# 1NC

## OFF

#### Interpretation: Affs must specify what is included in an unconditional right to strike. To clarify, they must defend what the specific aff looks like or provide definitions in the 1NC that justify the plan.

#### Violation: they didn’t [explain]

#### Standards:

#### 1] Shiftiness – allows them to siphon out of key negative ground on what the right to strike includes. The definition is different in multiple legal contexts, so explaining what the plan does to the right to strike solves. It could be a creating of a new strike, or removing of all conditions, etc.. that all tries to draw a line that negs can’t predict

Reddy, 1-6, ““There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy”, Yale Law Journal, Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law, and a PhD candidate in UCB's Jurisprudence and Social Policy Program. Her research interests lie at the intersection of work law, law and political economy, law and social movements, and social stratification and inequality. You can find her recent scholarship and commentary in Yale Law Journal Forum and Emory Law Journal, as well as in less formal outlets, like the Law and Political Economy blog. URL: https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy , KR

The strike has never fit easily within extant legal categories. According to Craig Becker, “the law has variously categorized strikes as criminal activity, as an invasion of property rights, and as a fundamental component of labor’s right to engage in collective bargaining.”77 Jurisprudentially, striking has been theorized as either an associational freedom upon which law cannot intrude, or in the alternative, conduct so coercive and disorderly as to be antithetical to the rule of law—industrial vigilante justice.78 Following enactment of the NLRA, strikes ostensibly became legal for the private sector workers covered by it. But especially after the 1947 Taft-Hartley Amendments to the NLRA, striking’s legality was tied to an increasingly narrow understanding of its purpose. In this Part, I provide a brief overview of how current law—shaped by its Progressive Era mortal weakness—codifies long-lasting legal ambivalence about striking, by constructing the strike as an “economic weapon,” and in so doing, as apolitical.

A. The “Right” to Strike: Under the NLRA, workers are generally understood to have a “right” to strike. Section 7 of the Act states that employees have the right to engage in “concerted activities for . . . mutual aid or protection,”79 which includes striking. To drive this point home, section 13 of the NLRA specifies, “Nothing in this [Act] . . . shall be construed so as either to interfere with or impede or diminish in any way the right to strike . . .”80 Note that it is a testament to deeply-held disagreements about the strike (is it a fundamental right which needs no statutory claim to protection, or a privilege to be granted by the legislature?) that the statute’s language is framed in this way: the law which first codified a right to strike does so by insisting that it does not “interfere with or impede or diminish” a right, which had never previously been held to exist.

#### They’re going to say that cx checks but a) it isn’t enough to formulate a large enough neg strat. I.e. if it is made fully legal negs can make arguments about the implications of that, but if it’s about guaranteeing it, negs are forced to resort to defending minority workers who don’t have rights. b) can’t solve the majority of our abuse which is lost prep time b/c we didn’t know how’d you defend it; that also allows new definitions per round which isn’t predictable

#### DTD because the abuse was in the 1AC and any neg abuse is justified by this shell being a pre-req to engagement

#### Competing interps:

#### 1] specificity – you can’t win you’re reasonably right because any small shift of the right to strike is enough to trigger new debates in the 1ar

#### 2] race to the bottom and norm setting – we can’t set norms without setting a clear standard

#### 3] arbitrary and missing brightline – increases judge intervention AND new 2AR arguments since the counter-interp will be newly contextualized

## OFF

CP: A just government, ought to except in the United States, provide workers an unconditional right to strike

#### Bill passes now- negotiations are holding with Manchin and Sinema-but UN meeting and state elections make it so that there is no margin for error

Edmonson and Cochrane 10-24 Catie Edmondson and Emily Cochrane, 10-24-2021, "Biden Meets With Manchin and Schumer as Democrats Race to Finish Social Policy Bill," New York Times, https://www.nytimes.com/2021/10/24/us/politics/biden-manchin-schumer-spending-bill.html/SJKS

WASHINGTON — President Biden huddled with key Democrats on Sunday to iron out crucial spending and [tax provisions](https://www.nytimes.com/2021/10/26/us/politics/democrats-billionaires-tax.html) as they raced to wrap up their expansive social safety net legislation before his appearance at a U.N. climate summit next week. Speaker Nancy Pelosi of California said Democrats were close to completing the bill, displaying confidence that the negotiations over issues like paid leave, tax increases and Medicare benefits that have bedeviled the party for months would soon end. “We have 90 percent of the bill agreed to and written. We just have some of the last decisions to be made,” Ms. Pelosi said on CNN’s “State of the Union,” adding that she hoped to pass an infrastructure bill that had already cleared the Senate and have a deal in hand on the social policy bill by the end of the week. “We’re pretty much there now.” Her comments came as Mr. Biden met with Senators Chuck Schumer of New York, the majority leader, and Joe Manchin III of West Virginia, one of the critical centrist holdouts on the budget bill. The White House called the breakfast at Mr. Biden’s Wilmington home a “productive discussion.” For weeks, intraparty divisions over the scope and size of their marquee [domestic policy plan](https://www.nytimes.com/live/2021/10/26/us/biden-spending-bill-deal) have delayed an agreement on how to trim the initial $3.5 trillion blueprint Democrats passed this year. In order to bypass united Republican opposition and pass the final bill, Democrats are using an arcane budget process known as reconciliation, which shields fiscal legislation from a filibuster but would require every Senate Democrat to unite behind the plan in the evenly divided chamber. The party’s margins in the House are not much more forgiving. Facing opposition over the $3.5 trillion price tag, White House and party leaders are coalescing around a cost of up to $2 trillion over 10 years. They have spent days negotiating primarily with Mr. Manchin and Senator Kyrsten Sinema, Democrat of Arizona and another centrist holdout. House Democratic leaders hope to advance both a compromise reconciliation package and the $1 trillion bipartisan infrastructure package. Liberals have so far balked at voting on the bipartisan deal until the more expansive domestic policy package — which is expected to address climate change, public education and health care — is agreed upon. But Democrats are facing a new sense of urgency to finish the legislation before Mr. Biden’s trip to a major United Nations climate change conference, where he [hopes to point to the bill](https://www.nytimes.com/2021/10/15/climate/biden-clean-energy-manchin.html) as proof that the United States is serious about leading the effort to fight global warming. “The president looked us in the eye, and he said: ‘I need this before I go and represent the United States in Glasgow. American prestige is on the line,’” Representative Ro Khanna, a California Democrat who met with Mr. Biden last week at the White House, said on “Fox News Sunday.” Democrats are also increasingly eager to deliver the bipartisan legislation to Mr. Biden’s desk before elections for governor in Virginia and New Jersey on Nov. 2, to show voters the party is making good on its promise to deliver sweeping social change. And a number of transportation programs will lapse at the end of the month without congressional action on either a stopgap extension or passage of the infrastructure bill, leading to possible furloughs. The legislation is expected to include a one-year extension of payments to most families with children, first approved as part of the $1.9 trillion pandemic relief plan, as well as an increase in funds for Pell grants, support for home and elder care, and billions of dollars for affordable housing. It would also provide tax incentives to encourage use of wind, solar and other clean energy. While aides cautioned that details were in flux, the plan is also expected to address a cap on how much taxpayers can deduct in state and local taxes, a key priority for Mr. Schumer and other lawmakers who represent higher-income residents of high-tax states affected by the limit. But negotiators on Sunday were still haggling over a number of outstanding pieces, including the details of a federal paid family and medical leave program — already cut to four weeks from 12 weeks — Medicaid expansion and a push to expand Medicare benefits to include dental, vision and hearing. With Mr. Manchin pushing for a $1.5 trillion price tag, Democratic officials are urging for him to accept more spending in order to avoid dropping other programs.

