## Police CP

#### CP Text: A just government should recognize the unconditional right of non-police workers to strike by abolishing police unions.

#### The aff makes police collective bargaining worse and gives more power to police unions.

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- ("What is The Blue Flue and How Has It Increased Police Power," Washington Post, 7-1-2020, 11-2-2021https://www.washingtonpost.com/outlook/2020/07/01/what-is-blue-flu-how-has-it-increased-police-power/)//AW

This weekend, officers from the New York City Police Department are rumored to be planning a walkout to protest calls to defund the police. This builds on a similar tactic used by police in Atlanta less than a month ago. On June 16, Fulton County District Attorney, Paul L. Howard Jr. announced that Garrett Rolfe, the Atlanta police officer who fatally shot Rayshard Brooks, would face charges of felony murder and aggravated assault. That night, scores of Atlanta Police Department officers caught the “blue flu,” calling out sick en masse to protest the charges against Rolfe. Such walkouts constitute, in effect, illegal strikes — laws in all 50 states prohibit police strikes. Yet, there is nothing new about the blue flu. It is a strategy long employed by police unions and rank-and-file officers during contract negotiations, disputes over reforms and, like in Atlanta, in response to disciplinary action against individual officers. The intent is to dramatize police disputes with municipal government and rally the citizenry to their side. But the result of such protests matter deeply as we consider police reform today. Historically, blue flu strikes have helped expand police power, ultimately limiting the ability of city governments to reform, constrain or conduct oversight over the police. They allow the police to leverage public fear of crime to extract concessions from municipalities.

#### Police unions use collective bargaining to reinforce systems of racism and violence. Clark ‘19

Paul F. Clark [School Director and Professor of Labor and Employment Relations, Penn State], 10-10-2019, "Why police unions are not part of the American labor movement," Conversation, [https://theconversation.com/why-police-unions-are-not-part-of-the-american-labor-movement-142538 //accessed 10/20/2021](https://theconversation.com/why-police-unions-are-not-part-of-the-american-labor-movement-142538%20//accessed%2010/20/2021) //marlborough jh

In the wake of George Floyd’s death at the hands of a Minneapolis police officer, news reports have suggested that [police unions bear some of the responsibility](https://www.salon.com/2020/06/27/police-unions-blamed-for-rise-in-fatal-shootings-even-as-crime-plummeted/) for the [violence perpetrated against African Americans](https://www.nytimes.com/2020/05/30/us/derek-chauvin-george-floyd.html). ¶Critics have assailed these unions for [protecting officers who have abused their authority](https://www.washingtonpost.com/outlook/2020/06/09/limits-when-police-can-use-force-is-better-solution-than-banning-police-unions/). Derek Chauvin, the former police officer facing [second-degree murder charges for Floyd’s death](https://www.npr.org/2020/06/03/868910542/chauvin-and-3-former-officers-face-new-charges-over-george-floyds-death), had nearly [20 complaints filed against him during his career](https://www.mercurynews.com/2020/05/30/minneapolis-officers-work-personal-background-detailed-2/) but only received two letters of reprimand. ¶Many people who support labor unions in principle, who view them as a countervailing force against the power of employers, have only recently [come to view police unions as problematic](https://www.latimes.com/politics/story/2020-06-15/police-unions-george-floyd-reform) – as entities that [perpetuate a culture of racism and violence](https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses). ¶But this sentiment reverberates through the history of the U.S. labor movement. As a [labor scholar](https://ler.la.psu.edu/people/pfc2) who has [written about unions](https://theconversation.com/essential-us-workers-often-lack-sick-leave-and-health-care-benefits-taken-for-granted-in-most-other-countries-136802) for [decades](https://onlinelibrary.wiley.com/doi/full/10.1111/bjir.12526), I think this viewpoint can be explained by the fact that police unions differ fundamentally from almost all trade unions in America. **¶**Foot soldiers for the status quo **¶**For many veterans of the labor movement, [police have been on the wrong side](https://plsonline.eku.edu/insidelook/history-policing-united-states-part-3) of the centuries-old struggle between workers and employers. [Rather than side with other members of the working class](https://www.businessinsider.com/mayhem-in-madison-police-remove-protesters-lockdown-capitol-2011-3), police have used their legal authority to protect businesses and private property, enforcing laws viewed by many as anti-union. **¶**The strain between law enforcement and labor goes back to the origins of [American unions in the mid 19th century](https://plsonline.eku.edu/insidelook/history-policing-united-states-part-3). Workers formed unions to fight for wage increases, reduced working hours and humane working conditions. **¶**For employers, this was an attack on the existing societal power structure. They enlisted the government as the defender of capital and property rights, and [police officers were the foot soldiers](http://america.aljazeera.com/articles/2014/12/22/police-unions-havealwaysbeenalabormovementapart.html) who