# Round 1 1NC v. Milton AT

## Off

### nc

#### Just governments ought to recognize a right to strike except for private sector employees.

#### Public workers use political pressure as a component of their strikes – undermines the democratic process

Jacoby 19 (Jeff, Globe Columnist, Boston Globe, "Coolidge and FDR were right about government workers and unions," www0.bostonglobe.com/opinion/2019/10/29/coolidge-and-fdr-were-right-about-government-workers-and-unions/kjluLqU2kicqmrDZAWTvSJ/story.html)

Lost in all this adulation is the reason strikes by government workers are against the law: Unlike job actions in the private sector, strikes in the public sector are not economic weapons deployed against private management. They are political weapons deployed to bring distress upon innocent third parties. When 46,000 United Auto Workers recently went on strike against General Motors, their goal wasn’t to heap misery on the nation’s car buyers. It was to win a larger share of GM’s healthy profits through improved pay and benefits. As with any private sector strike, both labor and management faced the discipline of the market. The longer the strike lasted, the more business GM lost and the more paychecks union members went without. In the private sector, there are limits to the concessions labor can demand. Companies need profits to survive, and outrageous labor costs can cause a company to lose sales, eliminate jobs, or, if worse comes to worst, go out of business. But such checks and balances don’t exist when government workers go on strike. It isn’t management that gets squeezed when police, teachers, air-traffic controllers, or trash collectors walk off the job. It’s ordinary citizens. Striking government employees don’t seek economic equity from cash-laden corporate management; they seek to make the public miserable, and thereby increase political pressure on public officials to accede to the union’s demands. Strikes in the public sector have nothing to do with getting management to share its wealth, and everything to do with extracting more money from taxpayers who are deprived of bargaining power in the process. Everybody wants more money and more lavish benefits, but the compensation of government employees is a matter of public policy. That policy should be crafted openly, as other government policies are. It shouldn’t be held hostage to pressure from lawbreaking employees, and no government official should be required to negotiate with special interest lobbies — which is what public-sector unions amount to — in setting terms and conditions of government employment. FDR, Reagan, and Coolidge were right, even if it is unfashionable to say so: Public workers have no right to strike, and collective bargaining should have no place in government employment. The system we live with now is rigged — rigged against taxpayers and against democratic fairness. If only we had political leaders unafraid to say so.

#### Democratic regress causes global war.

Diamond 19 [Larry; 2019; Professor of Sociology and Political Science and at Stanford University, Ph.D. in Sociology from Stanford University; Ill Winds, “Conclusion: A New Birth of Freedom,” Ch. 14]

In such a near future, my fellow experts would no longer talk of “democratic erosion.” We would be spiraling downward into a time of democratic despair, recalling Daniel Patrick Moynihan’s grim observation from the 1970s that liberal democracy “is where the world was, not where it is going.” 5 // The world pulled out of that downward spiral—but it took new, more purposeful American leadership. The planet was not so lucky in the 1930s, when the global implosion of democracy led to a catastrophic world war, between a rising axis of emboldened dictatorships and a shaken and economically depressed collection of self-doubting democracies. // These are the stakes. Expanding democracy—with its liberal norms and constitutional commitments—is a crucial foundation for world peace and security. Knock that away, and our most basic hopes and assumptions will be imperiled. // The problem is not just that the ground is slipping. It is that we are perched on a global precipice. That ledge has been gradually giving way for a decade. If the erosion continues, we may well reach a tipping point where democracy goes bankrupt suddenly—plunging the world into depths of oppression and aggression that we have not seen since the end of World War II. As a political scientist, I know that our theories and tools are not nearly good enough to tell us just how close we are getting to that point—until it happens.

#### Populism causes extinction.

Richard N. Haass and Charles A. Kupchan 21. Richard N. Haass is President of the Council on Foreign Relations, was Director of Policy Planning for the United States Department of State and a close advisor to Secretary of State Colin Powell. Charles A. Kupchan is Professor of International Affairs at Georgetown University, a Senior Fellow at the Council on Foreign Relations, and was Director for European Affairs on the National Security Council. “The New Concert of Powers”. Foreign Affairs. 3-23-21. https://www.foreignaffairs.com/articles/world/2021-03-23/new-concert-powers