#### Labor reform saps PC – empirically prove with Obama, corporate opposition, and Democratic resistance

Leon 21 Luis Feliz Leon, 01-06-2021, “"If we want it, we’re going to have to fight like hell for it" - Labor faces an uphill battle to pass the PRO Act,” Strike Wave, https://www.thestrikewave.com/original-content/labor-faces-uphill-battle-to-pass-pro-act/SJKS

The Employee Free Choice Act (EFCA), which died in the Senate during President Barack Obama’s first term, had similar potential to increase union membership, as it would have enabled workers to get union representation if a majority signed union cards (“card check”) rather than through an election. It died because Obama was unwilling to put political capital behind it to overcome opposition from Republicans and center-right Democrats. “EFCA was very close to becoming law. At the end of the day, in my view, the Obama administration did not put the necessary political capital into securing its passage,” said EPI's McNicholas. “The Obama administration decided to focus on ‘bipartisan’ and ‘reach across the aisle’ type solutions to the 2008 financial crisis, and thus didn't care about EFCA in the face of the anti-EFCA mobilization by strong ‘antis’ like the Chamber of Commerce,” says Susan Kang, a professor of political science at John Jay College who studies political economy, labor, and human rights. “Basically, labor was swept aside by the Obama administration … at the exact moment when he had the strongest mandate and political capital.” Another issue, said Patrick Burke, an organizer with United Auto Workers Local 2322 in Massachusetts, was that EFCA's card-check provisions, when framed as a replacement for elections, “became very easy to demonize and difficult to explain to people not already familiar with labor law.” “The short story is that the EFCA was doomed from a few moderate Dems not being willing to go through with card check once actually in power to enact it. The long story is that the labor movement's disappearance from the ‘adult table’ of Democratic politics has cyclical downward effects. They're less able to convince Dems to go out on the limb for them and to prioritize their legislative requests,” said Brandon Magner, a labor lawyer in Indiana. Despite a history of betrayal and rejection, labor and immigrant rights organizations, [coalesced](https://progressive.org/dispatches/power-behind-win-feliz-leon-201123/) around Biden, a self-professed “[union guy](https://www.cnbc.com/2020/11/16/biden-holds-joint-meeting-with-union-leaders-and-retail-auto-tech-ceos.html),” after the primaries and [helped deliver](https://progressive.org/dispatches/bargaining-rights-with-that-feliz-leon-201229/) him to the White House in the hope that doing so would lead to [executive action](https://indypendent.org/2020/12/immigrants-rights-advocates-descend-on-delaware/) on immigration and labor law reform. “We call on Congress to pass and Biden to sign the Protecting the Right to Organize (PRO) Act early in 2021 to make sure every worker who wants to form or join a union is able to do so freely and fairly,” AFL-CIO President Richard Trumka said in a [statement](https://aflcio.org/press/releases/afl-cio-looks-forward-working-president-elect-joe-biden-0) after the election. But union organizers, researchers, and labor lawyers see dim prospects for winning significant labor reform during the Biden administration. “The PRO Act is obviously dead in the Senate unless Mitch McConnell gets knocked into the minority, but I don't see it being passed without full-throated support for gutting the filibuster from Biden, Harris, Schumer, Durbin, and more,” said Magner, the labor lawyer, adding that “the history of failed labor law reform efforts indicates you need 60 votes to pass anything.” That is particularly true of Democrats in “right-to-work” states like [South Carolina](https://www.postandcourier.com/politics/scs-rep-joe-cunningham-to-vote-against-pro-union-bill-in-break-with-democrats/article_426b38e2-4862-11ea-a0d9-77a96531c47e.html) where U.S. Rep. Joe Cunningham was a reliable opponent in the House. But the greatest liability might be Biden himself. “The few times that Biden met McConnell at the negotiating table during the Obama years, McConnell [left with Biden’s wallet](https://theintercept.com/2019/06/24/joe-biden-tax-cuts-mitch-mconnell/),” dryly [observed](https://theintercept.com/2020/12/28/mcconnell-trump-election/) The Intercept’s Ryan Grim. “Even if the Democrats capture the Georgia Senate seats, their margin will be too small to overcome a Republican filibuster or, if they change the rules, more than one Democrat will break ranks, and no Republicans will support the act,” said Friedman. Even if Biden were to somehow outmaneuver McConnell’s chicanery, there would be fierce opposition to contend with on the corporate side from the likes of Americans for Tax Reform, which has [used](https://www.atr.org/ab5) Georgia runoff elections as an opportunity to fearmonger on the PRO Act, and, when backed against the wall, Biden may revert to his timeworn moderate instincts and not go to bat for labor reform unless forced to. “Prospects for major labor law reform under the Biden administration are directly tied to unions’ and union federations’ willingness to hold the administration’s feet to the fire. They are not going to do it on their own – if we want it, we’re going to have to fight like hell for it,” said Pitkin, the former UNITE HERE organizer. “The biggest question is whether there is enough street heat and organizing to prioritize legislation like this," said Burke, the UAW organizer. “Workers in motion spur labor-law reforms, not the other way around.”

