senior Fellow at the Manhattan Institute and professor of political science in the Colin Powell School at the City College of New York, Manhattan Institute, "The Trouble with Police Unions," https://www.manhattan-institute.org/the-trouble-with-police-unions )

In the first two decades of the 20th century, the question of whether police associations belonged in the labor movement at all was also debated. Some in the movement were concerned about the "divided loyalty" of police officers in situations where they were tasked with handling strikes by other unionists. Consequently, Samuel Gompers of the American Federation of Labor claimed to have "held off" on chartering police unions for years despite receiving numerous applications, beginning with a group of Cleveland police in 1897. The ability of police to exercise political power in their own right came to national attention with the Boston police strike of 1919. After World War I, Boston police officers — complaining of low pay, lousy working conditions, and autocratic bosses — sought to organize a union and affiliate themselves with the AFL. The city's commissioner denied the officers' right to unionize. In response, about 80% of Boston's police force went on strike. Over the following three days, lawlessness reigned, resulting in many injured persons and much property damage. Calvin Coolidge, the Massachusetts governor at the time, took a firm stand, declaring, "There is no right to strike against the public safety by anybody, anywhere, anytime." He sent in 7,000 state militiamen to restore order. To disperse rioters, the state guards shot directly into crowds, killing nine and wounding 23. When order was finally restored, all 1,147 striking officers were fired and replaced. As Joseph Slater of the University of Toledo College of Law has shown, the strike proved disastrous for police unions and public-sector unions more generally. President Woodrow Wilson called the strike "a crime against civilization." From the 1920s through the 1940s, bipartisan opposition to the unionization of public employees was widespread. State- and local-government workers were not even considered for inclusion in the National Labor Relations Act of 1935 (often called the "Wagner Act"). In a 1937 letter to the leader of the National Federation of Federal Employees, President Franklin Roosevelt bluntly stated that "the process of collective bargaining, as usually understood, cannot be transplanted into the public service" and that strikes by public employees were "unthinkable and intolerable." It was not until a wave of state legislation in the 1960s and 1970s — which granted state- and local-government employees collective-bargaining rights — that most police officers gained them as well. The transformation was swift and dramatic. Collective-bargaining rights were extended from 2% of the state- and local-government workforce in 1960 to 63% in 2010. The changes in state laws were spurred by President John Kennedy's 1962 Executive Order 10988, which gave federal employees "the right...to form, join and assist any employee organization or to refrain from any such activity." The new state laws facilitated the conversion of police-officer associations, lodges, and orders into unions. "Hard pressed to defend the invidious distinction between police officers and other public employees on either ideological or political grounds," wrote professor of labor relations Marvin Levine in his history of police unions, "many elected officials realized that it was pointless to resist the rank-and-file demands any longer." The result was the formal recognition of police unions and the extension of collective-bargaining rights to law enforcement in many jurisdictions. In the 1960s, police associations became more politically active, especially since they were gaining labor rights during a period of urban unrest and public hostility to the police. In a 1977 book, Stanford University political scientist Margaret Levi described police unions as a "bureaucratic insurgency" that overcame police-commissioner opposition in several major cities. In some instances, the unions even served as platforms for launching the political careers of former officers and officials. POLICE UNIONS AND THE LABOR MOVEMENT Today, police enjoy collective-bargaining rights in 41 states and the District of Columbia, and union locals are dispersed across the roughly 18,000 police departments nationwide. Only Georgia, North Carolina, South Carolina, Tennessee, and Virginia prohibit bargaining for public employees, while Alabama, Colorado, Mississippi, and Wyoming lack statutes to either advance or oppose police unions. Even where collective bargaining is prohibited, police associations provide members with legal services, political advocacy, and insurance policies. In terms of raw numbers, the Bureau of Labor Statistics' Current Population Survey found that in 2019, 57.5% of the nation's 712,336 police officers were covered by collective-bargaining contracts, and 55% of officers were union members. In addition, there were 80,802 police supervisors and detectives, 40.6% of whom were union members and 43.3% of whom were covered by union contracts. Police unions are present throughout the labor movement, but their relationship with it remains tense. Ronald DeLord, a Texas attorney and leading expert on police unions, describes the police labor movement as "a maze of different affiliations." Indeed, police unions are notorious for switching affiliations and shifting back and forth from independent status to affiliation with a larger labor federation. The largest police organization, the Fraternal Order of Police (FOP), boasts some 354,000 members, though it does not affiliate with any of the major labor federations. The second largest is the National Association of Police Organizations, with some 236,000 members. Though independent, it maintains ties to the International Brotherhood of Police Officers, which is chartered by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), to work on federal legislation. When it comes to organized labor as traditionally understood, only 15% to 20% of law-enforcement employee organizations affiliate with the AFL-CIO. One estimate is that between 100,000 and 150,000 law-enforcement officers belong to locals that affiliate with the AFL-CIO. This helps explain why many police officers don't think of themselves as members of a labor union but instead as part of a lodge or association. Other major union federations also count police locals among their affiliates. These include the American Federation of State, County and Municipal Employees (AFSCME), which has between 10,000 and 15,000 police members; the Service Employees International Union (over 10,000 police members); the Communications Workers of America (26,000 police members); and the International Brotherhood of Teamsters (15,000 police members). Bizarrely, if one counts the total number of police-union members reported by the major labor federations, one finds that there are more members than there are police officers in the country. Moreover, not all officers are members of a union. The reason for the discrepancy is that many officers and local unions affiliate with multiple union federations, which is illegal in the private-sector union context. Police unions are also known for inflating their membership figures. A complete picture of police-union membership and their affiliations, therefore, remains elusive. Today, tensions between police unions and the labor movement are at an all-time high. A threat of expulsion hangs over police unions, as the labor movement has previously excommunicated unions deemed reprobate. (Excluded unions have included those with links to the Communist Party and organized crime, as well as locals that were racially segregated.) Progressive unionists want police reform — and to distance themselves from unions that oppose such efforts. In fact, after the events of this past spring, several unions sought to excise police from their ranks. The Association of Flight Attendants, for instance, passed a resolution calling on police unions to support reform "or be removed from the Labor movement." A union representing 100,000 workers in Seattle voted to expel the Seattle Police Officers Guild. Other labor leaders, especially at the national level, are concerned that ousting police unions could set a bad precedent. Patrick Lynch, president of the Police Benevolent Association of New York City, offered the clearest statement of the underlying reasoning for keeping police unions within the house of labor: "The rhetoric that [opponents of police unions] are using now is the same rhetoric that has been used to strip union protections from teachers, bus drivers, nurses and other civil servants across this country." The concern is that if collective-bargaining rights for police unions are constricted, similar arguments could be applied to other public-sector unions. It is unsurprising, then, that the leaders of several major federations have come out strongly in favor of police unions. AFL-CIO president Richard Trumka favors keeping police unions in the fold. In his view, it is better to keep police unions in the tent and work with them than to push them out and potentially work against them. Instead, he has called for congressional action to prohibit choke holds, expand the use of body cameras, limit no-knock warrants, and prevent the transfer of military-grade equipment to law enforcement. AFSCME president Lee Saunders, meanwhile, has flatly denied that police-union contracts provide a "shield for misconduct or criminal behavior." He has gone so far as to analogize police unions today to the striking African-American sanitation workers in Memphis with whom Martin Luther King, Jr., was marching when he was shot. As Saunders put it, "just as it was wrong when racists went out of their way to exclude black people from unions, it is wrong to deny this freedom to police officers today." COLLECTIVE BARGAINING AND POLICE CONTRACT Like other public-sector unions, police unions influence the structure and operations of police departments in two ways: from the bottom up, through collective bargaining, and from the top down, through political activity. Collective bargaining concerns the power and interests of workers and management. It gives police unions a hand in shaping the departments in which their members work. By circumscribing the rights of management, police unions partially determine the structure and operation of police bureaucracies. Labor unions are largely in the business of protecting members' job security and winning members better salaries and benefits. Collective-bargaining statutes applying to state- and local-government employees thus stipulate that agency managers (and elected officials behind them) must negotiate with unions representing those employees over pay, benefits, and conditions of employment. These statutes, along with union organizational incentives like leadership elections, force union leaders to prioritize such issues at both the bargaining table and in political advocacy. And in fact, research finds that collective bargaining tends to increase the pay, benefits, and job protections of public employees who enjoy such rights. Pay and benefits are not the subject of today's controversies, however. Rather, current concerns focus on the rules inscribed in collective-bargaining contracts negotiated under the rubric of "conditions of employment." In many jurisdictions, these conditions establish disciplinary, grievance, and arbitration procedures for officers accused of misconduct. Such job protections are said to shield incompetent or abusive officers, as union leaders have a legal duty to defend all members equally. To be sure, many of the protections police unions demand reflect the unique challenges of policing. Given the nature of law enforcement, police necessarily develop a somewhat adversarial relationship with the communities they serve. Officers are sometimes faced with unpleasant, high-tension, and even dangerous situations on the job, and are granted considerable discretion in determining when the use of force is necessary to address them. False or exaggerated citizen complaints are unavoidable. Therefore, labor representatives often prioritize protecting their members against these threats. These safeguards are especially important to officers insofar as the skills they develop on the job are not easily transferrable to other employment, which makes dismissal especially costly. A recent study of police misconduct by Ben Grunwald of the Duke University School of Law and John Rappaport of the University of Chicago Law School found that in Florida, officers fired from their preceding job find new law-enforcement work at about half the rate of officers who voluntarily leave their preceding job. Moreover, fired officers take longer to find new jobs than those who leave voluntarily, and they tend to go to smaller departments with fewer resources