The international system is at a **historical inflection point.** As Asia continues its economic ascent, two centuries of Western domination of the world, first under Pax Britannica and then under Pax Americana, are coming to an end. The West is losing not only its material dominance but also its ideological sway. Around the world, democracies are **falling prey** to illiberalism and **populist dissension** while a rising China, assisted by a pugnacious Russia, seeks to challenge the West’s authority and republican approaches to both domestic and international governance. U.S. President Joe Biden is committed to refurbishing American democracy, restoring U.S. leadership in the world, and taming a pandemic that has had devastating human and economic consequences. But Biden’s victory was a close call;on neither side of the Atlantic will **angry populism or illiberal temptations readily abate**. Moreover, even if Western democracies overcome polarization, beat back illiberalism, and pull off an economic rebound, they will not forestall the arrival of a world that is both multipolar and ideologically diverse. History makes clear that such **periods of tumultuous** **change** come with **great peril**. Indeed, **great-power** **contests** over hierarchy and ideology regularly lead to **major wars**. Averting this outcome requires soberly acknowledging that the Western-led liberal order that emerged after World War II cannot anchor global stability in the twenty-first century. The search is on for a viable and effective way forward. The best vehicle for promoting stability in the twenty-first century is a global concert of major powers. As the history of the nineteenth-century Concert of Europe demonstrated—its members were the United Kingdom, France, Russia, Prussia, and Austria—a steering group of leading countries can curb the geopolitical and ideological competition that usually accompanies multipolarity. Concerts have two characteristics that make them well suited to the emerging global landscape: political inclusivity and procedural informality. A concert’s inclusivity means that it puts at the table the geopolitically influential and powerful states that need to be there, regardless of their regime type. In so doing, it largely separates ideological differences over domestic governance from matters of international cooperation. A concert’s informality means that it eschews binding and enforceable procedures and agreements, clearly distinguishing it from the UN Security Council. The UNSC serves too often as a public forum for grandstanding and is regularly paralyzed by disputes among its veto-wielding permanent members. In contrast, a concert offers a private venue that combines consensus building with cajoling and jockeying—a must since major powers will have both common and competing interests. By providing a vehicle for genuine and sustained strategic dialogue, a global concert can realistically mute and manage inescapable geopolitical and ideological differences. A global concert would be a consultative, not a decision-making, body. It would address emerging crises yet ensure that urgent issues would not crowd out important ones, and it would deliberate on reforms to existing norms and institutions. This steering group would help fashion new rules of the road and build support for collective initiatives but leave operational matters, such as deploying peacekeeping missions, delivering pandemic relief, and concluding new climate deals, to the UN and other existing bodies. The concert would thus tee up decisions that could then be taken and implemented elsewhere. It would sit atop and backstop, not supplant, the current international architecture by maintaining a dialogue that does not now exist. The UN is too big, too bureaucratic, and too formalistic. Fly-in, fly-out G-7 or G-20 summits can be useful but even at their best are woefully inadequate, in part because so much effort goes toward haggling over detailed, but often anodyne, communiqués. Phone calls between heads of state, foreign ministers, and national security advisers are too episodic and often narrow in scope. Fashioning major-power consensus on the international norms that guide statecraft, accepting both liberal and illiberal governments as legitimate and authoritative, advancing shared approaches to crises—the Concert of Europe relied on these important innovations to preserve peace in a multipolar world. By drawing on lessons from its nineteenth-century forebearer, a twenty-first-century global concert can do the same. Concerts do lack the certitude, predictability, and enforceability of alliances and other formalized pacts. But in designing mechanisms to preserve peace amid geopolitical flux, policymakers should strive for the workable and the attainable, not the desirable but impossible. A GLOBAL CONCERT FOR THE TWENTY-FIRST CENTURY A global concert would have six members: China, the European Union, India, Japan, Russia, and the United States. Democracies and nondemocracies would have equal standing, and inclusion would be a function of power and influence, not values or regime type. The concert’s members would collectively represent roughly 70 percent of both global GDP and global military spending. Including these six heavyweights in the concert’s ranks would give it geopolitical clout while preventing it from becoming an unwieldy talk shop. Members would send permanent representatives of the highest diplomatic rank to the global concert’s standing headquarters. Although they would not be formal members of the concert, four regional organizations—the African Union, Arab League, Association of Southeast Asian Nations (ASEAN), and Organization of American States (OAS)—would maintain permanent delegations at the concert’s headquarters. These organizations would provide their regions with representation and the ability to help shape the concert’s agenda. When discussing issues affecting these regions, concert members would invite delegates from these bodies as well as select member states to join meetings. For example, were concert members to address a dispute in the Middle East, they could request the participation of the Arab League, its relevant members, and other involved parties, such as Iran, Israel, and Turkey. A global concert would shun codified rules, instead relying on dialogue to build consensus. Like the Concert of Europe, it would privilege the territorial status quo and a view of sovereignty that precludes, except in the case of international consensus, using military force or other coercive tools to alter existing borders or topple regimes. This relatively conservative baseline would encourage buy-in from all members. At the same time, the concert would provide an ideal venue for discussing globalization’s impact on sovereignty and the potential need to deny sovereign immunity to nations that engage in certain egregious activities. Those activities might include committing genocide, harboring or sponsoring terrorists, or severely exacerbating climate change by destroying rainforests. Policymakers should strive for the workable and the attainable, not the desirable but impossible. A global concert would thus put a premium on dialogue and consensus. The steering group would also acknowledge, however, that great powers in a multipolar world will be driven by realist concerns about hierarchy, security, and regime continuity, making discord inescapable. Members would reserve the right to take unilateral action, alone or through coalitions, when they deem their vital interests to be at stake. Direct strategic dialogue would, though, make surprise moves less common and, ideally, unilateral action less frequent. Regular and open consultation between Moscow and Washington, for example, might have produced less friction over NATO enlargement. China and the United States are better off directly communicating with each other over Taiwan than sidestepping the issue and risking a military mishap in the Taiwan Strait or provocations that could escalate tensions. A global concert could also make unilateral moves less disruptive. Conflicts of interest would hardly disappear, but a new vehicle devoted exclusively to great-power diplomacy would help make those conflicts more manageable. Although members would, in