#### Infrastructure secures the grid against worsening and increasing cyberattacks.

Carney 21 [Chris; 8/6/21; Senior policy advisor at Nossaman LLC, former US Representative, former professor of political science at Penn State University; "*The US Senate Infrastructure Bill: Securing Our Electrical Grid Through P3s and Grants*," JDSupra, <https://www.jdsupra.com/legalnews/the-us-senate-infrastructure-bill-4989100/>] Justin

As we begin to better understand the main components of the Infrastructure Investment and Jobs Act that the US Senate is working to pass this week, it is clear that public-private partnerships ("P3s") are a favored funding mechanism of lawmakers to help offset high costs associated with major infrastructure projects in communities. And while past infrastructure bills have used P3s for more conventional projects, the current bill also calls for P3s to help pay for protecting the US electric grid from cyberattacks. Responding to the increasing number of cyberattacks on our nation’s infrastructure, and given the fragile physical condition of our electrical grid, the Senate included provisions to help state, local and tribal entities harden electrical grids for which they are responsible. Section 40121, Enhancing Grid Security Through Public-Private Partnerships, calls for not only physical protections of electrical grids, but also for enhancing cyber-resilience. This section seeks to encourage the various federal, state and local regulatory authorities, as well as industry participants to engage in a program that audits and assesses the physical security and cybersecurity of utilities, conducts threat assessments to identify and mitigate vulnerabilities, and provides cybersecurity training to utilities. Further, the section calls for strengthening supply chain security, protecting “defense critical” electrical infrastructure and buttressing against a constant barrage of cyberattacks on the grid. In determining the nature of the partnership arrangement, the size of the utility and the area served will be considered, with priority going to utilities with fewer available resources. Section 40122 compliments the previous section as it seeks to incentivize testing of cybersecurity products meant to be used in the energy sector, including SCADA systems, and to find ways to mitigate any vulnerabilities identified by the testing. Intended as a voluntary program, utilities would be offered technical assistance and databases of vulnerabilities and best practices would be created. Section 40123 incentivizes investment in advanced cybersecurity technology to strengthen the security and resiliency of grid systems through rate adjustments that would be studied and approved by the Secretary of Energy and other relevant Commissions, Councils and Associations. Lastly, Section 40124, a long sought-after package of cybersecurity grants for state, local and tribal entities is included in the bill. This section adds language that would enable state, local and tribal bodies to apply for funds to upgrade aging computer equipment and software, particularly related to utilities, as they face growing threats of ransomware, denial of service and other cyberattacks. However, under Section 40126, cybersecurity grants may be tied to meeting various security standards established by the Secretary of Homeland Security, and/or submission of a cybersecurity plan by a grant applicant that shows “maturity” in understanding the cyber threat they face and a sophisticated approach to utilizing the grant. While the final outcome of the Infrastructure Investment and Jobs Act may still be weeks or months away, inclusion of these provisions not only demonstrates a positive step forward for the application of federal P3s and grants generally, they also show that Congress recognizes the seriousness of the cyber threats our electrical grids face. Hopefully, through judicious application of both public-private partnerships and grants, the nation can quickly secure its infrastructure from cyberattacks.

#### Cyberattacks on the grid spiral to all-out nuclear conflict.

Klare 19 [Michael; November 2019; Professor emeritus of peace and world security studies at Hampshire College; “*Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation*,” Arms Control Association, <https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation>] Justin

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13 The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

## OFF

### CP–Policy

#### CP Text:

#### 1] A just government ought to recognize an unconditional right of workers except for police officers to strike.

- A police officer is a warranted law employee of a police force. "police officer" is a generic term not specifying a particular rank.(wikipedia)

#### 2] A just government ought to, through the corresponding union body in their society, threaten to remove police unions from the set of member unions unless they: eliminate due-processes protections police have won that prevent accountability from police misconduct through processes outlined in greenhouse

#### Only the CP can force police unions to change

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

The string of police killings captured on mobile phones increased public dismay with police unions. After the killing of George Floyd, they became a pariah. Many protesters, and even some unions, including the Writers Guild of America, East, have called on the A.F.L.-C.I.O., the nation’s main labor federation, to expel the International Union of Police Associations, which represents a hundred thousand law-enforcement officers. The Association of Flight Attendants adopted a resolution demanding that police unions immediately enact policies to “actively address racism in law enforcement and especially to hold officers accountable for violence against citizens, or be removed from the Labor movement.” The Service Employees International Union, with two million members, has called for “holding public security unions accountable to racial justice,” and the Seattle area’s main labor coalition issued an ultimatum to the local police union: acknowledge and address racism in law enforcement or risk being kicked out.

If the A.F.L.-C.I.O. expelled the International Union of Police Associations, it would be a huge blow to police unions. So far, Richard Trumka, the federation’s president, has balked at kicking out a member union, saying that it’s best to work to reform unions from inside labor’s tent. “The short answer is not to disengage and just condemn,” Trumka said. “The answer is to totally reëngage and educate,” to improve police unions.

Suddenly, it seems, there are countless proposals to make police unions more accountable. Campaign Zero, a reform group, wants to eliminate many of the due-process protections that the police have won. Javier Morillo, a former president of a Twin Cities union that represents thousands of janitors, wrote an unusually sharp critique of a fellow union, the Minneapolis Police Federation: “Until we see big, fundamental and structural change in the [police] department and the union, Black and brown residents of Minneapolis cannot feel safe.” Morillo wrote that, “for decades, arbitrators have relied on bad precedent” to “justify overturning discipline against officers.” Paige Fernandez, the A.C.L.U.’s policing policy adviser, said that community members should join city officials at the bargaining table during police-contract negotiations. “There should be public input from communities that have been historically overpoliced, black communities and low-income communities,” Fernandez said.