#### Strengthening police unions leads to decreased police accountability

Matthews 20 (Dylan, Vox, "How Police Unions Became So Powerful - and How They Can Be Tamed," <https://www.vox.com/policy-and-politics/21290981/police-union-contracts-minneapolis-reform>)

In local cases, this attitude has translated to a defense of officers who kill or wound innocent civilians. The Louisville Metro Police Department has been limited to just announcing its “intention” to fire Brett Hankison, a detective who shot his gun 10 times during the raid that killed Breonna Taylor, rather than actually firing him outright. This limitation is largely because of the city’s contract with the police union, which gives Hankison multiple opportunities to appeal. He is first allowed a “pretermination hearing” with counsel, and then, once terminated, an appeal to the police merit board, of which Hankison himself is a member. In extreme cases, this resistance to discipline has translated into “depolicing,” in which police forces cease making arrests as a protest against civilian leaders and activists whom they perceive as demonizing police. The NYPD conducted a work slowdown in late 2014 and early 2015 over perceived disrespect from Mayor Bill de Blasio — though crime actually fell during the slowdown according to a subsequent study analyzing the period (but that might just be because the slowdown was limited to low-level offenses). PBA president Pat Lynch called for another slowdown in 2019 when the police commissioner fired officer Daniel Pantaleo for choking Eric Garner to death five years earlier. In Baltimore, a police slowdown known as “the pullback” ensued after the district attorney indicted officers for the death of Freddie Gray in 2015; many analysts, like ProPublica’s Alec MacGillis, attribute the 62 percent jump in homicides in 2015 at least in part to police just giving up on their jobs. There is also some limited evidence that police unions themselves make use of force problems worse. University of Chicago Law School’s Dhammika Dharmapala, Richard McAdams, and John Rappaport looked at a 2003 Florida Supreme Court decision that gave collective bargaining rights to sheriffs’ deputies. They use police departments, which were unaffected, as a control group, and find that in the wake of the decision, misconduct violations rose in sheriff’s offices but not in police departments. That suggests that collective bargaining itself caused a rise in misconduct, perhaps by making sheriff’s deputies feel like they could get away with it. Another study by economists Rob Gillezeau, Jamein Cunningham, and Donna Feir, which has yet to be published but was discussed by one of its authors on NPR’s Planet Money podcast, used the varying times at which different states rolled out collective bargaining rights to police unions starting in the late 1950s to see if introducing police unions made a difference in police killings. They found it did, Gillezeau told NPR: We found that after officers gained access to collective bargaining rights that there was a substantial increase in killings of civilians — 0.026 to 0.029 additional civilians are killed in each county in each year, of whom the overwhelming majority are nonwhite. That’s about 60 to 70 per year civilians killed by the police in an era historically where there were a lot fewer police shootings. So that’s a humongous increase. Another study by Oxford’s Abdul Rad found that police union contract provisions protecting police are correlated with greater police abuse, though the study warns that it’s hard to prove the relationship is causal. Another way to look at this question is to examine the text of police union contracts. In 2018, Stephen Rushin, a law professor at Loyola University Chicago, examined 656 police union contracts and found that “the vast majority of these departments give police officers the ability to appeal disciplinary sanctions through multiple levels of appellate review. At the end of this process, the majority of departments allow officers to appeal disciplinary sanctions to an arbitrator selected, in part, by the local police union or the aggrieved officer.” Rushin notes, “While each of these appellate procedures may be individually defensible, they combine in many police departments to create a formidable barrier to officer accountability.” Rushin has found similar problems examining provisions of police contracts not related to the appeals process, including, for instance, rules giving officers a heads-up that they will be interviewed by internal affairs detectives or other investigators in a few days about a case of potential wrongdoing. “Most people, including myself, would say if you provide officers with delays telling them we’ll interview you in two days, that probably is a barrier to accountability,” Rushin told me. “Notifying that you’re about to talk gives them time to compare stories” and potentially come up with fake alibis or other lies. It’s a subtle matter, however: Notification that enables an officer to obtain legal representation seems like an essential due process provision, but notification long enough to enable cover stories goes too far. Much of the difficulty in studying police unions is in how to think about these kinds of provisions, Rushin told me. “One thing I’ve learned going through this process is what one person calls due process, another person calls a problematic provision,” he says. “A lot is in the eye of who’s doing the coding.”