principle, endorse a norm-governed international order, they would also embrace realistic expectations about the limits of cooperation and compartmentalize their differences. During the nineteenth-century concert, its members frequently confronted stubborn disagreements over, for instance, how to respond to liberal revolts in Greece, Naples, and Spain. But they kept their differences at bay through dialogue and compromise, returning to the battlefield in the Crimean War in 1853 only after the revolutions of 1848 spawned destabilizing currents of nationalism. A global concert would give its members wide leeway when it comes to domestic governance. They would effectively agree to disagree on questions of democracy and political rights, ensuring that such differences do not hinder international cooperation. The United States and its democratic allies would not cease criticizing illiberalism in China, Russia, or anywhere else, and neither would they abandon their effort to spread democratic values and practices. On the contrary, they would continue to raise their voices and wield their influence to defend universal political and human rights. At the same time, China and Russia would be free to criticize the domestic policies of the concert’s democratic members and publicly promote their own vision of governance. But the concert would also work toward a shared understanding of what constitutes unacceptable interference in other countries’ domestic affairs and, as a result, are to be avoided. OUR BEST HOPE Establishing a global concert would admittedly constitute a setback to the liberalizing project launched by the world’s democracies after World War II. The proposed steering group’s aspirations set a modest bar compared with the West’s long-standing aim of spreading republican governance and globalizing a liberal international order. Nonetheless, this scaling back of expectations is unavoidable given the twenty-first century’s geopolitical realities. The international system, for one, will exhibit characteristics of both bipolarity and multipolarity. There will be two peer competitors—the United States and China. Unlike during the Cold War, however, ideological and geopolitical competition between them will not encompass the world. On the contrary, the EU, Russia, and India, as well as other large states such as Brazil, Indonesia, Nigeria, Turkey, and South Africa, will likely play the two superpowers off each other and seek to preserve a significant measure of autonomy. Both China and the United States will also likely limit their involvement in unstable zones of less strategic interest, leaving it to others—or no one—to manage potential conflicts. China has long been smart enough to keep its political distance from far-off conflict zones, while the United States, which is currently pulling back from the Middle East and Africa, has learned that the hard way. The international system of the twenty-first century will therefore resemble that of nineteenth-century Europe, which had two major powers—the United Kingdom and Russia—and three powers of lesser rank—France, Prussia, and Austria. The Concert of Europe’s primary objective was to preserve peace among its members through a mutual commitment to upholding the territorial settlement reached at the Congress of Vienna in 1815. The pact rested on good faith and a shared sense of obligation, not contractual agreement. Any actions required to enforce their mutual commitments, according to a British memorandum, “have been deliberately left to arise out of the circumstances of the time and of the case.” Concert members recognized their competing interests, especially when it came to Europe’s periphery, but sought to manage their differences and prevent them from jeopardizing group solidarity. The United Kingdom, for example, opposed Austria’s proposed intervention to reverse a liberal revolt that took place in Naples in 1820. Nonetheless, British Foreign Secretary Lord Castlereagh eventually assented to Austria’s plans provided that “they were ready to give every reasonable assurance that their views were not directed to purposes of aggrandizement subversive of the Territorial System of Europe.” A global concert would give its members wide leeway when it comes to domestic governance. A global concert, like the Concert of Europe, is well suited to promoting stability amid multipolarity. Concerts limit their membership to a manageable size. Their informality allows them to adapt to changing circumstances and prevents them from scaring off powers averse to binding commitments. Under conditions of rising populism and nationalism, widespread during the nineteenth century and again today, powerful countries prefer looser groupings and diplomatic flexibility to fixed formats and obligations. It is no accident that major states have already been turning to concert-like groupings or so-called contact groups to tackle tough challenges; examples include the six-party talks that addressed North Korea’s nuclear program, the P5+1 coalition that negotiated the 2015 Iran nuclear deal, and the Normandy grouping that has been seeking a diplomatic resolution to the conflict in eastern Ukraine. The concert can be understood as a standing contact group with a global purview. Separately, the twenty-first century will be politically and ideologically diverse. Depending on the trajectory of the populist revolts afflicting the West, liberal democracies may well be able to hold their own. But so too will illiberal regimes. Moscow and Beijing are tightening their grip at home, not opening up. Stable democracy is **hard to find** in the Middle East and Africa. Indeed, **democracy is receding,** not advancing, worldwide—a trend that could well continue. The international order that comes next must make room for ideological diversity. A concert has the necessary informality and flexibility to do so; it separates issues of domestic rule from those of international teamwork. During the nineteenth century, it was precisely this hands-off approach to regime type that enabled two liberalizing powers—the United Kingdom and France—to work with Russia, Prussia, and Austria, three countries determined to defend absolute monarchy. Finally, the inadequacies of the current international architecture underscore the need for a global concert. The rivalry between the United States and China is heating up fast, the **world is suffering** through a devastating pandemic, climate change is advancing, and the evolution of cyberspace poses new threats. These and other challenges mean that clinging to the status quo and banking on existing international norms and institutions would be dangerously naive. The Concert of Europe was formed in 1815 owing to the years of devastation wrought by the Napoleonic Wars. But the lack of great-power war today should not be cause for complacency. And even though the world has passed through previous eras of multipolarity, the advance of globalization increases the demand for and importance of new approaches to global governance. Globalization unfolded during Pax Britannica, with London overseeing it until World War I. After a dark interwar hiatus, the United States took up the mantle of global leadership from World War II into the twenty-first century. But Pax Americana is now running on fumes. The United States and its traditional democratic partners have neither the capability nor the will to anchor an interdependent international system and universalize the liberal order that they erected after World War II. The absence of U.S. leadership during the COVID-19 crisis was striking; each country was on its own. President Biden is guiding the United States back to being a team player, but the nation’s pressing domestic priorities and the onset of multipolarity will deny Washington the outsize influence it once enjoyed. Allowing the world to slide toward regional blocs or a two-bloc structure similar to that of the Cold War is a nonstarter. The United States, China, and the rest of the globe cannot fully uncouple when national economies, financial markets, and supply chains are irreversibly tethered together. A great-power steering group is the best option for managing an integrated world no longer overseen by a hegemon. A global concert fits the bill.