Benjamin Sachs, the Harvard labor-law professor, argues that the union movement needs to join the push for police reform. “When unions use the power of collective bargaining for ends that we . . . deem unacceptable it becomes our responsibility—including the responsibility of the labor movement itself—to deny unions the ability to use collective bargaining for these purposes,” he wrote. “We have done this before. When unions bargained contracts that excluded Black workers from employment or that relegated Black workers to inferior jobs, the law stepped in and stripped unions of the right to use collective bargaining in these ways.” Sachs proposes amending the law to curb the range of subjects over which police unions can bargain, perhaps even prohibiting negotiations over anything involving the use of force.

Some labor leaders warn that conservatives are using today’s outrage against police unions to promote their long-term agenda of hobbling or eliminating public-sector unions. “Everyone should have the freedom to join a union, police officers included,” Lee Saunders, the president of the American Federation of State, County and Municipal Employees, wrote. “The tragic killing of George Floyd should not be used as a pretext to undermine the rights of workers.”

Randi Weingarten, the president of the American Federation of Teachers, told me that it’s important to persuade police unions to stop vehemently defending every police officer who is accused of misconduct. She pointed to her own union’s past. “Our position used to be that the member was always right, that, whatever happened, you did everything in your power to keep the member’s job,” she said. “It didn’t matter if you knew there was a problem.” She added that as public anger mounted against this hard-line approach—many said that it was shortchanging children—local A.F.T. branches moved away from rigidly defending every teacher accused of misconduct or poor performance. Weingarten told me, “Ultimately, if we are members of our community, we have to hold ourselves to a standard of treating people respectfully and decently, and misconduct has no place in that.” McCartin, the labor historian, told me, “Police unions haven’t done nearly as much as the teachers to counter the perception that they’re indifferent to the public’s concerns. They can learn a lot from the teachers.”

Last week, Patrick Yoes, the president of the Fraternal Order of Police, the nation’s largest law-enforcement group, told NPR he agrees that reforms are needed. “We welcome the opportunity to sit down and have some meaningful, fact-based discussions on ways to improve the law-enforcement community,” Yoes said. But some police-union leaders are less amenable to reform. Last week, Michael O’Meara, the president of the New York State Association of P.B.A.s, said, “Stop treating us like animals and thugs and start treating us with some respect. . . . We’ve been vilified.”

Mindful of the Black Lives Matter protests, many mayors and cities will seek to push through contract changes in the next round of police bargaining, but no one should expect police unions to roll over. Many police-union officials believe that the harder the line they take in defending officers (and ignoring the public’s concerns) the better their chances of being reëlected by their members. As a result, the unions’ critics might have a better shot at winning reforms through city councils and state legislatures. O’Meara’s remarks make clear that police unions often have an us-against-the-world view. The question now is whether police unions will get the message that they shouldn’t think only of protecting their members, that they should also think of the original purpose of labor unions: protecting all workers—in other words, protecting the public.

#### Excessive police union bargaining from strikes destroys accountability for police misconduct

Greenhouse, 20, The New Yorker, “How Police Unions Enable and Conceal Abuses of Power”, Steven Greenhouse is an American labor and workplace journalist and writer. He covered labor for The New York Times for 31 years, 2010 Society of Professional Journalists Deadline Club Award: Beat reporting for newspapers and wire services, for "World of Hurt" with N.R. Kleinfield; 2010 New York Press Club Award: Outstanding enterprise or investigative reporting, for "World of Hurt" with N.R. Kleinfield; 2009 The Hillman Prize for The Big Squeeze: Tough Times for the American WorkerURL: <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>, KR

Police unions have long had a singular—and divisive—place in American labor. What is different at this fraught moment, however, is that these unions, long considered untouchable, due to their extraordinary power on the streets and among politicians, face a potential reckoning, as their conduct roils not just one city but the entire nation. Since the nineteen-sixties, when police unions first became like traditional unions and won the right to bargain collectively, they have had a controversial history. And recent studies suggest that their political and bargaining power has enabled them to win disciplinary systems so lax that they have helped increase police abuses in the United States.

A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was directly and positively correlated with police violence and other abuses against citizens. A 2019 University of Chicago study found that extending collective-bargaining rights to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.

In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau wrote on Twitter, on May 30th, “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 non-white population.”

Other studies revealed that many existing mechanisms for disciplining police are toothless. WBEZ, a Chicago radio station, found that, between 2007 and 2015, Chicago’s Independent Police Review Authority investigated four hundred shootings by police and deemed the officers justified in all but two incidents. Since 2012, when Minneapolis replaced its civilian review board with an Office of Police Conduct Review, the public has filed more than twenty-six hundred misconduct complaints, yet only twelve resulted in a police officer being punished. The most severe penalty: a forty-hour suspension. When the St. Paul Pioneer Press reviewed appeals involving terminations from 2014 to 2019, it discovered that arbitrators ruled in favor of the discharged police and corrections officers and ordered them reinstated forty-six per cent of the time. (Non-law-enforcement workers were reinstated at a similar rate.) For those demanding more accountability, a large obstacle is that disciplinary actions are often overturned if an arbitrator finds that the penalty the department meted out is tougher than it was in a similar, previous case—no matter if the penalty in the previous case seemed far too lenient.

To critics, all of this highlights that the disciplinary process for law enforcement is woefully broken, and that police unions have far too much power. They contend that robust protections, including qualified immunity, give many police officers a sense of impunity—an attitude exemplified by Derek Chauvin keeping his knee on George Floyd’s neck for nearly nine minutes, even as onlookers pleaded with him to stop. “We’re at a place where something has to change, so that police collective bargaining no longer contributes to police violence,” Benjamin Sachs, a labor-law professor at Harvard, told me. Sachs said that bargaining on “matters of discipline, especially related to the use of force, has insulated police officers from accountability, and that predictably can increase the problem.”