#### Stronger police unions actively prevent meaningful criminal justice reform

Matthews 20 (Dylan, Vox, "How Police Unions Became So Powerful - and How They Can Be Tamed," <https://www.vox.com/policy-and-politics/21290981/police-union-contracts-minneapolis-reform>)

In Buffalo, the city’s Police Benevolent Association president John Evans has actively defended officers who pushed 75-year-old protester Martin Gugino to the ground. When the officers who pushed Gugino were seen leaving their arraignment on felony assault charges, a large crowd of police union members and sympathizers was seen cheering them on. In New York State broadly, police unions led opposition to newly signed legislation that prevents police from hiding misconduct complaints and criminalizes chokeholds. These are hardly aberrations. Police unions in general have become the most vocal interest group opposing criminal justice reforms and especially reforms to police discipline and use of force. Historically, they have, unlike most unions, been profoundly conservative institutions that uphold a particular white ethnic, “law and order”-focused variant of right-wing politics. They have been among Donald Trump’s most fervent allies; Kroll spoke at a Trump rally in 2018, and the International Union of Police Associations has already endorsed Trump for reelection. The foregrounding of police unions’ role in the warping of American law enforcement has also prompted some difficult conversations on the left. The presence of a segment of a union movement that’s unapologetically right-wing and hostile to Black communities has tested the limits of solidarity from more left-wing unionists. As long as police forces exist, police unions will exist in some form as well, even if just as political pressure groups. It is therefore natural to think that reforming police unions in some way must be part of the broader agenda of changing policing in America. They are among the biggest stakeholders in the way the system works now; without addressing their power, other reforms may never get off the ground.

#### Criminal justice reform strengthens communities, combats injustice, and bolsters the economy

Policy Link 18 (National research and action institute advancing racial and economic equity, "Criminal Justice Reform: Good for Families, Communities, and the Economy," <https://www.policylink.org/resources-tools/casey-equal-voice-series-criminal-justice-reform>)

The Economic Benefits of an Equitable Criminal Justice System The current criminal justice system relies on punitive measures to deter or prevent crime and tends to reinforce social structures of inequity; focusing instead on preventing crime and reducing recidivism would make communities safer and more able to thrive economically. An equitable criminal justice system would prioritize community safety, prevention, just sentencing, and alternatives to detention. Such a system would not only make communities stronger, it would also provide strong economic benefits, including the following. • Substantial state and local savings from alternatives to incarceration. The National Council on Crime and Delinquency estimates that if 80 percent of people incarcerated for nonviolent offenses were sentenced to effective alternative programming rather than prison, states and localities across the nation could save at least $7.2 billion annually.7 In California, Proposition 47 reduced the sentencing for nonviolent and nonserious offenses such as simple drug possession from felonies to misdemeanors. With this change, the state is expected to save more than $1 billion over the next five years, which will be directed to substance abuse and mental health programs, among other key services.8 Research suggests that using probation and alternative sentences for low-level, nonviolent offenses could reduce annual per capita corrections costs by an average of $22,250.9 A more productive workforce and stronger economy. Separate from reducing incarceration rates, huge gains could be made in economic productivity by enacting stronger supports for those with arrest and conviction histories. These supports include sealing the records on minor and nonviolent offenses and providing antidiscrimination protections in employment, housing, and public benefits. Such measures would yield economic benefits by increasing earnings, producing higher income tax revenues, and reducing the costs associated with recidivism. The RAND Corporation recently reported that for every dollar spent on education programs in prisons, taxpayers save $4 to $5 in recidivismrelated incarceration costs over the next three years.10 The Center for Economic and Policy Research has estimated that annual GDP would be $65 billion stronger if not for employment losses among people with criminal records.11 • Decreased poverty and unemployment, especially among communities of color. In 2008, barriers to employment for people with criminal records accounted for almost a full percentage point of the nation’s unemployment rate, representing 1.7 million Americans who were willing and able to work but unable to find jobs.12 Researchers have calculated that the U.S. poverty rate would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration and the substantial social obstacles faced by people with criminal records.13

### 1NC- Economy Disadvantage

#### Uniqueness: Inflation is bound to decrease in the coming weeks – If it does not, the dollar will decline, and the economy will suffer.