### nc

#### CP Text: A just government should recognize an unconditional right of workers to strike, but only for surprise strikes

#### Only surprise strikes can solve the advantages- multiple warrants. Anything else gets circumvented, could escalate, and aren’t effective

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.

#### Sporadic strikes are superior to conventional strikes- if given time, employers can anticipate and mobilize which lets them circumvent or respond. This independently turns case because predictable strikes lead to crackdown in the form of losing pay and risking permanent replacement

Morris & Bolesta 19 [Keahn Morris is a partner in the Labor and Employment Practice Group in the firm's San Francisco office. John Bolesta is special counsel in the Labor and Employment Practice Group in the firm's Washington, D.C. office. “The NLRB Confirms that Intermittent Strikes in Furtherance of the Same Goal are Unprotected.” SheppardMullin. August 1, 2019. <https://www.laboremploymentlawblog.com/2019/08/articles/national-labor-relations-act/intermittent-strikes-unprotected/>] HW Alex Lee

Intermittent Strikes — What They Are, Why They Are Unprotected and Why the Law in the Area Requires Greater Clarity An **intermittent strike** occurs when employees repeatedly stop work, typically for periods of short duration. From the union/employee standpoint, such “**on again/off again” tactics are superior to conventional strikes because it is far more difficult for an employer to anticipate and effectively respond to sporadic work stoppages.** Indeed, **even if an employer is able to quickly mobilize to address a sudden strike, by the time the employer may have successfully geared up to operate**, the work stoppage is over, requiring the employer to either lockout the returning strikers, thereby prolonging the stoppage, or to return strikers to work and to restore the workplace to its pre-strike status quo, leaving the employer vulnerable to yet another quickie stoppage. Moreover, as a practical matter, quickie economic strikers lose less pay due to the shorter duration of their strikes and the shorter duration of their strike means that they are at less risk of being permanently replaced. Further, even though the Supreme Court declared long ago that the use of recurrent or intermittent work stoppages is unprotected by the Act, Auto Workers Local 232 v. Wis. Emp. Relations Board (Briggs-Stratton) 336 U.S. 245 (1949), whether a series of work stoppages qualify as unprotected intermittent strikes has been unclear under Board precedent. Among the considerations are: 1) whether employees have engaged in a pattern of recurring work stoppages and/or demonstrated an intent to engage in a future pattern of recurring work stoppages; 2) whether the work stoppages occurred over a short period of time and were short in duration; 3) whether the stoppages were part of a common plan aimed at addressing the same goal or dispute; 4) whether the stoppages arose from a union strategy to exert additional economic pressure on an employer; 5) whether the stoppages were part of a scheme to harass the employer into a state of confusion and chaos; and 6) whether the work stoppages arose from a union strategy to exert additional economic pressure on the employer during collective bargaining negotiations. Yet, by placing the burden of proving the unprotected nature of a strike on the employer and by basing its decisions on a case specific weighing and balancing of such factors, the Board has created a confused jurisprudence where factually similar cases that seemingly should have been similarly decided often come down on opposite sides of the protected/unprotected coin. Such unpredictable ad hoc decision-making **chills employer’s disciplinary response to intermittent strikes.** It also does a disservice to workers who engage in quickie strikes incorrectly believing them to be protected conduct. Unions, employees and the community action groups who act as their surrogates have **all recognized the advantages of intermittent strikes over conventional strikes** and are now making increased use of repetitive short term work stoppages instead of conventional strikes as a way of bringing maximum coercive pressure to bear on employers.

#### Unions want to surprise employers with sudden and unpredictable strikes anyways- that means the PIC sufficiently solve the aff

Waas 12 [Professor for Labour Law and Civil Law, Goethe University Frankfurt Coordinator of the European Centre of Expertise in the field of Labour Law, Employment and Labour Market Policy (ECE). “Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens.” XX World Congress, International Society for Labour and Social Security Law, General Report III. September 2012. <https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf>] HW Alex Lee