For decades, members of the public have complained about police violence and police unions, and a relatively recent development—mobile-phone videos—has sparked even more public anger. These complaints grew with the killings of Eric Garner, Laquan McDonald, Walter Scott, Tamir Rice, Philando Castile, and many others. Each time, there were protests and urgent calls for police reform, but the matter blew over. Until the horrific killing of George Floyd.

Historians often talk of two distinct genealogies for policing in the North and in the South, and both help to explain the crisis that the police and its unions find themselves in today. Northern cities began to establish police departments in the eighteen-thirties; by the end of the century, many had become best known for using ruthless force to crush labor agitation and strikes, an aim to which they were pushed by the industrial and financial élite. In 1886, the Chicago police killed four strikers and injured dozens more at the McCormick Reaper Works. In the South, policing has very different roots: slave patrols, in which white men brutally enforced slave codes, checking to see whether black people had proper passes whenever they were off their masters’ estates and often beating them if they did something the patrols didn’t like. Khalil Gibran Muhammad, a historian at Harvard, said that the patrols “were explicit in their design to empower the entire white population” to control “the movements of black people.”

At the turn of the twentieth century, many police officers—frustrated, like other workers, with low pay and long hours—formed fraternal associations, rather than unions, to seek better conditions—mayors and police commissioners insisted that the police had no more right to join a union than did soldiers and sailors. In 1897, a group of Cleveland police officers sought to form a union and petitioned the American Federation of Labor—founded in 1886, with Samuel Gompers as its first president—to grant them a union charter. The A.F.L. rejected them, saying, “It is not within the province of the trade union movement to especially organize policemen, no more than to organize militiamen, as both policemen and militiamen are often controlled by forces inimical to the labor movement.”

After the First World War, millions of workers began protesting that their wages lagged far behind inflation, and many police officers got swept up in the ferment. In 1919, Boston’s city police applied to the A.F.L. for a charter; they were angry about their meagre salaries and having to pay hundreds of dollars for uniforms. The police commissioner, Edwin Upton Curtis, forbade his officers from joining any outside organization other than patriotic groups, such as the American Legion. The police proceeded to unionize, and Curtis suspended nineteen of the union’s leaders for insubordination. When most of the city’s fifteen hundred police officers walked off the job, rioting and widespread looting engulfed the city. Curtis fired eleven hundred strikers, and Calvin Coolidge, who was then the governor of Massachusetts, supported his hard line, saying, “There is no right to strike against the public safety by anybody, anywhere, anytime.” Coolidge’s stance thrust him into the national spotlight. He went on to serve as Vice-President and President.

For decades, that stance deterred police unionization. But, in the nineteen-fifties and sixties, with private-sector unions winning middle-class wages and solid benefits for millions of workers, police officers again started rumbling for a union. Their fraternal orders weren’t doing enough; the police wanted collective bargaining. Officers became increasingly impatient, and militant. In the early sixties, police engaged in a work slowdown in New York and a sit-in in Detroit.

In 1964, New York’s mayor, Robert F. Wagner, Jr., blessed a compromise between his police commissioner and the Patrolmen’s Benevolent Association. The P.B.A. renounced the right to strike and was recognized as the bargaining agent for the city’s police. Wagner had previously agreed to bargain with other municipal unions, but he had held off with the police, because of its singular role and of fears that officers might strike. (The National Labor Relations Act of 1935—sponsored by Wagner’s father, Senator Robert F. Wagner, Sr.—gave most private-sector workers a federal right to unionize and collectively bargain, but left it up to individual states and cities to decide whether to grant the same rights to government employees.) As a full-fledged union, the P.B.A. didn’t wait long to declare war against any push for increased accountability. In 1966, New York’s new mayor, John V. Lindsay, after being pressed by the Congress of Racial Equality, added four civilian members to the city’s Civilian Complaint Review Board; the original three members were deputy police commissioners. Then, as now, many African-Americans complained about police misconduct. The P.B.A., which renamed itself the Police Benevolent Association last year, bitterly resisted adding civilians to the board. When the City Council held a hearing on civilian review, the union mounted a five-thousand-member picket line in protest. The P.B.A. then organized a public referendum aimed at eliminating the board. It put up posters showing a young white woman exiting a subway and heading onto a dark, deserted street. “The Civilian Review Board must be stopped,” the poster read. “Her life . . . your life . . . may depend on it. . . . [A] police officer must not hesitate. If he does . . . the security and safety of your family may be jeopardized.” As the vote approached, the P.B.A.’s president, John Cassese, had played on racial divisions, declaring, “I’m sick and tired of giving in to minority groups with their whims and their gripes and shouting.” Lindsay, the American Civil Liberties Union, and New York’s two senators—the Republican Jacob Javits and the Democrat Robert F. Kennedy—opposed the P.B.A.-backed referendum. In a humbling defeat for liberals, sixty-three per cent of New Yorkers voted to abolish the review board.

Across the U.S., a similar dynamic played out. First, many cities followed New York’s lead and agreed to bargain with their police unions. Initially, newly established unions focussed on winning better wages and benefits. A major recession in the early eighties and the anti-tax fervor of the Reagan era caused budget crunches in many cities. Local leaders told police unions and other public-sector unions that they had little money for raises. In turn, the police demanded increased protections for officers facing disciplinary proceedings.

Since the eighties, police contracts in New York and many other cities have added one protection after another that have made it harder to hold officers accountable for improper use of force or other misconduct. Such protections included keeping an officer’s disciplinary record secret, erasing an officer’s disciplinary record after a few years, or delaying any questioning of officers for twenty-four or forty-eight hours after an incident such as a police shooting. “They have these unusual protections they’ve bargained very hard for, measures that insulate them from accountability,” William P. Jones, a history professor at the University of Minnesota and the president of the Labor and Working-Class History Association, told me. Jones said that other public-employee unions have some of the same protections but that police unions “are particularly effective utilizing them in their favor.”