Smith 10/5/21

Elliot Smith (Markets Reporter for CNBC, University of Warwick with a BA(Hons) in Philosophy), 6-21-2021, “Era of higher inflation would cause major currency volatility, economist says,” CNBC, [https://www.cnbc.com/2021/10/05/era-of-higher-inflation-would-cause-major-currency-volatility-economist-says.html //](https://www.cnbc.com/2021/10/05/era-of-higher-inflation-would-cause-major-currency-volatility-economist-says.html%20//) AW

Markets have been gripped in recent weeks by the debate as to whether higher inflation is here to stay, and analysts have suggested the outcome could have significant repercussions for currency markets. The [10-year U.S. Treasury](https://www.cnbc.com/quotes/US10Y) yield hit a recent high of 1.56% last week as key inflation data showed consumer prices [spiking to multi-year highs](https://www.cnbc.com/2021/10/01/euro-zone-inflation-hits-highest-level-in-13-years-as-energy-prices-soar.html) in the U.S. and the euro zone. While consensus among central bank policymakers remains that [**higher inflation is transitory**](https://www.cnbc.com/2021/09/29/fed-chair-powell-calls-inflation-frustrating-and-sees-it-running-into-next-year.html), the result of a confluence of surging energy prices and global supply problems, investors have begun to seek protection, with major stock markets snapping multi-month winning streaks in September. The return of a regime of higher and less stable inflation across major economies would cause a spike in exchange rate volatility, and ultimately the **depreciation of currencies in countries experiencing the highest inflation prints**, according to Jonas Goltermann, senior markets economist at Capital Economics. “Although the near-term relationship between inflation differentials and exchange rates is weak, **over longer time horizons countries with relatively high inflation tend to experience depreciation of their nominal exchange rates,**” Goltermann highlighted in a research note last week. “Indeed, on a long enough period, this effect often dominates other factors affecting exchange rates, such as relative productivity and terms of trade.” The last two decades have been marked by low and stable inflation in many developed markets, in contrast to a period of high inflation in the 1970s and 80s in which a greater disparity occurred across geographies. Goltermann noted that in general, nominal exchange rates weakened over that period in countries with higher inflation, but when central banks tightened policy in response, it led to temporary but significant appreciation. Exchange rate volatility was notably higher across the major currencies than in recent years. Nominal exchange rates indicate the value of foreign currency in exchange for a unit of domestic currency, while real exchange rates show the value of a country’s goods and services in exchange for those of a foreign country. Capital Economics holds a similar view on the outlook for inflation to [Wharton finance professor Jeremy Siegel](https://www.cnbc.com/2021/10/03/market-is-unprepared-for-inflation-fallout-whartons-jeremy-siegel.html), who told CNBC on Friday that inflation is going to be a “much bigger problem than the Fed believes.” Goltermann projected that among developed economies, the U.S., U.K., Canada and Australia are “more at risk of sustained higher inflation.” “This suggests to us that **their currencies will weaken in nominal terms relative to the currencies of many European and Asia economies, where we expect inflation to remain subdued.**” In emerging markets, Goltermann suggested that Brazil, Colombia, South Africa, Indonesia and the Philippines are at risk of an inflation pickup and currency depreciation, joining the likes of Argentina and Turkey, which have already endured several years of double-digit inflation. Along with this longer-term deterioration, volatility would likely pick up due to added uncertainty over inflation outcomes and monetary policy responses, producing more significant swings in currency markets, he said. “Our base case is that most policymakers will continue to keep real interest rates low in order to boost economic growth and to reduce high debt levels gradually,” Goltermann said. “But to the extent that some central banks attempt to bring inflation down through tightening policy significantly, that could generate more significant volatility.”

#### Link: The aff increases wage growth, which is the biggest threat to inflation

Horsley 8-11-21

Scott Horsley (Bachelor's degree from Harvard University and an MBA from San Diego State University. ), 8-11-2021, "Wages Are Going Up — And So Is Inflation. Consumer Prices Have Hit A 13-Year High," NPR.org, [https://www.npr.org/2021/08/11/1026493316/workers-are-getting-pay-raises-and-it-could-end-up-contributing-to-high-inflatio //](https://www.npr.org/2021/08/11/1026493316/workers-are-getting-pay-raises-and-it-could-end-up-contributing-to-high-inflatio%20//) AW

A lot of workers are getting wage hikes this year as employers compete for scarce labor. But it's not all good news for workers, or for the economy: Some businesses are raising prices to offset the wage hikes, contributing to surging inflation and eroding some of the benefits from that higher pay. The Labor Department reported Wednesday that consumer prices were 5.4% higher in July than a year ago. That matches the June inflation rate, which was the highest in nearly 13 years. The increase was driven by rising costs for shelter, food, energy and new cars. Most of the recent jump in inflation has been caused by pandemic bottlenecks, like the shortage of chips that limited new car production and caused a [big spike in the price of used cars](https://www.npr.org/2021/07/13/1014697915/inflation-is-still-high-used-car-prices-could-help-explain-what-happens-next). Used car prices continued to climb in July, but at a much slower rate, and those prices are expected to decline in the months to come. [ECONOMY](https://www.npr.org/series/812054919/the-coronavirus-crisis) [Inflation Is Surging. The Price Of A Toyota Pickup Truck Helps Explain Why](https://www.npr.org/2021/06/10/1004806688/inflation-is-surging-the-price-of-a-toyota-pickup-truck-helps-explain-why) **Rising worker pay could become a bigger factor in higher prices** going forward even if it's not raising alarm bells yet. Burrito chain Chipotle, for example, boosted its average pay to $15 an hour this summer. But to cover the cost of that pay increase, Chipotle raised prices 3.5% to 4%. For the moment, restaurants are able to pass on [higher costs to customers](https://www.fitchratings.com/research/corporate-finance/us-restaurants-up-prices-to-offset-labor-inflation-on-strong-demand-09-08-2021) without a hit to their bottom lines because demand for eating out remains so strong. "People are tired of cooking their own meals," says Lyle Margolis, a senior director at Fitch Ratings. "They're tired of cleaning up after themselves. They want to be waited on and they want to be social. And restaurants are a great place to do that." Chipotle, for one, has seen little drop in demand for carnitas or guacamole. "We saw very little resistance to the price increase," CEO Brian Niccol said on the company's quarterly earnings call. [ECONOMY](https://www.npr.org/sections/business/) [Inflation Is Still High. Used Car Prices Could Help Explain What Happens Next](https://www.npr.org/2021/07/13/1014697915/inflation-is-still-high-used-car-prices-could-help-explain-what-happens-next) But it's not necessarily all good news. The price of restaurant meals jumped 0.8% between June and July — the biggest increase in more than four decades. Other prices are also rising, partly as a result of rising wages. [Tyson says it plans to raise prices](https://www.wsj.com/articles/tyson-foods-says-labor-grain-costs-boosting-meat-prices-11628529948) for chicken and pork, in part to offset higher wages in its meat processing plants. "It is encouraging that wages are rising," says Wells Fargo economist Shannon Seery. "Some of these lower-paying sectors are seeing higher wages, which in turn, hopefully, will bring more workers back to the labor force." "But it does suggest that this inflationary environment is broadening out beyond the supply constraints that we were initially seeing from the re-opening," Seery adds. The rising cost of living erodes some of the benefits of higher pay for workers who will have to pay more for a range of goods across the board. For employers, their rising labor cost is also something that bears closely watching. Amazon – the nation's second largest private employer – has been paying more to attract workers to its giant warehouses. "We have raised our wages and have increased the use of incentives to hire people," Amazon's chief financial officer Brian Olsavsky told reporters on a conference call. "We're watching it carefully. But it's probably one of the bigger elements of inflation in our business right now [Think Inflation Is Bad Now? Let's Take A Step Back To The 1970s](https://www.npr.org/2021/05/29/1001023637/think-inflation-is-bad-now-lets-take-a-step-back-to-the-1970s) Still, for now, Federal Reserve chairman Jerome Powell sees little danger of the kind of wage-price spiral that led to [runaway inflation in the 1970s](https://www.npr.org/2021/05/29/1001023637/think-inflation-is-bad-now-lets-take-a-step-back-to-the-1970s). Wage gains are likely to level off as more people return to the workforce. What's more, many employers have found more efficient ways to operate, so pay increases don't automatically have to be passed on to consumers. "**The problem is if it happens in a way that pushes firms broadly into raising prices," Powell told reporters last month. "We don't see that now."**