defended the status quo. **¶**When workers managed to form unions, companies called on local police to disperse union gatherings, marches and picket lines, using [violence and mass arrests to break the will of strikers](https://www.smithsonianmag.com/history/how-1897-massacre-pennsylvania-coal-miners-morphed-galvanizing-crisis-forgotten-history-180971695/). **¶**A narrow focus **¶**Police work is a fundamentally conservative act. And police officers tend to be politically conservative and Republican. **¶**A poll of police [conducted in September 2016 by POLICE Magazine](https://www.policemag.com/342098/the-2016-police-presidential-poll) found that 84% of officers intended to vote for Donald Trump that November. And law enforcement unions like the Fraternal Order of Police, the International Union of Police Associations and the National Border Patrol Council [all endorsed Trump’s candidacy in 2016](https://theintercept.com/2016/10/09/police-unions-reject-charges-of-bias-find-a-hero-in-donald-trump/). **¶**This contrasts sharply with the 39% share of all [union voters who voted for Trump](https://www.wsj.com/articles/democrats-labor-to-stem-flow-of-union-voters-to-trump-11567422002) and the fact that every other union which made an [endorsement supported Hillary Clinton](https://justfacts.votesmart.org/candidate/evaluations/55463/hillary-clinton). **¶**Exclusively protecting the interests of their members, without consideration for other workers, also sets police unions apart from other labor groups. Yes, the first priority of any union is to fight for their members, but most other unions see that fight in the context of a [larger movement that fights for all workers](https://aflcio.org/what-unions-do/social-economic-justice). ¶Police unions do not see themselves as [part of this movement](https://www.teenvogue.com/story/what-to-know-police-unions-labor-movement). With one exception – the [International Union of Police Associations](https://www.theguardian.com/us-news/2020/jun/11/police-unions-american-labor-movement-protest), which represents just [2.7% of American police](https://www.bjs.gov/content/pub/pdf/ftelea9716.pdf) – law enforcement unions are not affiliated with the AFL-CIO, the U.S. labor body that unites all unions. ¶Alternative justice system ¶A central concern with police unions is that they use collective bargaining to negotiate contracts that reduce police transparency and accountability. This allows officers who engage in excessive violence to [avoid the consequences of their actions](https://www.washingtonpost.com/business/2020/06/10/police-unions-violence-research-george-floyd/) and remain on the job. ¶In a way, some police unions have created an [alternative justice system](https://www.theatlantic.com/politics/archive/2016/06/restorative-justice-police-violence/489221/) that prevents police departments and municipalities from disciplining or discharging officers who have committed crimes against the people they are sworn to serve. ¶In Minneapolis, residents filed more than [2,600 misconduct complaints](https://www.wsj.com/articles/the-problem-with-police-unions-11591830984) against police officers between 2012 and 2020. But only 12 of those grievances resulted in discipline. The most significant [punishment any officer received was a 40-hour suspension](https://www.nytimes.com/2020/05/30/us/derek-chauvin-george-floyd.html). **¶**Besides collective bargaining, police have used the political process – including [candidate endorsements and lobbying](https://www.theguardian.com/us-news/2020/jun/23/police-unions-spending-policy-reform-chicago-new-york-la) – to secure local and state legislation that protects their members and quells efforts to provide greater police accountability. ¶Police officers are a formidable political force because they represent [the principle of law and order](https://www.thedailybeast.com/the-gop-and-police-unions-a-love-story). Candidates endorsed by the police unions can claim they are the law and order candidate. Once these candidates win office, police unions have [significant leverage to lobby for policies](https://nymag.com/intelligencer/2020/06/george-floyd-protests-police-abuse-reform-qualified-immunity-polls.html) they support or block those they oppose. ¶Because of this power, critics claim that police unions don’t feel accountable to the citizens they serve. An attorney who sued the Minneapolis Police Department on behalf of a Black resident who was [severely beaten by police officers](https://www.nytimes.com/2020/05/30/us/derek-chauvin-george-floyd.html) said that he is convinced that Minneapolis “officers think they don’t have to abide by their own training and rules when dealing with the public.” ¶George Floyd’s death has raised serious concerns about the current role of police and police unions in our society. Several unions have demanded that the International Union of Police Associations be expelled from the U.S. labor federation. Other [unions oppose expulsion](https://www.nbcnews.com/politics/politics-news/national-labor-groups-mostly-close-ranks-defend-police-unions-n1231573). They argue that the labor movement can have a greater impact on a police union that is inside the “House of Labor.” ¶In any case, there is a growing recognition that police unions differ significantly from other unions. And there is a growing acceptance that they are not part of the larger American labor movement but rather a narrowly focused group pursuing their own self-interests, often to the detriment of the nation at large.