In 2017, a Reuters a special report on police-union contracts in eighty-two cities found that most required departments to erase disciplinary records, in some cases after only six months. Eighteen cities expunged suspensions from an officer’s record in three years or less. Anchorage, Alaska, removed demotions, suspensions, and disciplinary transfers after twenty-four months. Reuters also found that almost half of the contracts let officers accused of wrongdoing see their entire investigative file—including witness statements, photos, and videos—before being questioned, making it easier for them to finesse their way through disciplinary interrogations.

Joseph McCartin, a labor historian at Georgetown, told me that one political factor explains why police unions have won so many protections. “They have more clout than other public-sector unions, like the teachers or sanitation workers, because they have often been able to command the political support of Republicans,” he said. “That’s given them a big advantage.”

#### Police misconduct erodes democracy – only holding them accountable can change the situation

Bonner, 18, University of Victoria, “Three Ways Police Abuse Affects Democracy”, 4/27/18, Michelle Bonner is Professor of Political Science in the Department of Political Science at the University of Victoria. Among other publications, she is the co-editor of Police Abuse in Contemporary Democracies , URL: <https://onlineacademiccommunity.uvic.ca/globalsouthpolitics/2018/04/27/three-ways-police-abuse-affects-democracy/>, KR

On August 9, 2014, 18-year-old Michael Brown was fatally shot by a police officer in Ferguson, Missouri. He was suspected of petty theft but was unarmed. A subsequent trial found the officer’s actions to be justified as self-defense. Despite the institutions of democracy working as they are designed, large protests (themselves met with police repression and arrests) registered profound public disagreement with the outcome. For many protesters this was one example, among numerous others, of police abuse aimed at African Americans that undermines their inclusion in American democracy.

Such powerful disagreements are not unique to democracy in the United States. Abuse of police authority happens in all democracies. It can include arbitrary arrest, selective surveillance and crowd control, harassment, sexual assault, torture, killings, or even forced disappearances. In newer democracies, police abuse is often thought to be a legacy of a previous authoritarian regime or civil war. Its persistence is understood to reflect weak democratic institutions and poorly functioning police forces. In established democracies, police abuse is more often thought to be an exception that is easily addressed through existing or tweaked institutions of accountability, such as the judiciary. Yet, as we argue in Police Abuse in Contemporary Democracies, police abuse has more significant implications for all democracies. We examine three.

Citizenship. Democracy includes the exercise and protection of rights for all citizens. This includes the right to protest, to mobility and not to be arbitrarily arrested or tortured. Rather than the courts, police are the first state actors to decide when citizen rights are protected and when they are ignored. They also have a great deal of discretion to decide who are (potential) wrongdoers and how much force to use to confront them. Marginalized groups in many countries find that it is in fact the police who determine the boundaries of their rights as citizens. Not all citizens’ rights are protected in the same way, creating pockets of authoritarian rule within democracy.

Some citizens, based on their identity, find, for example, that police watch them more closely, will arbitrarily arrest them for being in the “wrong place”, and police are more likely to mistreat them during arrest or while they are held in custody. This is particularly true for those who are economically poor (we examine cases from India, Brazil, Chile, Argentina, and South Africa). It also includes racialized minority groups such as Arabs in France or Blacks in France, South Africa and the United States (cases examined in the book). It can also include those who hold political views considered “radical” such as alter-globalization activists in Canada or those protesting or striking against neoliberal economic polices in South Africa (also examined in the book). That is, police abuse creates an unequal experience of democracy as it pertains to citizenship rights. To change this, we argue that we need to better understand how police use their discretion, why they profile some citizens over others, and the consequences of police profiling on the quality of democracy for all citizens. Another answer would be to strengthen police accountability.

Accountability. At first glance it might appear, at least in established democracies, that we already have the answer to reducing police abuse. If police abuse their power then they will be held accountable by the judiciary. This is an important feature of liberal democracy. Yet, the studies in our book reveal that in fact, in many countries (we examine the US, Chile, and to a lesser extent Argentina and India) the judiciary tends to be very lenient with police abuse.

Police have the right in a democracy to use violence. As the case of Michael Brown highlights, right and wrong is determined by the willingness of the judiciary to accept the justification provided by the police officer for his or her action (or inaction). In the case of Michael Brown, the office claimed he killed in self-defense and the courts accepted this justification as valid. As our chapters on Chile and the United States reveal, judicial accountability is often very sensitive to the need for police to maintain a good public image. So police wrongdoing is frequently blamed on an individual officer, a “bad apple”, or the judiciary accepts the officer’s justification in order to reinforce the power of all officers’ to respond as they see fit to different situations.

Of course, as in the Michael Brown case, the public can voice their disagreement with the judiciary. Yet, as one chapter on the US shows, whether or not the public perceives that the police have abused their powers and whether or not they demand judicial accountability is influenced by unconscious racial bias. To overcome these biases and the reluctance on the part of the judiciary to punish the police, another chapter suggests we need to encourage and support a wide variety of grassroots organizations, like Cop Watch, that are dedicated to keeping an eye on police conduct. All the authors agree that the answers to reducing police abuse lie beyond judicial or institutional police reforms. Tweaking institutions is not enough to reduce police abuse.

Socioeconomic Inequality. Finally, most studies of democracy argue that a certain level of socioeconomic equality is needed to sustain it. High levels of inequality of wealth weaken democracy. Political economists, including those in the World Bank, agree that neoliberal economic policies increase inequality in wealth. Yet, to ensure the implementation and protection of neoliberal economic policies, many governments rely on police abuse targeted against those who either oppose these policies or who are excluded from the economic model.

Our chapters on South Africa and Canada reveal repressive police responses to protests and strikes against neoliberal economic policies. Our chapters on France, South Africa, the United States, and Brazil all document government official’s encouragement of police abuse as the appropriate response to rising crime; preventive socioeconomic programmes, shown to better reduce crime, run counter to neoliberal economic policies. For example, in Brazil, state officials have drawn from international experience to establish Pacification Police Units (UPPs). UPPs occupy favelas (shantytowns) in large numbers in order to control crime, opening up opportunities for police abuse. Indeed, globally, with the spread of neoliberal economic policies, we have seen the rise of tough on crime rhetoric and policies in many countries. From this perspective, if we want to reduce police abuse, it is important to consider how some models of political economy might be more compatible with democracy than others.