#### Internal link: Wage growth right now is the deciding factor on long-term inflation.

Cox 9/7/21

Jeff Cox (finance editor for CNBC), 9-7-21 “A sharp rise in wages is contributing to worries over inflation,” CNBC, [https://www.cnbc.com/2021/09/07/a-sharp-rise-in-wages-is-contributing-to-worries-over-inflation.html //](https://www.cnbc.com/2021/09/07/a-sharp-rise-in-wages-is-contributing-to-worries-over-inflation.html%20//) AW

Now might be a good time for the Federal Reserve to start worrying about inflation. [August’s jobs report](https://www.cnbc.com/2021/09/03/jobs-report-august-2021.html), besides being a big disappointment on the 235,000 headline number, also showed that wages are rising even with weak hiring. Average hourly earnings jumped 0.6% for the month, about double what Wall Street had been expecting, and the increase from a year ago stood at a robust 4.3%, up from a 4% rise a month ago. Even leisure and hospitality, which saw zero net job growth in August, saw wages jump 1.3% for the month and 10.3% on the year. Those numbers come as [the Fed is weighing when to start pulling back](https://www.cnbc.com/2021/08/26/feds-kaplan-worried-about-inflation-wants-to-announce-taper-in-september.html) on the historically easy monetary policy in place since the early days of the Covid-19 pandemic. Some voices on Wall Street expect the wage and inflation numbers to start resonating with Fed officials. “The 5.2% unemployment rate and rapidly rising wages suggest building inflationary pressure that will ultimately lead to more hawkish policy,” Citigroup economist Andrew Hollenhorst wrote in a detailed analysis of the current jobs situation. While Fed officials mostly discuss the total **payroll gains**, Hollenhorst said he “would expect this rhetoric to shift a bit, perhaps at the September [Federal Open Market Committee] meeting, with more focus on the high level of job openings and increasing wages.” Fed Chairman [Jerome Powell](https://www.cnbc.com/jay-powell/) went to great lengths in his annual speech in August [during the central bank’s Jackson Hole symposium](https://www.cnbc.com/2021/08/27/powell-sees-taper-by-the-end-of-the-year-but-says-theres-much-ground-to-cover-before-rate-hikes.html) to knock down concerns about rising wage pressures as well as inflation overall, despite consistently higher numbers. Niall Ferguson: **Inflation could repeat 1960s, when the Fed lost control** “Today we see little evidence of wage increases that might threaten excessive,” Powell said during the Aug. 27 speech. Measures Powell said he follows – he did not mention the Labor Department’s monthly average hourly earnings figure – point to “wages moving up at a pace that appears consistent with our longer-term inflation objective.” One specific measure Powell mentioned was the [Atlanta Fed’s Wage Growth Tracker](https://www.atlantafed.org/chcs/wage-growth-tracker?panel=1). That measure looks at wages on monthly and 12-month basis and then uses a three-month moving average to iron out distortions. On a smoothed level, the tracker is showing wages rising at a 3.7% pace, fairly consistent with the past few years. Without smoothing, the 12-month rate runs to 4.2%, which is the highest since 2007 and representative of how bumpy the data has gotten lately. The Atlanta Fed will next update the tracker Friday, giving [the Fed another look at potential pressures](https://www.cnbc.com/2021/08/27/powells-benign-view-on-inflation-is-getting-pushback-at-the-fed-and-elsewhere.html) that could trigger a wage-price spiral, which economists consider “bad” inflation. Fed officials thus far have attributed higher inflation numbers to supply issues. A continued rise in wages could signal that demand is becoming a factor. “When it is difficult to disentangle demand from supply effects, price signals become more important to assess the extent of excess demand,” wrote Nomura chief economist Rob Subbaraman. Concerns about policy To be sure, there also is evidence that some of the issues that might spur inflation could abate ahead, particularly some of the supply chain issues Powell has cited. The chairman also noted that unit labor costs remain low, meaning that companies still aren’t spending substantially more for productivity, which also could tamp down inflation. “They’re taking a lot of solace in all these other factors,” Moody’s Analytics chief economist Mark Zandi said. “Inflation is on their radar screen, but it’s not blinking red, not even yellow.” The rising wage numbers under most circumstances would be considered a positive. However, the gains trailed the headline [consumer price index growth of 5.4% in July](https://www.cnbc.com/2021/08/11/cpi-report-july-2021.html) and only matched the 3.6% increase when stripping out food and energy prices in July, the most recent month for which data is available. Some central bank officials and economists [worry that easy Fed policy is feeding inflation](https://www.cnbc.com/2021/08/27/powells-benign-view-on-inflation-is-getting-pushback-at-the-fed-and-elsewhere.html) and starting to cause more harm than help. [Rising home prices and high inflation expectations](https://www.cnbc.com/2021/08/31/two-more-factors-have-popped-up-that-add-to-the-feds-inflation-worries.html) from consumers are fueling some of those fears. “It is not surprising that a combination of doubling central bank assets over the past 18 months, massive fiscal stimulus, and a skill mismatch in the labor market has resulted in inflation rising to levels not seen in decades,” wrote Komal Sri-Kumar, president of Sri-Kumar Global Strategies. “Drilling a square peg into a round ole does not solve problems. It worsens it.” Still, Zandi thinks Powell and the Fed will be content with allowing wages to rise for now. “It’s not like they’re dismissing this as an issue. It’s a factor in their thinking about broader inflationary pressures,” he said. “But so far, they’d say the wage growth they’re observing is more a feature than a bug.”