III. The Right to Call a Strike As has been outlined above, **in many countries individual workers are seen as bearers of the right to strike**, although this right may only be exercised collectively. This view is taken, for instance, in Italy, the consequence being that even a loose or spontaneous association of workers can declare a strike. In Uruguay, too, the right to strike may be invoked and exercised by a group of workers, organised or not, unionised or not. As is the case in Italy, the right to strike is considered an individual right that may be collectively exercised. Finally, in Hungary, not only trade unions, but every individual worker has the right to strike. Accordingly, trade union membership is not relevant. There is one exception, however: Solidarity strikes must be organised by a trade union. In other countries, “wild cat-strikes” are prohibited, and qualifying as a trade union does not suffice to call a strike. Germany is a case in point. Trade unions are empowered to call a strike if, but only if, they enjoy the so-called “capacity to bargain collectively”. This 16 capacity requires, among other things, an ability to enforce their objectives (so-called social power). Trade unions must be in a position to exert sufficient pressure to induce the counterpart to conclude a collective bargaining agreement. Because the right to bargain collectively is constitutionally applicable to only those groups which can make sensible contributions to the spheres not explicitly regulated by the state, trade unions must be in a position to exert sufficient pressure in order for their counterpart to embark on negotiations for a collective agreement. That the right to strike is conditional on the “capacity to bargain collectively” seems plausible given the fact that German law guarantees the right to strike only insofar as that right is understood as being necessary for ensuring proper collective bargaining. As a result, “wild cat-strikes” are prohibited in Germany. However, trade unions may legitimise such strikes with retroactive effect by taking over the strike. Courts will generally hold that trade unions may take over a “wild cat-strike” for two reasons. First, unions would have been put in a position of mere observers if the “wild cat-strike” were not capable of being legitimised. Second, unions must be able to determine the point in time at which a strike was initiated. It is within this context that the courts also **acknowledge trade unions’ aim to surprise employers with sudden strike action** (by taking over a strike which was initially initiated by a group of workers). In Japan, the basic legal set-up is similar. The right to strike as guaranteed by the Constitution is understood to ensure equality between the employer and the workers in collective bargaining and as a means to overcome deadlocked negotiations. Consequently, to qualify as lawful a strike must be organised by a so-called “constitutional union” which requires, inter alia, independence from the employer. The existence of “social power” is not required. In Turkey, a lawful strike can also only be staged by a trade union which is party to collective negotiations. Under Turkish law, trade unions must be active in an industry. In addition, a union must represent a minimum of 10 per cent of the employees working in a given sector, as well as more than half of the employees in the establishment(s) in which it intends to conclude a collective agreement9 . In other countries, the legal situation differs completely. In Ireland, for instance, nonunionised bodies as well as the workers themselves may call or launch strikes, though some of the immunities provided by statutory law are only applicable to members and officials of trade unions. In Finland, too, strikes can be organised by a group of workers or by a trade union. However, workers who strike in response to a trade union’s call for strike enjoy better 9 Article 12(1) of Act No. 2822. 17 protection from dismissal10. Even if the strike is illegal, the worker is protected if the strike was called by a union. In the United States, work stoppages may be initiated by employees who act alone or by their representative labour union. A concerted action of employees may be found to be legally protected11, even though no actual bargaining relationship with the employer exists. In most cases, however, work stoppages take place at facilities at which the employees are represented by parties to the collective bargaining negotiations.

### PICs

#### Right to strike has to be limited and conditional to be effective

Garcia 17 (Leyton Master of Laws from University College London, Revista Chilena de Derecho, vol. 44, núm. 3, 2017, pp. 781-804 Pontificia Universidad Católica de Chile Santiago, Chile, "THE RIGHT TO STRIKE AS A FUNDAMENTAL HUMAN RIGHT: RECOGNITION AND LIMITATIONS IN INTERNATIONAL LAW," <https://www.redalyc.org/pdf/1770/177054481008.pdf>)

On the other hand, the right to strike is, as Ewing has pointed out60, a very particular form of human right, subject to many limitations. Despite Wisskirchen’s claims, reality shows that it is far from being an unlimited right. Even at the ILO level, where we can fi nd the most detailed and protective treatment of the right to strike, there are several forms of limitations in place. The ILO has accepted as compatible with Freedom of Association regulations on the forms of strike action, the objectives it aims to, the procedures and formalities that must be followed before striking, among many others which can be found on the legal literature. A similar situation can be seen in the case-law of the ECSR and the ECtHR. This last body, as we have seen, has extended the constraints of the right to strike in forms that contradict the principle that it cites as guidance. In an increasingly interconnected labour market, a coordinated approach will soon become a necessity. If the existence of a human right to strike is to have any meaning in future times, legal and political efforts must be focused in protecting the principles developed by the ILO, which have helped to advance the cause of worker’s rights in different countries and continents. A similar endeavour will be required to bring the ECtHR back to the path it opened in Demir, and the arguments provided by Judge Pinto de Albuquerque should be taken into account in future decisions about Freedom of Association.

#### CP competes off of the unconditionality of the aff –

#### Unconditional means the aff can’t take into account any future events

Free Dictionary ND ("Unconditional," https://legal-dictionary.thefreedictionary.com/Unconditional)

UNCONDITIONAL. That which is without condition; that which must be performed without regard to what has happened or may happen.

#### Conditional v unconditional rights is a key controversy over 1st amendment rights – any permutation is severance, guts this education, and is uniquely bad for ground since virtually all negative literature focuses on this distinction – proven by numerous court cases

McCoy 9 (Thomas, Professor of Law Emeritus Vanderbilt University School of Law, "Unconstitutional Conditions Doctrine," https://www.mtsu.edu/first-amendment/article/1026/unconstitutional-conditions-doctrine