To conclude, most people associate police abuse with authoritarian regimes. Yet, it occurs in all democracies and, if not checked, can reduce or even erode democracy. While in our book we examine three key ways police abuse affects democracy, there are many other ways it can do so, such as impacting elections, public policy, and or the construction of political ideologies. Given the global decline of democracy noted by academics and international organizations, such as Freedom House, it is important that we begin to ask how we can better address police abuse and the fuzzy line between democracy and authoritarianism that it represents.

**Extinction**

**Kasparov 17**

Garry Kasparov, Chairman of the Human Rights Foundation, former World Chess Champion, “Democracy and Human Rights: The Case for U.S. Leadership,” Testimony Before The Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global Women's Issues of the U.S. Senate Committee on Foreign Relations, February 16th, <https://www.foreign.senate.gov/imo/media/doc/021617_Kasparov_%20Testimony.pdf>

As one of the countless millions of people who were freed or protected from totalitarianism by the United States of America, it is easy for me to talk about the past. To talk about the belief of the American people and their leaders that this country was exceptional, and had special responsibilities to match its tremendous power. That a nation founded on freedom was bound to defend freedom everywhere. I could talk about the bipartisan legacy of this most American principle, from the Founding Fathers, to Democrats like Harry Truman, to Republicans like Ronald Reagan. I could talk about how the American people used to care deeply about human rights and dissidents in far-off places, and how this is what made America a beacon of hope, a shining city on a hill. America led by example and set a high standard, a standard that exposed the hypocrisy and cruelty of dictatorships around the world. But there is no time for nostalgia. Since the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the Cold War, Americans, and America, have retreated from those principles, and **the world has become much worse off as a result**. American skepticism about America’s role in the world deepened in the long, painful wars in Afghanistan and Iraq, and their aftermaths. Instead of applying the lessons learned about how to do better, lessons about faulty intelligence and working with native populations, the main outcome was to stop trying. This result has been a tragedy for the billions of people still living under authoritarian regimes around the world, and it is based on faulty analysis. You can never guarantee a positive outcome— not in chess, not in war, and certainly not in politics. The best you can do is to do what you know is right and to try your best. I speak from experience when I say that the citizens of unfree states do not expect guarantees. They want a reason to hope and a fighting chance. People living under dictatorships want the opportunity for freedom, the opportunity to live in peace and to follow their dreams. From the Iraq War to the Arab Spring to the current battles for liberty from Venezuela to Eastern Ukraine, people are fighting for that opportunity, giving up their lives for freedom. The United States must not abandon them. The United States and the rest of the free world has an unprecedented advantage in economic and military strength today. What is lacking is the will. The will to make the case to the American people, the will to take risks and invest in the long-term security of the country, and the world. This will require investments in aid, in education, in security that allow countries to attain the stability their people so badly need. Such investment is far more moral and far cheaper than the cycle of **terror, war**, refugees, and **military intervention** that results when America leaves a vacuum of power. The best way to help refugees is to prevent them from becoming refugees in the first place. The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There **existential threat** today is not found on a map, but it **is very real**. The forces of the past are making steady progress against the modern world order. **Terrorist** movements in the Middle East, extremist parties across Europe, a paranoid tyrant in **North Korea threatening nuclear blackmail,** and, at the center of the web, an **aggressive KGB dictator in Russia**. They all want to turn the world back to a dark past because their survival is threatened by the values of the free world, epitomized by the United States. And **they are thriving as the U.S. has retreated**. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but **this is what happens when there is no cop on the beat. American leadership begins at home**, right here. America cannot lead the world on democracy and human rights if there is no unity on the meaning and importance of these things. **Leadership is required to make that case clearly and powerfully**. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of strategic stability that is the great strength of democracies. Strong institutions that outlast politicians allow for long-range planning. In contrast, dictators can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford to think beyond their own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of **democracy is the only** proven **remedy for** nearly **every crisis that plagues the world today. War, famine, poverty, terrorism**–all are generated and exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you.

## OFF

#### Counterplan Text: A just government ought to recognize a right of workers to strike when authorized by a majority of striking workers through a secret balloting process

#### That solves

Tenza 19 -- Mlungisi Tenza (LLB, LLM, LLD @ University of KwaZulu-Natal), Investigating the need to reintroduce a ballot requirement for a protected strike in South Africa, August 1 2019, *Obiter*Volume 40, Issue 2, https://journals.co.za/doi/10.10520/EJC-1936af7594 WJ

Violent protracted strikes can have devastating effects on employers, employees and the economy at large. Despite the fact that workers have a constitutional right to strike, it is important that the exercising of such a right not be allowed to go beyond the necessary limits. Currently, strikes are often characterised by violent conduct. Resolution of strikes also takes a long time, leaving many people unemployed by the time a solution is found. This not only affects the employees concerned, but is a contributing factor to poverty. To prevent long and violent strikes from taking place, it is suggested that there should be changes to existing labour law so as to include a ballot requirement. The law should compel a convening union to ballot members before staging a strike. To be credible, the balloting process should be chaired by an independent body, such as the IEC or a representative from the CCMA. This is the position in Australia and Canada. In these countries, if a union calls a strike without having balloted its members, such a strike is unlawful and civil action can be taken against the union and its members. Balloting members prior to strike action would help to establish their willingness to embark on a strike. If the majority vote in favour of a strike, it would send a signal to the employer that workers are serious and that it must consider their concerns or demands in a serious light. The employer and employee representatives are expected to engage fruitfully during negotiations and to avoid impending industrial action.