**Internal link: Collapse of U.S. dollar hegemony causes an economic depression and war with China.**

**Zoffer 12**

Josh Zoffer (Legal Intern at the IMF, Yale Law), "Future of Dollar Hegemony", Harvard International Review, July 7, 2012. [http://hir.harvard.edu/article/?a=2951] DM & AW

Despite the dollar’s long history as the international reserve currency, the past few years have seen a growing number of calls for the end of dollar hegemony. Countries as diverse as France, Russia, and China have decried the dollar’s monopoly in foreign exchange markets, while in 2009 reports of a shift away from dollar-based oil trading surfaced in the Middle East. Reported plans to move away from the dollar reflected international frustration at a system fueling the United States’ “exorbitant privilege,” as the French have called it, one that rests its stability on the financial conditions of a country mired in debt and facing a financial meltdown. The implications of a true end to dollar hegemony, a shift away from the dollar as a reserve currency and pricing standard for oil transactions, could be catastrophic for the United States. In the worst case scenario, a drastic drop in demand for dollar-denominated assets would cause the interest rates on Treasury Securities to skyrocket, sending ripples through the US economy as the value of the dollar plummets. What is certain, however, is that whatever decrease in demand for US debt occurs will constrain the federal government’s ability to spend and the ability of the United States to defend itself. The United States has built its foreign policy around its vast military capability; a sudden budgetary shock and drop in military spending would leave the United States vulnerable as it scrambles to regroup in a new security environment. The ability of the United States to respond to threats across the globe would be diminished, and enemies would be incentivized to take aggressive action to take advantage of this new weakness. In particular, a rapidly militarizing China might be emboldened by its partial decoupling from US economic fortunes to adopt a bolder stance in the South China Sea, threatening US allies and heightening tensions with the United States. While war with China is all but off the table in the status quo, an international system devoid of both US military might and Chinese dependence on US debt as a place to park excess liquidity might lead to the conflict feared on both sides of the Pacific.

#### Impact: Depression means war – unique pandemic and international circumstances means it is the most likely cause.

Liu 18

(Qian, PhD in Economics, Uppsala, 11-13, https://www.weforum.org/agenda/2018/11/the-next-economic-crisis-could-cause-a-global-conflict-heres-why)

The response to the 2008 economic crisis has relied far too much on monetary stimulus, in the form of quantitative easing and near-zero (or even negative) interest rates, and included far too little structural reform. This means that the next crisis could come soon – and pave the way for a large-scale military conflict. The next economic crisis is closer than you think. But what you should really worry about is what comes after: in the current social, political, and technological landscape, a prolonged economic crisis, combined with rising income inequality, could well escalate into a major global military conflict. The 2008-09 global financial crisis almost bankrupted governments and caused systemic collapse. Policymakers managed to pull the global economy back from the brink, using massive monetary stimulus, including quantitative easing and near-zero (or even negative) interest rates. But monetary stimulus is like an adrenaline shot to jump-start an arrested heart; it can revive the patient, but it does nothing to cure the disease. Treating a sick economy requires structural reforms, which can cover everything from financial and labor markets to tax systems, fertility patterns, and education policies. Policymakers have utterly failed to pursue such reforms, despite promising to do so. Instead, they have remained preoccupied with politics. From Italy to Germany, forming and sustaining governments now seems to take more time than actual governing. And Greece, for example, has relied on money from international creditors to keep its head (barely) above water, rather than genuinely reforming its pension system or improving its business environment. The lack of structural reform has meant that the unprecedented excess liquidity that central banks injected into their economies was not allocated to its most efficient uses. Instead, it raised global asset prices to levels even higher than those prevailing before 2008. In the United States, housing prices are now 8% [higher](https://www.zillow.com/home-values/) than they were at the peak of the property bubble in 2006, according to the property website Zillow. The price-to-earnings (CAPE) ratio, which measures whether stock-market prices are within a reasonable range, is now [higher](http://www.multpl.com/shiller-pe/) than it was both in 2008 and at the start of the Great Depression in 1929. As monetary tightening reveals the vulnerabilities in the real economy, the collapse of asset-price bubbles will trigger another economic crisis – one that could be even more severe than the last, because we have built up a tolerance to our strongest macroeconomic medications. A decade of regular adrenaline shots, in the form of ultra-low interest rates and unconventional monetary policies, has severely depleted their power to stabilize and stimulate the economy. If history is any guide, the consequences of this mistake could extend far beyond the economy. According to Harvard’s Benjamin Friedman, [prolonged periods](https://scholar.harvard.edu/files/bfriedman/files/the_moral_consequences_of_economic_growth_0.pdf) of economic distress have been characterized also by public antipathy toward minority groups or foreign countries – attitudes that can help to fuel unrest, terrorism, or even war. For example, during the Great Depression, US President Herbert Hoover signed the 1930 Smoot-Hawley Tariff Act, intended to protect American workers and farmers from foreign competition. In the subsequent five years, global trade shrank by two-thirds. Within a decade, World War II had begun. To be sure, WWII, like World War I, was caused by a multitude of factors; there is no standard path to war. But there is reason to believe that high levels of inequality can play a significant role in stoking conflict. According to [research](http://www.hup.harvard.edu/catalog.php?isbn=9780674430006) by the economist Thomas Piketty, a spike in income inequality is often followed by a great crisis. Income inequality then declines for a while, before rising again, until a new peak – and a new disaster. Though causality has yet to be proven, given the limited number of data points, this correlation should not be taken lightly, especially with wealth and income inequality at historically high levels. This is all the more worrying in view of the numerous other factors stoking social unrest and diplomatic tension, including technological disruption, a record-breaking migration crisis, anxiety over globalization, political polarization, and rising nationalism. All are symptoms of failed policies that could turn out to be trigger points for a future crisis. Voters have good reason to be frustrated, but the emotionally appealing populists to whom they are increasingly giving their support are offering ill-advised solutions that will only make matters worse. For example, despite the world’s unprecedented interconnectedness, multilateralism is increasingly being eschewed, as countries – most notably, Donald Trump’s US – pursue unilateral, isolationist policies. Meanwhile, proxy wars are raging in Syria and Yemen. Against this background, we must take seriously the possibility that the next economic crisis could lead to a large-scale military confrontation. By the [logic](http://www.simonandschuster.com/books/The-Clash-of-Civilizations-and-the-Remaking-of-World-Order/Samuel-P-Huntington/9781451628975) of the political scientist Samuel Huntington , considering such a scenario could help us avoid it, because it would force us to take action. In this case, the key will be for policymakers to pursue the structural reforms that they have long promised, while replacing finger-pointing and antagonism with a sensible and respectful global dialogue. The alternative may well be global conflagration.