#### Police backed by unions are more violent than non-unionized police. Ingraham ’20.

Christopher Ingraham [Reporter] 20. ("Police Unions and Police Misconduct: What the Research Says About the Connection," Washington Post, 6-10-2020, 10-27-2021 https://www.washingtonpost.com/business/2020/06/10/police-unions-violence-research-george-floyd/)//AW

Some of the most shocking images to emerge from the demonstrations that have dominated recent headlines stem from violent interactions between law enforcement officers and peaceful protesters. They’ve also escalated calls for police reform. But police unions tend to be resistant to such efforts, as their mandate is to protect the interests of their members — even in cases when those interests may be counter to democratic norms and values. Though an understudied topic of criminology, what research that does exist is unequivocal: “Virtually **all** of the **published items** that express an opinion **on the impact of police unions regard them as having a negative effect**, particularly **on innovation, accountability, and police — community relations**,” as a review in the journal Police Practice and Research put it. Researchers say unionized officers draw more excessive-force complaints and are more likely to kill civilians, particularly nonwhite ones. Here are some key findings: Unionization emboldens violent officers A recent University of Chicago working paper found violent misconduct among sheriff’s officers increased about 40 percent after a state supreme court ruling allowing the officers to unionize. The incidents examined in this paper are among the most serious types of violent misconduct, including sexual assault and excessive force. It’s worth noting the baseline numbers of these types of incidents are very low, such that the 40 percent increase translates into roughly one additional violent incident per sheriff’s office every five years. Certain union-negotiated contract provisions — including time limits on misconduct investigations, expungement of misconduct records, and mechanisms allowing officers to challenge disciplinary findings — make it more difficult to detect and punish officers who abuse their position, the researchers say. Additionally, the authors write, unionization “may increase solidarity among officers and thereby strengthen a code of silence that impedes the detection of misconduct.” Use-of-force complaints more likely among unionized officers A 2006 report from the federal Bureau of Justice Statistics found unionized police agencies garnered 9.9 use-of-force complaints for every 100 officers, compared with 7.3 for non-unionized agencies. During the disciplinary process, about 7 percent of those complaints were sustained, or found to have merit, in unionized agencies. In nonunion agencies, the sustain rate was more than double, at 15 percent. In effect, officers in unionized police forces are more likely to be the subjects of an excessive-force complaint, but more likely to beat the allegations in disciplinary hearings. Lengthy appeals processes make it more difficult to fire ‘bad apples’ Writing in the University of Pennsylvania Law Review, Stephen Rushin analyzed 656 police union contracts to examine the role of the disciplinary appeals process in misconduct cases. “The median police department in the data set offers police officers as many as four layers of appellate review in disciplinary cases,” he found. Some provided six or seven layers of review. After those levels are exhausted, most departments then allow officers accused of misconduct to appeal to a third-party arbitrator. More than half gave the offending officers some control over the selection of the arbitrator. The result, as detailed in a 2017 Washington Post investigation, is that a stunningly high percentage of officers fired for misconduct are eventually rehired after a lengthy appeals process. In Washington, D.C., for instance, 45 percent of the officers fired for misconduct from 2006 to 2017 were rehired on appeal. In Philadelphia, the share is 62 percent. In San Antonio, it’s 70 percent. Other contract provisions also shield police from accountability In a separate paper in the Duke Law Journal, Rushin analyzed 178 police union contracts and found a number of provisions that played a role in shielding police from the consequences of misconduct, including provisions that “limit officer interrogations after alleged misconduct, mandate the destruction of disciplinary records, ban civilian oversight, prevent anonymous civilian complaints, indemnify officers in the event of civil suits, and limit the length of internal investigations.” He found that “overall, 156 of the 178 police union contracts examined in this study — around 88 percent — contained at least one provision that could thwart legitimate disciplinary actions against officers engaged in misconduct.” Police unions advocate shielding disciplinary records from public view Writing in the Stanford Law & Policy Review, Katherine Bies notes that “police disciplinary records are public in only 12 states,” due in no small part to lobbying efforts by police unions. The article deals specifically with the efforts of police unions to pass laws in two states — New York’s notorious Section 50-a and a similar law in California — that shield disciplinary records from public scrutiny. “Police unions often strategically frame any opposition to their agenda of secrecy as endangering public safety and harming the public interest,” Bies writes. “However, police unions often conflate ‘the public interest’ with the private interests of police officers.” Unionized police may be more likely to kill civilians, particularly nonwhite ones Economist Rob Gillezeau recently previewed his research examining the relationship between unionization and police killings of U.S. citizens. While provisional, his initial results suggest the police unionization happening in the 1950s through the 1980s led to “about 60 to 70″ additional civilians killed by police each year. The “overwhelming majority” of those civilians were nonwhite. “With the caveat that this is very early work, it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the nonwhite population,” he recently said on Twitter.

### Health Inequality

#### Police violence has sweeping health consequences, especially for BIPOC communities. Ehrenfeld and Harris ‘20

[Jesse M. Ehrenfeld](https://www.ama-assn.org/about/board-trustees/jesse-m-ehrenfeld-md-mph) [American Medical Association Board of Trustees] and [Patrice A. Harris](https://www.ama-assn.org/news-leadership-viewpoints/authors-news-leadership-viewpoints/patrice-harris-md-ma) [Former President, American Medical Association] 20 - ("Police brutality must stop," American Medical Association, 5-29-2020, 11-2-2021 https://www.ama-assn.org/about/leadership/police-brutality-must-stop?&amp;utm\_source=BulletinHealthCare&amp;utm\_medium=email&amp;utm\_term=060220&amp;utm\_content=NON-MEMBER&amp;utm\_campaign=article\_alert-morning\_rounds\_daily&amp;utm\_uid=&amp;utm\_effort=)//Marlborough jh

AMA policy recognizes that physical or verbal violence between law enforcement officers and the public, particularly among Black and Brown communities where these incidents are more prevalent and pervasive, is a critical determinant of health and supports research into the public health consequences of these violent interactions. Recognizing that many who serve in law enforcement are committed to justice, the violence inflicted by police in news headlines today must be understood in relation to larger social and economic arrangements that put individuals and populations in harm’s way leading to premature illness and death. Police violence is a striking reflection of our American legacy of racism—a system that assigns value and structures opportunity while unfairly advantaging some and disadvantaging others based on their skin color and “saps the strength of the whole society through the waste of human resources,” as described by leading health equity expert Camara Jones, MD, MPH, PhD. Importantly, racism is detrimental to health in all its forms. In any season, police violence is an injustice, but its harm is elevated amidst the remarkable stress people are facing amidst the COVID-19 pandemic. Even now, there is evidence of increased police violence in the form of excessive police-initiated force and unwarranted shootings of civilians, some of which have been fatal. This violence not only contributes to the distrust of law enforcement by marginalized communities but distrust in the larger structure of government including for our critically important public health infrastructure. The disparate racial impact of police violence against Black and Brown people and their communities is insidiously viral-like in its frequency, and also deeply demoralizing, irrespective of race/ethnicity, age, LGBTQ or gender. Just as the disproportionate impact of COVID-19 on communities of color has put into stark relief health inequity in the U.S., the recent deaths of Breonna Taylor, a Black woman and EMT in Louisville who was shot and killed in her own home due to mistaken identity by law enforcement, and George Floyd, a Black man in Minneapolis killed at the hands of law enforcement, spotlight yet again where the deck is stacked against Black people. Floyd’s final words, “I can’t breathe,” echoed those of Eric Garner, killed by police in New York City in 2014—and many others before him. This tenor of atrocious injustice is haunting. We recognize that adherence to COVID-19 public health guidelines, including wearing face masks and physical distancing, is critical to preventing illness and death. Yet signs are already emerging to indicate that police forces are practicing disproportionate enforcement in predominantly Black and Brown communities. What’s often not highlighted are the harmful health impacts that result, such as the connection between excessive police activity and health. Research demonstrates that racially marginalized communities are disproportionally subject to police force, and there is a correlation between policing and adverse health outcomes. For example, an independent analysis found that Black males are three times more likely to be killed during a police encounter than their White male counterparts.1 Similarly, national data from 2012 shows that while Latinx made up roughly 18 percent of the population, they accounted for 30 percent of arrests and 23 percent of all searches.2 An increased prevalence of police encounters is linked to elevated stress and anxiety levels, along with increased rates of high blood pressure, diabetes and asthma—and fatal complications of those comorbid conditions.3 Racism as a driver of health inequity is also particularly evident in findings from a 2018 study showing that law enforcement-involved deaths of unarmed black individuals were associated with adverse mental health among Black American adults—a spillover effect on the population, regardless of whether the individual affected had a personal relationship with the victim or the incident was experienced vicariously.4 The trauma of violence in a person’s life course is associated with chronic stress, higher rates of comorbidities and lower life expectancy, all of which bear extensive care and economic burden on our healthcare system while sapping the strength of affected families and communities. The United