The unconstitutional conditions doctrine arises from the Constitution’s prohibition against penalizing an individual for the exercise of a constitutional right. The doctrine holds that the government may not condition the availability of a government benefit on an individual’s agreement to forego the exercise of such a right. Government contracts cannot restrict First Amendment freedom The unconstitutional conditions doctrine is encountered most often in cases involving government employment contracts or government grant contracts where an express or implied term in the contract restricts the contractor’s freedom to speak. In such cases, the contractor can seek to invalidate the contractual restriction on speech on the grounds that it is an unconstitutional condition on the availability of the valuable government contract. However, if a court establishes that a restriction is reasonably necessary for the effective performance of the contract, the unconstitutional conditions doctrine will not apply, and the court will uphold the contractual restriction on speech. Court: Unconstitutional conditions doctrine does not apply to speech restrictions on CIA employees A position with the Central Intelligence Agency (a valuable government benefit) is an example of a job that is routinely conditioned on an individual’s acceptance of significant restrictions on the individual’s freedom to speak about classified information to which the individual will have access. Because such speech restrictions are essential to the effective performance of the CIA agent’s employment contract, the Supreme Court decided in Snepp v. United States (1980) that the unconstitutional conditions doctrine does not apply to the speech-restrictive condition in the CIA employment contract. Similarly, the Court decided in Rust v. Sullivan (1991) that when an individual is employed by the government to engage in family counseling using government-specified speech, the individual contractually agrees to forego the advocacy of his or her own viewpoints during the counseling time for which the government is paying. The unconstitutional conditions doctrine imposes no barrier to such necessary conditions in government contracts. Government can't discourage unfavorable speech unrelated to contract performance In contrast, where a government employment or grant contract imposes a speech restriction that is not related to the effective performance of the contract, the contract condition will be found to be unconstitutional. In effect, the government cannot use a financial incentive to discourage unfavorable speech if said speech is in no way related to the performance of the contract. For example, the Court decided in Elrod v. Burns (1976) that a city government cannot offer employment as a police officer on the condition that the employee refrain from making speeches in his or her spare time that are critical of the mayor’s political views. It is important to note a direct corollary of the unconstitutional conditions doctrine: If the government can regulate a particular course of conduct without violating the Constitution, then the government may “condition” a grant of benefits on the recipient’s agreement to refrain from said conduct.

## Case

### Part 1

### AT – Solvency

**Capitalism is inevitable- a few worker strikes can’t solve for such a structurally and permanently embedded system**

**Boldizzoni 21** (Francesco Boldizzoni is Professor of Political Science at the Norwegian University of Science and Technology; 02-26-21; Economic Sociology and Political Economy; “How Capitalism Survives: Social Theory and Structural Change”; <https://economicsociology.org/2021/02/26/how-capitalism-survives-social-theory-and-structural-change/)//ZW>