## \*\*1NC- On Case\*\*

### 1NC- Generic

#### The status quo solves the affirmative’s harms for two reasons:

1. **The National Labor Relation Act serves to protect workers right to strike  
   NLRB, no date** “The Right to Strike”, <https://www.nlrb.gov/strikes#:~:text=Section%207%20of%20the%20National,for%20employees%20by%20this%20section>., //NL

Section 7 of the National Labor Relations Act states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

It is clear from a reading of these two provisions that: **the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right.** See for example, restrictions on strikes in health care institutions (set forth below).

#### 2. Existing committees represented by workers are already monitoring and combatting inequality James J Brudney 21, “The Right to Strike as Customary International Law”, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil#:~:text=Using%20international%20labor%20and%20human,customary%20international%20law%20(CIL)>., //NL ILO = International Labour Organization

Convention 87, addressing freedom of association and protection of the right to organize, 33 was promulgated by the ILO in 1948. Unlike other U.N. specialized agencies, the ILO has a tripartite governing structure. Each of the 187 Member States is represented not only by governments but also by organizations of employers and of workers (referred to as “social partners”). Their right of participation as representatives includes the right to vote; the standard ratio of representation is 2:1:1, or two government, one employer, and one worker. 34 In the absence of an express provision on strikes in Convention 87, two leading ILO supervisory bodies have developed over many decades recognition for the right to strike as an essential component of FOA. The independent CEACR was established in 1926; it is charged with making impartial observations that address questions or concerns regarding a country’s progress toward compliance with ratified conventions in law and practice.35 The tripartite CFA was established in 1951, based on recognition that the principles of FOA and the rights to organize and engage in collective bargaining required a dedicated supervisory procedure to monitor compliance even in countries that had not ratified Conventions 87 and 98.36

#### Next, the affirmative does not solve:

1. **Strikes are generally not effective. The ones that work are surprises to the employer, meaning the affirmative’s recognition of an unconditional right to strike undermines any chance of solvency**

**Garneau 19** [Marianne Garneau is a labor educator and organizer with the historic IWW, Industrial Workers of the World. She’s the publisher of the website Organizing.Work. “Why Don’t Strikes Achieve More?” Organizing Work. May 1, 2019. <https://organizing.work/2019/05/why-dont-strikes-achieve-more/>] HW Alex Lee

Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the contract bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But **strikes don’t change the big-picture balance of power between employers and workers**. Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and **each walks away saying “You shoulda seen the other guy.”** At best, a win looks like giving the other side two wounds while you only suffer one. Where do we go from here? Strikes can nonetheless be powerful, of course: it remains the case that withholding production is the greatest tool workers have. **Strikes are most effective when they contain an element of surprise, when the employer does not see them coming**, or when they skirt the framework described above. Quickie strikes and sit-downs can resolve a problem before things even escalate to appealing to the labor relations infrastructure (grievances, lawyers, arbitration). Fairly spontaneous, mass strikes do frighten and intimidate employers and tilt things in workers’ favor. It’s important for us on the left to maintain our ability to accurately analyze and assess strikes and their resolutions. If you were to look at union press releases following strikes, you would never know they were incorporating two-tiers or other losses. Unions tend to minimize the damage, so as not to demoralize workers or shake their faith in the union. However, if we keep calling losses (or pyrrhic victories) wins, we may lose the ability to discern wins and losses, and the difference. And we will lose sight of what makes a strike effective.

1. **A right to strike is circumvented through criminal law, which restricts effective strike strategies. The use of court injunctions to prevent strikes, and the definitions of unfair labor practices all undermine solvency.**

**White 08 (Ahmed A. White (J.D. at Yale, Professor of Law, and Nicholas Rosenbaum Professor of Law Chair at University of Colorado), March 2008, "The Crime of Staging an Effective Strike and the Enduring Role of Criminal Law in Modern Labor Relations," WorkingUSA: The Journal of Labor and Society,** <https://lawweb.colorado.edu/profiles/pubpdfs/white/White11WUSA.pdf>**) // CR**