States has a track record of historically and systemically disadvantaging certain racial groups—in addition to ethnic, religious and other minoritized groups—across the country. These structural and political forces have created deep-seated problems that persist today, more than 150 years after slavery ended and 50 years after the Civil Rights Movement. It’s widely understood in medicine and public health that structural racism manifests in differential access by race to opportunities, resources, conditions, and power within their respective systems. Corporeal and psychological violence at the hands of police is a derogatory device of enforcement, which is a philosophy our AMA cannot abide. Police brutality in the midst of public health crises is not crime-preventive—it creates demoralized conditions in an already strained time. It exacerbates psychological harms and has a clear impact on bystanders. Over time, this violence manifests as an erosion of communal trust in police and a “weathering" of people who bodies are historically “over-policed”. The history of over-policing marginalized and minoritized communities in America is well-ingrained within our culture, but not inextricably so. The ultimate defense against police violence in times of public health crisis, and beyond, is centering equity and ensuring accountability as a public health measure. To help confront this systemic issue in our society, the AMA urges other leading health organizations to also take up the mantle of intolerance for police brutality and racism. We urge states to require the reporting of legal intervention deaths and law enforcement officer homicides to public health agencies. We urge health institutions and physician organizations to explicitly denounce police violence, particularly in times of COVID-19 and during other public health crises. We urge clinics, hospital and healthcare providers to review and reconsider their policies and relationships with law enforcement that may increase harm to patients and patient communities. We call for the Centers for Disease Control and Prevention (CDC) and the National Academies of Sciences, Engineering, and Medicine and other such parties to study the public health effects of physical and verbal violence between law enforcement officers and public citizens, particularly within racially marginalized communities. We call for uniform training, transparency in reporting and accountability by law enforcement. Excessive police force is a communal violence that significantly drives unnecessary and costly injury, and premature morbidity and death. Our country—our society—demands more.

### BLM

#### Abolishing police unions signals support for BLM. Kelly 20.

Kim Kelly, 20 - ("No More Cop Unions ," New Republic, 5-29-2020, 10-28-2021https://newrepublic.com/article/157918/no-cop-unions)//AW