For as long as neoliberalism – the face that capitalism has assumed since the 1980s – has been showing signs of aging, there has been a tendency to view every crisis as a harbinger of impending epochal change. This is true even for crises that do not originate in the economy or finance, as shown by current debates about the world after Covid-19. The interesting fact is that the sense of doom that surrounds these critical events fuels not only the hope of overcoming the disastrous social model that has dominated these last decades, but capitalism as such, which is hastily defined as “unsustainable” for the inequalities it undeniably produces, the racial injustice it perpetuates, the harm it does to the environment, and so on. the ruling classes to justify their privileges. If capitalism is an ideology, it will be enough to demystify it; once the deception is unveiled, people will see the light, is the reasoning of [Thomas Piketty](https://www.amazon.com/gp/product/0674980824/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0674980824&linkId=d8a4ab4493767cc12af17cfe876a5063). More often, expectations grow in the wake of fantasies of radical change that are harbored independent of any social theory. In this theoretical vacuum, anything becomes possible: human agency is thought to be all powerful. Capitalism can be overthrown, activists tell us. **You just have to want it and persuade other people to want it.** In any case, as soon as each crisis is over, these hopeful people are faced with the inertia of history that invariably frustrates their desires. **This problem prompted me to write** [**Foretelling the End of Capitalism: Intellectual Misadventures since Karl Marx**](https://www.amazon.com/gp/product/0674919327/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0674919327&linkId=6c06aff99979aecefd0fcc5f6b2ca1a7)**. The book seeks to explain the persistence of capitalism in the Western world by building a more rigorous theory of its dynamics**. To understand how capitalism is still around, despite all the troubles it has caused, I perform two related operations. The first is to examine the unfulfilled forecasts of its death that have followed one another since the mid-nineteenth century. Contrary to a widespread perception, these did not emerge from left-wing intellectual circles only but from conservative ones too. **It is, of course, important to contextualize social forecasting historically, but also to identify its errors.** Using this information, **I then get to the second step, which is to outline a theory of capitalism.** The theory I am going after should clarify what capitalism is made of, what forces have kept it alive, and possibly give us some clue as to where it is or isn’t headed. We can classify forecasts into four types based on the causal chain they assume. First, there are the implosion theories typical of orthodox Marxism, according to which capitalism would implode because of its economic contradictions. A second group includes the exhaustion theories of the likes of [John Stuart Mill](https://www.amazon.com/gp/product/0199553912/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0199553912&linkId=e0a965bf69290c3c267c1636f649d6ec) and [John Maynard Keynes](https://www.marxists.org/reference/subject/economics/keynes/1930/our-grandchildren.htm). For these thinkers, capital accumulation would stop at some point due to environmental limits, saturation of material needs, moral or civilizational progress. Next come the theories of convergence that were particularly in vogue in the interwar period and the following years of the “end of ideology.” These stressed how technological development and the trend toward state planning were making capitalism and socialism increasingly resemble each other. Finally, mention should be made of the cultural involution theories associated with [Joseph Schumpeter](https://www.amazon.com/gp/product/0061561614/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0061561614&linkId=96ce68cee0e750a50ad99c24f95b538c), [Daniel Bell](https://www.amazon.com/gp/product/0465014992/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0465014992&linkId=eccad77014f6b2feaaca20917037c7bc), and to some extent [Jürgen Habermas](https://www.amazon.com/gp/product/0807015210/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0807015210&linkId=9391ec231117db5f2749af5a9b1ec32d). These pointed to the self-defeating character of bourgeois society, emphasizing how capitalism, by breeding its parasites and critics, was undermining its own values while even the political superstructure erected to save the system from itself was prey to disintegrative tendencies. Equally varied is the repertoire of forecasting mistakes. They range from **cognitive distortions, or biases in thinking due to well-known limitations of human cognition, to more fundamental theoretical flaws that reflect a misapprehension of the relationships between social realms or involve the use of inappropriate explanatory models**. However, there is a factor that seems to have operated at a deeper level and this is the irrational faith in progress that has characterized much of modern social science. In fact, many forecasters shared two attitudes that were both legacies of the Enlightenment**: an unshakable belief that the future would bring good things and an equally strong confidence in the capacity of reason to detect laws of historical development.** Such laws would enable one to anticipate not only what was or wasn’t reasonable to expect from the future **but actually how the future would look like**. If the flaws that plague capitalism have not proved decisive for its demise, then should we conclude that its persistence is due to its virtues? The typical explanation of mainstream economics is that capitalism is sustained by its supposed efficiency, thanks to which it also tends to prevail over other systems. I don’t buy this “efficiency view” either. **My thesis is that the reasons why capitalism persists have nothing to do with the quality of its fabric but are to be found in the social structure in which it is embedded and that two elements, combined, are involved in its reproduction: hierarchy and individualism.** All complex societies are to some extent hierarchical, but capitalist society has inherited from the feudal society out of which it grew some highly asymmetrical power relations. The same dependence created by need that used to bind serfs to their lords now binds food delivery riders to their billionaire exploiters. Capitalism replaced old hierarchies with new hierarchies. It brought about a new category, namely, class, that is still very central to our societies. While social distinctions in the old world reflected status at birth, in the new world they are based on the ability to accumulate money. In this sense, capital led to a reconfiguration of social stratification. Yet, **the true element of novelty that accompanied the rise of capitalism, and the one that distinguishes it most, is individualism**. People today feel motivated by their preferences, needs, and rights, rather than by the norms and duties that come from belonging to a community. They have relationships mediated by contracts and mainly resort to the market to meet their needs. Over time, this market logic and the underlying profit motive have become increasingly generalized, even extending to sensitive spheres of human life such as work and health care. These **hierarchical social structures** and individualistic values have taken shape over many centuries and **can’t suddenly disappear**. If hierarchy has been with us for almost all time, individualism is intertwined with the particular form taken by modernization **in this part of the world. In a way, it was the price to pay to be free from oppressive forms of social control and able to make decisions for oneself. Fortunately, however, not all Western societies are hierarchical and individualistic to the same degree, which explains the existence of more or less tolerable varieties of capitalism.** For the avoidance of doubt, I do not think that capitalism will go on forever. All social systems in human history have had a beginning and, after undergoing a slow yet relentless evolution, they are eventually turned into something else. There is no reason to believe that capitalism will be an exception. But **it won’t die** because of any internal contradictions nor **just because we want it to.** Moreover, if we try to imagine what kind of system could evolve from capitalism in a few centuries, we might not like it either. As [Ralf Dahrendorf](https://www.amazon.com/gp/product/B0030DMMR8/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=B0030DMMR8&linkId=a711a40b51b4727a72b8a86e6e5aa8a0) once observed, the oppressed of one epoch have never become the rulers of the next. Elites have always been superseded by competing elites. That’s why, I think, achieving greater social justice under capitalism should be the highest priority for progressives. As I mentioned at the outset, I wrote [this book](https://www.amazon.com/gp/product/0674919327/ref=as_li_tl?ie=UTF8&tag=economicsocio-20&camp=1789&creative=9325&linkCode=as2&creativeASIN=0674919327&linkId=d07ce873fa23138f8a96b83dad8e45f7) with an eye for those who dream about big system change. History shows how difficult it is to achieve even small, incremental changes. While it is always good to aim high, one must put their best energies into battles that can be won. Ending neoliberalism, which is only forty years old after all, looks like a more reasonable bet.

**Key players refuse to stand with striking workers – no chance for strikes to have impact beyond individual companies**

**Jabali 19**

Malaika Jabali, (Masters degree and law degree from Columbia University), 10-4-2019, "A wave of labour organizing is sweeping America. Will Democratic leadership catch on?," [https://www.theguardian.com/commentisfree/2019/oct/04/a-wave-of-strikes-is-sweeping-the-us-will-the-democratic-party-stand-with-workers //](https://www.theguardian.com/commentisfree/2019/oct/04/a-wave-of-strikes-is-sweeping-the-us-will-the-democratic-party-stand-with-workers%20//) AW