As many union members and labor activists already know, the reality is quite different than this view suggests. Rather than having been banished by modern labor laws from the realm of labor relations, the criminal law continues to play a decisive role in limiting the right tostrike. Nowadays, though, this antistrike function is a more ancillary and insidious one, as the criminal law is brought to bear to compel workers to surrender to the authority of the labor law itself, particularly in regards to how the law allows employers to respond to strikes and how, in turn, labor may counter this. Especially significant is the use of the criminal law to protect employers’ right to defeat strikes by resuming business with scabs: workers who cross the picket line and replacement. The criminal law essentially ensures that employers may break a strike by this means strikers without any real fear that unions might lawfully use the strike itself to counter this; it thus secures for employers an enormously powerful weapon. As I will try to show, this huge advantage is thoroughly unilateral, as the criminal law affords organized labor no comparable advantage in vindicating its rights under the labor law. The criminal law carries out this function in three distinct but mutually reinforcing ways. The first involves the arrest and prosecution of unionists who resort to overly militant tactics in trying to frustrate employers’ use of scab workers. Used in this fashion, the criminal law prohibits the very tactics that proved so vital to labor’s momentous organizing gains in the 1930s and 1940s— and the only tactics liable to foil an employer’s attempt to break a strike today. The second way that criminal law touches the right to strike is by employers’ use of court injunctions, backed by the prospect of criminal contempt, to bar strike activity. Like the straightforward arrest or prosecution of workers, this second approach is very much a resurrection of a practice all too common in pre-New Deal times, complete with a usual focus on supposedly violent, destructive, and threatening conduct. The difference, though, is that nowadays injunctions are issued in the name of vindicating rights under the labor law, even if this means the right of employers to break strikes. The third way the criminal law is used to undermine strikes involves the Board’s (and courts’) use of the criminal law to define union unfair labor practices and to draw the boundaries of strike activity that will be protected by the labor law from employer reprisals. This approach leaves workers whose actions surrounding a strike are so much as arguably criminal vulnerable to being disciplined or fired, especially if they do this trying to prevent the use of scabs. In these ways the criminal law maintains a key role in limiting the right to strike and ultimately preventing labor from using the strike to mount any effective challenge to employers’ hegemony over the workplace. As I have already suggested, appreciating this function of the criminal law can be difficult, though. For the suppression of labor rights seems no longer to be what criminal law is all about in modern society. Prior to the New Deal, it was difficult for anyone not to perceive the use of the criminal law in labor disputes as a crude assault on workers’ rights. Nowadays, though, things seem very different. Not only is the labor law itself, properly speaking, devoid of important criminal provisions; but the criminal law is seldom used as a bludgeon against unionists. It is rare to find the trumped-up charges, the lack of any semblance of proper procedures, the crimes tailor-made to undermine unions, or other outrages of the sort so common through most of the first half of the last century. When the criminal law is brought to bear, it is in the name of neutral enforcement of the law and vindication of the labor law itself.

1. **A right to strike is circumvented through policies which allow employers to permanently replace workers who strike for economic reason, thus discouraging any strikes.**

**Pope 04 (James Gray Pope (Doctorate in politics at Princeton, former representative of unions, Distinguished Professor of Law and Sidney Reitman Scholar at Rutgers), 2004, "How American Workers Lost Their Right to Strike, and Other Tales," *Michigan Law Review*,** https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1620&context=mlr**) // CR**

In NLRB v. Mackay Radio & Telegraph Co., the Supreme Court laid down a dictum that has puzzled legal scholars and vexed unions increasingly over the years. so According to this dictum, an employer enjoys the right permanently to replace workers who strike for better wages and conditions. The dictum is puzzling because the strike is one of those "concerted activities" protected under section 7, and employers are prohibited from discharging or otherwise interfering with, restraining, coercing or discriminating against employees for exercising section 7 rights. s1 Yet the Mackay Court simply asserted the employer right, offering no explanation why strikers - who are admittedly protected against "discharge" - can nevertheless be replaced permanently at the discretion of the employer. The employer's right to hire permanent replacements operates as an unqualified trump over the section 7 right to strike for better conditions and higher wages. The employer need not show any business reason for its exercise (for example, that unless replacements are offered permanent employment the company will be unable to continue operating), and the rule leaves no room for the Board to argue that the impact of permanent replacement on the section 7 right outweighs the employer's interest. s2 Theoretically, an employer violates the Act if it replaces strikers for reasons of anti-union animus. But because animus is virtually impossible to prove (unless the employer is clumsy enough to reveal it in public), the law does nothing to prevent an employer from seizing on the strike as an opportunity to replace union with nonunion workers. s3 In effect, when workers go out on strike, they give the employer a license to discriminate; the employer need only limit itself to (1) "permanently replacing" union workers as opposed to "discharging" them, and (2) discriminating only between strikebreakers and strikers as opposed to discriminating among loyal strikers (as on the facts of Mackay, where the employer targeted active unionists for replacement) or among strikebreakers. The result is a bizarre reversal of the strike's traditional function. Although the strike is legally protected so that it can provide workers with a source of bargaining power, it now serves as a source of employer bargaining power. According to a recent study of collective bargaining negotiations, employers are now more likely to threaten permanent replacement than unions are to threaten a strike.54 As Cynthia Estlund recently put it, the Mackay dictum has "rendered the strike useless and virtually suicidal for many employees, and has become employers' Exhibit Number One in union organizing campaigns. "55 As employers have turned increasingly to permanent replacements, the incidence of strikes has dropped sharply.56 That the labor movement considers the Mackay dictum to be a serious problem is evidenced by the fact that in 1996, at a time when the Presidency and both houses of Congress were held by Democrats, the AFL-CIO launched an intense campaign for legislation to overturn it - only to see the bill succumb twice to Senate filibusters.57 The Mackay Court cited no source and offered no reasoning to support the existence of an employer right permanently to replace strikers.58 The statutory language, which makes it an unfair labor practice for the employer to engage in "discrimination" based on union activity or to "coerce" employees in the exercise of their section 7 rights, appears to negate any such right.59 An employer that retains nonstriking workers at the end of a strike while denying returning strikers their jobs is certainly discriminating - in the ordinary meaning of the word - based on union activity.60 Workers who cross picket lines are rewarded with permanent jobs, while workers who exercise their statutory right to strike are punished with the loss of their jobs. And there are few more potent forms of coercion than forcing individual workers to choose between a protected activity and losing their jobs to permanent replacements. Whether the loss of a job comes as a result of a discharge (concededly illegal) or of "permanent replacement," it certainly constitutes a powerful disincentive to engage in protected activity. Furthermore, at the time of Mackay, section 13 of the Act barred courts not only from construing the Act to impose direct legal restraints on the right to strike, but also from reading it to "interfere with or impede or diminish" the right "in any way."61 Commentators have tried to fit the Mackay dictum into the structure of current law by asserting that it rests on the assumption that employers have a legitimate business need to offer prospective replacements permanent employment in order to operate during strikes.62 But the Court never made any such determination, and there is nothing in the opinion to indicate that the Justices were thinking along those lines. If they were, then they were simply wrong on the facts. Employers routinely succeed in obtaining striker replacements without offering permanent employment, and there is no evidence that they need to make such offers.63 Moreover, the Mackay dictum would not fit into the structure of current law even if employers could show that they were motivated by a desire to attract replacement workers. Under the current standard, which outlaws employer countermeasures that are "inherently destructive" of section 7 rights even if the employer acted out of legitimate business reasons, the hiring of permanent replacement workers would seem to be inherently destructive just as discharge is inherently destructive.64 In short, the Mackay dictum cannot be explained or rationalized with reference to the employer's need to hire striker replacements.