And most of these union members are independent from any other labor organizations—which means, in turn, that they’re at best marginally involved with the most pressing mission of today’s labor movement, which concentrates on organizing many of the same low-wage, service-sector communities of color who are disproportionately abused and harassed by police. It wouldn’t make any sort of strategic sense for police-affiliated unions to try and make nice with the rest of the movement. So that leaves one obvious, if tricky, option: abolishing police unions as part of the broader fight to defund, demilitarize, and ultimately dismantle the U.S. police force as it currently exists. Labor leaders should seize upon this crucial moment to fully embrace this aim—and some already have. However, it’s not exactly a simple or straightforward proposition. The International Union of Police Associations, which represents over 100,000 law enforcement employees as well as emergency medical personnel, is officially affiliated with the American Federation of Labor and Congress of Industrial Organizations, the largest federation of unions in the United States. Its membership comprises 55 national and international unions, and it counts 12 million active and retired members. But if the federation wants to prove that it’s seriously committed to racial justice and true worker solidarity, the AFL-CIO must permanently disaffiliate from the IUPA and sever its ties with any and all other police associations. There is already precedent for such a move. The AFL-CIO has disaffiliated from other unions in the recent past, most notably the Teamsters, the Service Employees International Union, and most recently, the International Longshore and Warehouse Union, whose leaders criticized the federation for failing to throw its considerable weight behind progressive health care and immigration policy. Given the ongoing epidemic of racist police violence against the Black community and other communities of color in the U.S., there is no better reason—and no better time—to take a stand. It’s already been a long time coming. After all, the partnership between the police unions and the federation is hardly shatterproof. The IUPA only chartered with the AFL-CIO in 1979; since then, the cops’ union has expanded into affiliations with law enforcement and corrections officers in Puerto Rico and the U.S. Virgin Islands. And much like the AFL-CIO-affiliated National Border Patrol Council, which has overseen its own brand of racist terror, police unions seem to realize they’re not exactly welcome among the unions that have been forced to accept them as peers. “Legally, unions are responsible for representing their members,” Booker Hodges, a former Minnestota police officer who now works as an assistant commissioner for the state’s Department of Public Safety, wrote in a 2018 blog post on Police One. “The public seems to support this premise when it concerns other labor unions, but not those who represent police officers. Even members of other labor unions, particularly those who belong to educator unions, don’t seem to support this premise when it comes to police unions. Many of them have taken to the streets to protest against police officers, criticized police unions for defending their members and called for an end of binding arbitration for police officers.” It’s also not as though the police unions’ leaders are taking any pains to show solidarity, or even sympathy, with their fellow workers. Rather, police unions have a long, wretched history of doing exactly the opposite: playing on public fears and misconceptions to push damaging “no angel” narratives about the victims of police violence, while also howling about the “bravery” and “sacrifice” their employees make to “protect” fellow citizens. For example, on its official website, the IUPA linked to a May 27 Police magazine article that characterized George Floyd’s killing as “the death of a suspect during an arrest in which a Minneapolis officer put his knee on the back of the man’s neck to pin him to the ground.” This was a naked attempt to mislead readers and convince them that Chauvin has to be categorically innocent. It’s also in keeping with the “thin blue line” model of deference to the life-and-death authority granted by reflex to most municipal cops: The law enforcement community—and especially its unions’—first response, when one of its officers is caught red-handed, is to circle the wagons, vilify the victim or survivor, and bat away any criticism or dissent as virtual sedition. If and when reforms are introduced in the wake of an abuse of police powers, police and their unions remain in wagon-circling mode, determined to shoot them down. The bottom line here is all too plain: The police do not want reform; they want the freedom to operate with impunity. The article IUPA boosted also took care to note that, in Minneapolis, kneeling on a suspect’s neck is apparently considered a “non-deadly force option” (albeit one that is banned elsewhere in Minnesota). And in a gruesome twist, Lieutenant Bob Kroll, the president of the Police Officers Federation of Minneapolis, has not only allowed his membership to continue utilizing these violent, fear-based training tactics but also has actively encouraged their use. After Minneapolis Mayor Jacob Frey banned such tactics in 2019, Kroll pushed back and went so far as to offer free “warrior-style” classes to the union’s 800 members over the remaining three years of Frey’s term. Now Kroll and the union have George Floyd’s blood on their hands and are finally facing some much-needed and long-overdue scrutiny. (Mohamed Noor, a former Minneapolis police officer, was the first Minnesota police officer in decades to be convicted of a fatal on-duty shooting after he killed Justine Ruszczyk, a white woman.\* At the time, Kroll drew criticism for throwing said officer, who is Black, under the bus.) One of the only public statements that Kroll has made following Floyd’s murder has been to correct the rumor that Chauvin took part in a recent Trump rally. The photos actually depicted Mike Gallagher, the president of the police union in Bloomington, Minnesota. For his part, Chauvin had 18 prior complaints filed with Minneapolis Police Department’s Internal Affairs, while his accomplice Tou Thao was the subject of six complaints (including one that was still open as of the time of his firing). This is, among other things, a stiff rebuke to the effort to dismiss systemic violence as the work of “a few bad apples.” These two apples were, in fact, already known to be rotten—yet there they were, armed, dangerous, and interacting daily with the public. Unfortunately, union protection plays no small role in keeping cops like Chauvin and Thao out on the streets. Collective bargaining agreements for police generally include normal language around wages and benefits but can also act as an unbreachable firewall between the cops and those they have injured. Typically, such contracts are chock full of special protections that are negotiated behind closed doors. Employment contract provisions also insulate police from any meaningful accountability for their actions and rig any processes hearings in their favor; fired cops are able to appeal and win their jobs back, even after the most egregious offenses. When Daniel Pantaleo, an NYPD officer who was involved in the 2014 murder of Eric Garner, was finally fired, the police union immediately appealed for his reinstatement and threatened a work slowdown. Now the Sergeants Benevolent Association’s official Twitter account spends most of its time needling New York City Mayor De Blasio and spouting profanity and pro-Trump propaganda. Ultimately, police unions protect their own, and the contracts they bargain keep killers, domestic abusers, and white supremacists in positions of deadly power—or provide them with generous pensions should they leave. The only solidarity they show is for their fellow police officers; other workers are mere targets. Their interests, as well as those of other right-wing oppressors’ unions like those that represent ICE, border patrol, and prison guards, are diametrically opposed to those of the workers whom the labor movement was launched to protect. As retired NYPD commander Corey Pegues wrote in his memoir, Once a Cop, police unions are “a blanket system of covering up police officers.” Despite their union membership, police have also been no friend to workers, especially during strikes or protests. Their purpose is to protect property, not people, and labor history is littered with accounts of police moonlighting as strikebreakers or charging in to harass or injure striking workers. The first recorded strike fatalities in U.S. history came at the hands of police, who shot two New York tailors dead as they tried to disperse. During the Battle of Blair Mountain, the police fought striking coal miners on the bosses’ behalf. In 1937, during the Little Steel Strike, Chicago police gunned down 10 striking steelworkers in what became known as the Memorial Day Massacre. In 1968, days after Dr. Martin Luther King addressed a group of sanitation workers, Memphis cops maced and assaulted the striking workers and their supporters, killing a 16-year-old boy. As the Industrial Worker noted on Twitter, current AFL-CIO President Richard Trumka was president of the United Mineworkers of America during the 1989 Pittston Coal Strike, and he “harshly criticized” the police for engaging in violence against the striking miners. Trumka’s long career as a union official has furnished him with decades of object lessons in the lengths to which the state will go to protect financial power and the interests of elites; he has also seen firsthand how readily striking or protesting workers are thrown into the line of fire by the police and military. During his tenure at the AFL-CIO, Trumka has supported progressive causes and spoken out against the legacies of racism, within and without the labor movement. This week, Trumka astutely tweeted that “racism plays an insidious role in the daily lives of all working people of color. This is a labor issue because it is a workplace issue. It is a community issue, and unions are the community.” In a 2008 speech at a United Steelworkers convention in support of then-candidate Barack Obama, Trumka quoted conservative philosopher Edmund Burke, saying “all that is necessary for evil to triumph is for good people to do nothing.” More than a decade later, it’s all too clear that evil continues to triumph. Doing nothing in this context means allowing police unions to continue holding a comfortable berth within the labor movement, even as they keep shielding and supporting racists, abusers, and killers. As Trumka has also said, we can no longer sit still and avoid confronting issues of racial and economic inequality. It’s imperative to take action now. The AFL-CIO has a chance to atone for its past racial transgressions by moving toward a more just, equitable, and intersectional labor movement. Disaffiliating with the IUPA is only a start, but it would be an important step in the right direction. The decision would draw a line in the sand and show the federation’s broader membership that union leaders truly believe that Black lives matter—and that the working class deserves to feel safe and protected in our own communities. The Industrial Workers of the World has long barred law enforcement (and prison guards) from its membership rolls; it’s high time for the AFL-CIO to follow its lead. The age-old query “Which side are you on?” has rung out at rallies and picket lines and vigils since Florence Reece put the slogan to paper in 1931. It hung in the air while police were maiming striking coal miners then, and it remains on the lips of the millions of modern workers fighting for a fair shake. As we once more raise our voices and ask ourselves that question, the only acceptable response is crystal-clear: that we’re on the side of the workers, not their abusers and oppressors. As Reece once sang, there can be no neutrals here.