Workers are fed up. From teachers and hotel workers to nurses and auto workers, about three dozen labor strikes since 2018 have made the nation’s headlines. Over the weekend, a youth-led climate strike spanned the globe and a [walkout of General Motors workers entered its second week.](https://www.freep.com/story/money/cars/general-motors/2019/09/25/gm-uaw-strike-update-why-so-long-bernie-sanders/2434259001/) For the [past several weeks](https://www.modernhealthcare.com/providers/85000-kaiser-permanente-workers-threaten-strike), thousands of medical practitioners at Kaiser Permanente have been preparing for a national strike against the healthcare company in October. This groundswell of labor activism has intersected with a number of progressive issues debated among Democratic party presidential candidates, including the urgency of climate change, exploitation of undocumented immigrants, Medicare for All, and concentrated wealth amassed by corporate profiteers, often at the expense of everyday workers. The signs indicate American workers are moving left. The question is: will the national Democratic party leadership move with them? Frequently, strikes and other forms of labor organizing transcend the specific demands of a company’s employees – they raise questions about corporate malfeasance more broadly and make workers more attuned to the systems that enable inequality. The Fight for $15 campaign, for instance, started in 2012 with New York City fast-food workers demanding $15 an hour and union rights. The campaign now fights for “underpaid workers everywhere”, according to the group’s website, and has spread to more than [300 cities on six continents](https://fightfor15.org/about-us/). Likewise, Amazon workers formed Amazon Employees for Climate Justice and [nearly 2,000](https://medium.com/@amazonemployeesclimatejustice/amazon-employees-are-joining-the-global-climate-walkout-9-20-9bfa4cbb1ce3) participated in the recent climate strike to protest against the company’s role in climate change. Workers in its Whole Foods division have [pushed back](https://www.businessinsider.com/whole-foods-workers-demand-amazon-sever-ties-to-ice-2019-8) against the company’s contract with Palantir, a big data company that has [helped Ice raid workplaces for undocumented immigrants.](https://www.businessinsider.com/palantir-employees-ice-petition-alex-karp-2019-8) Instead of championing this progressive wave, House leaders, Democratic leaders seem to be taking steps to undermine it On Wednesday, in Detroit, Senator Bernie Sanders [joined](https://www.detroitnews.com/story/business/autos/2019/09/25/bernie-sanders-calls-justice-outside-detroit-hamtramck-gm-plant/2423023001/) United Auto Workers members participating in the General Motors strike and addressed corporate greed beyond GM executives. Peppering his remarks were [supportive shouts and applause from the audience](https://twitter.com/_ericdlawrence/status/1176874954043875328) when he mentioned justice, inadequate healthcare, the practice of corporate offshoring and the fatigue of Americans around the country who work multiple jobs. Strikers joined him in shouting “[enough is enough](https://twitter.com/_ericdlawrence/status/1176876591638622209?s=20)”. Despite this growing progressive fervor, the Democrats’ congressional leadership – including Nancy Pelosi and Chuck Schumer – have focused almost entirely on targeting Donald Trump, reaching a zenith with Pelosi’s announcement to [launch an impeachment inquiry](https://www.theguardian.com/us-news/2019/sep/24/pelosi-impeachment-inquiry-trump-ukraine) into his interactions with Ukraine. Outside of this singular focus, where is the Democrats’ vision? What policies are they advocating to show that they, too, stand with the thousands of workers enduring economic stagnation and a weakened social safety net as [corporate profits soar?](https://www.nytimes.com/2018/07/13/business/economy/wages-workers-profits.html) Unfortunately, instead of championing this progressive wave, House leaders, Democratic leaders seem to be taking steps to undermine it. In September, the Los Angeles Times [reported](https://www.latimes.com/politics/story/2019-09-03/democratic-committee-accused-of-trying-to-hinder-progressive-candidates) that political consultants were warned that the Democratic Senatorial Campaign Committee would boycott their services if they worked with progressive senatorial candidates in Colorado and Maine. The likely justification Democratic leaders will fall back on is that they are catering to the center to win competitive swing districts and thus the Senate. But instead of “Blue No Matter Who”, the approach seems to be more like “Blue, But Not You”. And there is no evidence that it’s a winning a strategy. In a May [New York Times interview,](https://www.nytimes.com/2019/05/04/us/politics/nancy-pelosi.html) Pelosi pressed Democrats to “own the center left, own the mainstream”, and have been [backing moderate Senate candidates](https://www.latimes.com/politics/story/2019-09-03/democratic-committee-accused-of-trying-to-hinder-progressive-candidates) over progressives, including the pro-fracking John Hickenlooper. In last year’s midterms, the Democratic Congressional Campaign Committee [reportedly sent internal memos](https://www.vox.com/policy-and-politics/2018/5/3/17290902/dccc-2018-midterms-primaries-democrats-nancy-pelosi-laura-moser) telling candidates not to fight for gun reform or Medicare for All. If electability is the concern, why waffle on policies [most Americans agree with?](https://www.cnbc.com/2019/03/27/majority-of-americans-support-progressive-policies-such-as-paid-maternity-leave-free-college.html) The steady support for Bernie Sanders and increasing support for Elizabeth Warren have cut into Joe Biden’s lead in [some polls](http://emersonpolling.com/2019/09/17/biden-sanders-warren-in-statistical-tie-in-democratic-primary-harris-struggles-in-home-state/), while the centrist candidates the DSCC is championing [have done little to prove that they can actually win.](https://theintercept.com/2019/08/15/senate-democrats-2020-chuck-schumer/) **The 2016 election should have been a sign that there was a growing disconnect between the priorities of the political establishment and the American public**. Impeachment proceedings may provide temporary cover, but they do not replace sustainable, visionary leadership. For that, we may have to rely on those emboldened workers who continue to shout across America that “enough is enough”.

### Part 2

### Part 3