## CP :22

#### Plan Text: Congress should pass a law mandating that US courts enforce customary international law.

Born 17(Gary Born, author of INTERNATIONAL CIVIL LITIGATION IN UNITED STATES COURTS (6th ed. 2017), INTERNATIONAL COMMERCIAL ARBITRATION (2nd ed. 2014), and INTERNATIONAL ARBITRATION: CASES AND MATERIALS (2010), "CUSTOMARY INTERNATIONAL LAW IN UNITED STATES COURTS," Washington Law Review, 12-28-2017, http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/1750/92WLR1641.pdf?sequence=1&amp;isAllowed=y,

Instead, the better approach adopts elements of both the modernist and revisionist positions, while rejecting other aspects of those positions. Under this approach, all rules of customary international law have the status of federal law, but only those rules of international law which the federal political branches have empowered U.S. courts to apply will be judicially applicable. This approach overcomes the deficiencies in both the modernist and revisionist positions, preserving federal authority over the Nation’s foreign relations while also respecting limits on unauthorized law-making by federal courts.

#### This is mutually exclusive because the aff calls for the Supreme Court to rule without a case or controversy, which violates article 3 of the constitution. The Supreme Court will not rule that right to strike should be unconditional without a test case.

## Court legitimacy DA :33

#### Ruling without a case or controversy wrecks court legitimacy. Epstein and Knight ’98:

Lee Epstein and Jack Knight [Washington U.]. The Choices Justices Make. Washington, DC: CQ Press (1998). Brackets in original

This story suggests that a particular version of the sua sponte doctrine, namely the practice of disfavoring the creation of issues not raised in the record before the Court, is a norm. We can speculate on why the majority of the Court was so taken aback by Goldberg’s memo and why it took the action it did: because the memo deviated from a norm the justices had come to accept, they “sanctioned” Goldberg by rejecting his invitation to reconsider the constitutionality of capital punishment. ¶ Framed this way, the norm of disfavoring the creation of issues is as vital to the functioning of the Court as the institutions we have discussed here and in Chapter Four. If the norm of sua sponte did not exist, the justices would be free to raise any issue they wished in any case, even if the attorneys had not briefed the issue. The implications of such behavior are enormous. Justices would act a good deal more like members of Congress, who are free to engage in “issue creation,” and less like jurists, who must wait for issues to come to them. We could imagine rational, policy-seeking justices attempting, as a matter of course, to append new issues to cases that had been accepted, briefed, and argued as a way to manipulate case outcomes, just as members of Congress add riders to legislative proposals. ¶ Additional implications of a Court operating free from a norm of disfavoring issue creation are easy to develop. But the general point is simple: without this norm the Court would no longer resemble a legal body in the way that scholars, attorneys, and jurists—not to mention Article III of the U.S. Constitution—contemplate such fora. More to the point, regular deviations from this norm would undermine the Court’s legitimacy. The public believes that the Court’s legitimate judicial function involves resolving the issues before it, not the creation of new issues. As one scholar put it, “When the parties choose issues, there is little opportunity for judges to pursue their own agenda and, as a consequence, the proceedings are not only fairer, but are perceived to be fairer.” But, if the Court departs from this practice, ¶ it raises questions as to the impartiality of [its] actions, and such speculation tarnishes the Court’s legitimacy. Litigant control of the issues is important to satisfy not only the parties, but society as well….When the Court [discovers] issues that the litigants have not presented, the Court erodes its credibility and trespasses on the soul of the adversarial system.

#### Turns case – the requirement of a test case is the internal link to court legitimacy, enforcement of decisions, and non-partisanship. King 2000:

Brian King [Law Clerk, US District Court , Eastern District of TX; JD, Emory U. School of Law; BA, Political Science, Auburn], “Jurisprudential Analysis of Justiciability under Article III,” *Kansas Journal of Law & Public Policy*, Vol. 10, Issue 2 (2000), pp. 217-237

There must also be adverse parties. The Court, in Muskrat v. United States,9 found that the suit against the government was "not judicial in its nature within the meaning of the constitution" because the United States had "no interest adverse to the claimants."2 The plaintiffs merely sought a judicial declaration regarding the validity of certain laws. The Court stated that the authority to declare the constitutionality of laws can only be exercised in the context of "actual controversies."'" The Supreme Court has also held that the required adversity cannot be feigned or collusive.22 Federal courts cannot entertain abstract questions of law; they must decide actual disputes between adverse parties. While the theories behind this characteristic of a case or controversy will be discussed in more detail in Part II B, it should be noted that this characteristic aids the power and prestige of the federal courts, makes their decisions less likely to be ignored, and makes them less political.

## Case 1:44

#### The definition of unconditional is absolutely no conditions

Merriam Webster, No date, "Definition of UNCONDITIONAL," <https://www.merriam-webster.com/dictionary/unconditional>

: not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified) unconditional surrenderun conditional love

#### Prefer our definition because it is from Merriam-Webster, an accessible and commonly used dictionary. Don’t rely on their definition that doesn’t use a dictionary but is an interpretation of a law in Belgium.

#### The FOA is obviously important for the ILO because they are literally the labor organization, but it is not the only organization with power in the UN. The US school board cares about education, but that doesn’t mean that school is the most important issue to the US

#### The internal link is tiny at best; CIL is way weaker than actual treaties because it is just a set of norms. Means the US breaking a plethora of other treaties overwhelms the link. Breaking the paris accord, Iran deal, tariffs against countries we are supposed to have trade relationships with, Guantanamo bay, continuing to deploy death penalty mean that the link is so small it’s nonexistent, and their cards don’t actually prove that CIL is actually key to international coop.

#### No reason the US is key- pretty much no country recognizes the UNCONDITIONAL right to strike.

#### The ULI card doesn’t link to any of our impacts bc our links aren’t normal strikes.

#### TURN: CIL is so weak that it makes international law legitimacy way worse. AND means that alt causes are definitely key. Joyner 18

Daniel H. Joyner, 18 - ("Why I Stopped Believing in Customary International Law," Cambridge Core, 10-31-2018, 11-20-2021https://www.cambridge.org/core/journals/asian-journal-of-international-law/article/why-i-stopped-believing-in-customary-international-law/B8DFADD291DD48D188A0381391B70B65)//AW

So again, I think there is a big problem here. The problem is that the agencies that are looked to as identifiers of CIL—international courts, the ILC, and academics—have been demonstrated to typically go about that exercise in methodologically bankrupt ways. And we don’t just do it because we are lazy or incompetent, we do it so that we can use the resulting assertions of CIL obligations in instrumentalist ways, typically to expand international law to apply in areas where states have not given their explicit consent to be bound through agreed treaty text. The asserted rules of CIL which the short-cut methodologies of identification create, are therefore of low credibility in the eyes of states, who are understandably reluctant to have judges and academics creating new legal obligations for them. This problem is so difficult to address because it is so institutionally entrenched. Courts and the ILC and many academics have every reason to continue to support the orthodox approach to CIL identification, which is so susceptible to this methodological mischief, because it serves their instrumentalist purposes. The ILC’s ongoing study on this topic, which will almost certainly provide yet another reaffirmation of the orthodox approach, will only further institutionalize the problem. Again, my problem is not with CIL itself as a source of law. In a theoretical sense, I have no problem with the idea that states can collectively make law that governs their interactions with each other, through an evolving process that is not necessarily written down in one law-making moment. Particularly under the modern approach that places emphasis and priority upon opinio juris, states can manifest their recognition of an obligation, and their consent to be bound thereby, through their subjective statements of legal understanding. The problem is that we simply do not currently have a structural framework within the international legal system that can support this method of law creation in a manner that satisfies concerns about objectivity and empirical verifiability of that positivistic manifestation of affirmation and consent. And without this institutional structure, the black magic that stands in for identification of CIL in practice undermines the credibility of every assertion of CIL. It also, by extension, undermines the credibility of the international legal system itself.

#### The ILO says RTS is conditional.

Garcia & Andres ’17 - Leyton Garcia, Jorge Andres. “THE RIGHT TO STRIKE AS A FUNDAMENTAL HUMAN RIGHT: RECOGNITION AND LIMITATIONS IN INTERNATIONAL LAW.” Revista Chilena de Derecho. 2017. Web. October 13, 2021. <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 find 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.

#### Turn: Because the Aff disregards ILO precedent, it sets the standard that the right to strike is an issue for national law only. That opens the floodgates to worse restrictions on the right to strike, which also means the Aff gets rolled back.

ITUC ’14 - International Trade Union Confederation. “The Right To Strike And The ILO: The Legal Foundations.” March, 2014. Web. October 12, 2021. <https://www.ituc- csi.org/IMG/pdf/ituc\_final\_brief\_on\_the\_right\_to\_strike.pdf>.

This brief establishes that the right to strike is enshrined in ILO Convention 87, as well as within the broader international legal framework. Indeed, it can be said that the right to strike is now customary international law. The supervisory system of the ILO was correct in observing that the right to strike exists, and acted within their constitutional mandate and in conformity with the rules of treaty interpretation in so holding. Were the matter to be considered by the ICJ it is submitted that the latter should defer to the well-reasoned views of the ILO supervisory system, and in particular the Committee of Experts, and find that C87 protects the right to strike. In addition to the legal reasoning herein, the ICJ should also support the observations of the ILO for policy reasons. A finding contrary to the decades-long uncontested “jurisprudence” of the supervisory system would throw it into complete disarray and dispel any legal certainty or coherence upon which the tripartite constituents rely. The Committee of Experts in particular would emerge as a severely weakened body whose observations would be perpetually open to question. It would also serve to undermine the instruments and jurisprudence of other intergovernmental institutions as well as regional and national courts that have relied on the ILO for guidance. Further, an opinion in the negative would upend industrial relations worldwide, opening a door for governments to (further) restrict or limit the right to strike – as the matter would be perceived to be one for national law only. Employers would have an enormous and unforeseen advantage over labour, as collective bargaining would essentially become a dead letter.

#### Turn: Strikes lead to backlash bills that weaken unions – empirically proven. Partelow ‘19

Lisette Partelow [Lisette Partelow is the director of K-12 Strategic Initiatives at American Progress. Her previous experience includes teaching first grade in Washington, D.C., working as a senior legislative assistant for Rep. Dave Loebsack (D-IA), and working as a legislative associate at the Alliance for Excellent Education. She has also worked at the U.S. House of Representatives Committee on Education and Labor and the American Institutes for Research. “Analysis: A Looming Legislative Backlash Against Teacher Strikes? Why Walkouts Could Become Illegal in Some States, With Strikers Facing Fines, Jail, or Loss of Their License”. 02-18-2019. The 74. https://www.the74million.org/article/analysis-a-looming-legislative-backlash-against-teacher-strikes-why-walkouts-could-become-illegal-in-some-states-with-strikers-facing-fines-jail-or-loss-of-their-license/. Accessed 11-3-2021; MJen]

In 2018 and 2019, after a decade of disinvestment in education that led to stagnant teacher salaries, policymakers have introduced [proposals in states](https://thehill.com/homenews/state-watch/426030-states-race-to-prevent-teacher-strikes-by-boosting-pay) across the country to begin reinvesting, spurred in part by teacher walkouts and activism nationwide. While it is wonderful to finally see broad support for raising teacher salaries and investing in public schools, a predictable backlash has also emerged. Legislators in some states that were hotbeds of teacher activism are [introducing bills](http://nymag.com/intelligencer/2019/01/teacher-walkouts-gop-lawmakers-push-retaliatory-bills.html) to explicitly prohibit walkouts or punish teachers who participate, often with a sprinkling of additional anti-union provisions. **Weakening unions and refusing to invest in education** are long-standing conservative tenets, and these bills are evidence that we should expect conservative policymakers to return to them as soon as they believe them to be politically viable. The consequences of a decade of education funding cuts came into sharp relief last spring, after teachers staged walkouts in [half a dozen states](https://www.nytimes.com/2018/05/16/us/teacher-walkout-north-carolina.html). The [decade of disinvestment](https://www.americanprogress.org/issues/education-k-12/reports/2018/09/20/457750/fixing-chronic-disinvestment-k-12-schools/) in education had its roots in the Great Recession, when many states were forced to drastically cut their K-12 education funding. But as the recovery got underway, many governors — particularly in red states — made intentional policy choices to cut taxes for wealthy residents and corporations rather than allow education funding to rebound to pre-recession levels as revenue increased. As a [result](https://www.americanprogress.org/issues/education-k-12/reports/2018/09/20/457750/fixing-chronic-disinvestment-k-12-schools/%5b), teacher wages stagnated, school budgets were strapped, and expenses such as building repairs and learning materials were deferred year after year. By 2018, reports of [crumbling schools](https://www.motherjones.com/politics/2018/01/its-not-just-freezing-classrooms-in-baltimore-americas-schools-are-physically-falling-apart/), students learning from [decades-old textbooks](https://www.cnn.com/2018/04/03/us/oklahoma-teachers-textbooks-trnd/index.html), high teacher turnover, and staff [shortages](https://tucson.com/news/local/we-continue-to-worsen-nearly-arizona-teaching-jobs-remain-vacant/article_1c8d665a-a422-5c7b-95b9-98afe0cb0c6f.html) in these states became common. Teachers had reached their [boiling point](https://morningconsult.com/opinions/americas-teachers-are-at-their-boiling-point/). The teacher walkouts have been very effective. Though they were a last resort, they finally got lawmakers’ attention in states that had seen the most chronic and severe cuts to education. In the states where teachers walked out, governors who hadn’t historically supported [education funding](https://www.americanprogressaction.org/issues/education/news/2018/10/09/171813/little-late-many-gubernatorial-candidates-education-funding/) agreed to enact significant [pay raises](https://www.latimes.com/nation/la-na-teacher-funding-20180306-story.html) and increases in education funding. For example, in Arizona, Republican Gov. Doug Ducey was forced to sign off on a teacher pay bill he had [previously opposed](https://tucson.com/news/local/gov-ducey-teachers-aren-t-going-to-get-percent-pay/article_75a9b7dc-930b-5374-be12-61fb840e4ced.html) that provided a [20 percent raise](https://www.reuters.com/article/us-usa-education-arizona/arizona-governor-signs-bill-to-boost-teachers-wages-amid-strike-idUSKBN1I40N8) to the state’s teachers — some of the lowest-paid in the nation — and invested an additional $100 million in schools in the state. And now, in several states with low teacher pay that have so far avoided major protests, some governors have proposed salary increases. Remarkably, much of this movement is happening in [deep-red states](https://thehill.com/homenews/state-watch/426030-states-race-to-prevent-teacher-strikes-by-boosting-pay) with historically low education spending. In South Carolina, Gov. Henry McMaster wants to give teachers a 5 percent pay raise; in Texas, Lt. Gov. Dan Patrick has proposed a $5,000 increase; and in Georgia, Gov. Brian Kemp has proposed a $3,000 increase. In all three of these states, teachers are [paid less](http://www.nea.org/assets/docs/180413-Rankings_And_Estimates_Report_2018.pdf) than the national average. It’s likely that last year’s walkouts nudged these governors to consider teacher pay in a way that they wouldn’t have otherwise. Though it goes against traditional conservative principles, supporting these raises is smart politics for these governors. There is widespread public [support for increasing teacher pay](https://www.apnews.com/883e9d387709112a11ee8901c223294e), particularly in the states where walkouts occurred. But even as some conservative policymakers agree to raise teacher salaries, as the 2019 legislative sessions have begun, others in Arizona, Oklahoma, and West Virginia have introduced bills that would [make walkouts illegal](http://nymag.com/intelligencer/2019/01/teacher-walkouts-gop-lawmakers-push-retaliatory-bills.html) and penalize teachers with fines, loss of their teaching licenses, or even [jail time](https://www.vox.com/policy-and-politics/2018/4/23/17270422/colorado-teachers-strike-jail-bill). Some of the bills also contain provisions designed specifically to weaken teachers unions, such as a requirement that teachers must [opt in to dues each year](https://www.nytimes.com/aponline/2019/01/28/us/ap-us-education-bill-west-virginia.html), which sponsors hope will reduce membership by adding an extra step to the process. Legislators in walkout states have also introduced stand-alone proposals designed to **make union membership more difficult** and, therefore, less likely, such as a prohibition on districts [withholding union dues](https://newsok.com/article/5593286/bill-is-revenge-for-teacher-walkout-unions-say) from teachers’ paychecks. These backlash bills hint at a much more familiar conservative education agenda of slashing funding and working to weaken teachers unions. After all, it is this agenda that led to stagnant teacher salaries, deplorable conditions in many school buildings, and consequences for students whose schools were chronically underfunded in the first place. Supporting increases to teacher pay and greater investment in schools is the right thing to do for America’s students. Unfortunately, this wave of backlash makes clear that for some policymakers, it’s all about politics — and as soon as they have the chance, they’ll once again slash education funding and attack hardworking teachers.