#### Mandatory pre-strike ballots empirically increase intra-organizational cohesion

Orchiston et al 19 -- Alice Orchiston (Lecturer, Faculty of Law, University of New South Wales), Breen Creighton (Honorary Professor, Graduate School of Business and Law, RMIT University), Catrina Denvir (Research Fellow, Director of Ulster Legal Innovation Centre, School of Law, Ulster University), Richard Johnstone (Professor, Faculty of Law, Queensland University of Technology), and Shae Mccrystal (Professor of Labour Law, Sydney Law School, The University of Sydney), PRE-STRIKE BALLOTS AND ENTERPRISE BARGAINING DYNAMICS: AN EMPIRICAL ANALYSIS, Melbourne University Law Review, Vol 42(2):593 2019 WJ

As identified above, the introduction of the mandatory pre-strike ballot requirement was justified by reference to democratic imperatives, specifically the need to implement a ‘fair, effective and simple process for determining if a group of employees in an enterprise want to take industrial action’.136 In practice, mandatory pre-strike ballots have had a positive effect on intra- organisational communication and internal union decision-making around industrial action. The analysis revealed that, on the whole, the unions in the study implemented democratic processes for member consultation and engagement over every step of the PABO process, including the decision to apply for a PABO, the ballot itself and the subsequent decision to take industrial action. These decisions were almost universally referred to by union interviewees as ‘member’ decisions subject to internal union processes with high levels of member engagement.

#### Intra-organizational democracy is key to labor power – union leadership trails worker support

Vesoulis 21 -- Abby Vesoulis and Julia Zorthian, Workers Are Furious. Their Unions Are Scrambling to Catch Up, https://time.com/6110014/worker-anger-unions/, October 2021 WJ

The other thing getting under Geiger’s skin is how his union, United Auto Workers (UAW), is handling this moment. After all, it was UAW that agreed to the contract of the two-tiered system back in the 1990s. “We don’t trust the international union” says Geiger. “They brought that lousy contract for us to vote on.”

Geiger’s frustration with his union is not unique. In recent weeks, as tens of thousands of workers from Colorado to Georgia have gone on strike to demand better pay and work conditions, much of the organizing has been driven by workers themselves. The dynamic has left national and international union leadership scrambling to keep up with their own members’ decisions to strike, their shifting goals, and how to support the social media-driven communications strategies workers are employing.

“There is this grassroots push,” says David Madland, senior adviser to the American Worker Project at the Center for American Progress, “and leaders have to catch up.”

A year and a half into the COVID-19 pandemic, in which most blue-collar workers risked their health and safety to go to work while their white-collar colleagues largely worked from home, some top union brass and union members are at a disconnect. Union leadership is sometimes so focused on state and federal power structures that they’re missing the tectonic shifts among workers on the ground, labor experts and striking workers say.

“There is a danger and a concern that some of the heads of unions tend to be DC-focused. [They are] too interested in, ‘What are the debates on reconciliation? Who’s working with the administration? Are we invited to the meetings in DC?’ Yes, there’s an important role to play there,” argues Faiz Shakir, the founder of advocacy journalism startup More Perfect Union and former Bernie Sanders’ 2020 campaign manager. “But right now, especially at this moment in history, the worker fights are out there around the country.”

## CASE

#### Labor unions effective – no need for more strikes

Graham 16’ Graham, James. "A Reconsideration of the Right to Strike." *The Catholic Lawyer* 9.2 (2016): 4.

Employers in certain industries almost always bow to union demands because, having banded together in collective bargaining associations with their competitors, they are in a position to make the public pay the price of increased wages or shorter hours. This is an oversimplification, of course, but it would not be naive not to suppose, for example, that at least one effect of the inflated wage scales in the building trades is to make it more difficult for the lowerincome groups to increase their earnings and someday to buy a home. Conclusion In any 'event, it would appear that government neutrality in labor disputes is fast becoming a thing of the past. The Kennedy administration has to date shown no reluctance to invoke the Taft-Hartley injunction procedures in labor disputes affecting the national welfare. A proposal by former Secretary of Labor Goldberg that government representatives participate as "observers" in major negotiations was greeted with a cry of indignation from George Meaney and a chilly "no thanks" from management spokesmen, but Goldberg's proposal does reflect an increasing concern for the public interest in labor-management disputes. It seems that government mediators often will intervene in disputes that only remotely affect national defense interests. Perhaps this tendency has been influenced by the widely-held view among labor practitioners that public tolerance for strikes is much lower today than during the years when unions were organizing in the mass production industries.3 6 In conclusion, it is safe to say that additional legislation to curb illegal strikes and to compel arbitration in certain industries may not only be inevitable but necessary as well. We also can expect government regulation over other areas of collective bargaining unless the powerful unions pay heed to the principle enunciated by Pope Pius XI in Quadragesimo Anno that the right to strike should be exercised only as a last resort and in situations where it needs no justification.

#### Thumpers to collective bargaining – employers use legal intimidation tactics that strikes can’t solve

Lafer and Loustaunau 20 - Gordon Lafer and Lola Loustanunau, [Gordon Lafer is a political economist and is a Professor at the University of Oregon’s Labor Education and Research Center. He has written widely on issues of labor and employment policy, and is author of The Job Training Charade (Cornell University Press, 2002). Lola Loustaunau is an assistant research fellow at the Labor Education and Research Center, University of Oregon, Eugene.] 7-23-2020, "Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining," Economic Policy Institute, <https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/>

What this report finds: Most American workers want a union in their workplace but very few have it, because the right to organize—supposedly guaranteed by federal law—has been effectively cancelled out by a combination of legal and illegal employer intimidation tactics. This report focuses on the legal tactics—heavy-handed tactics that would be illegal in any election for public office but are regularly deployed by employers under the broken National Labor Relations Board’s union election system. Under this system, employees in workplace elections have no right to free speech or a free press, are threatened with losing their jobs if they vote to establish a union, and can be forced to hear one-sided propaganda with no right to ask questions or hear from opposing viewpoints. Employers—including many respectable, name-brand companies—collectively spend $340 million per year on “union avoidance” consultants who teach them how to exploit these weakness of federal labor law to effectively scare workers out of exercising their legal right to collective bargaining.

Inside accounts of unionization drives at a tire manufacturing plant in Georgia and at a pay TV services company in Texas illustrate what those campaigns look like in real life. Below are some of the common employer tactics that often turn overwhelming support for unions at the outset of a campaign into a “no” vote just weeks later. All of these are legal under current law:

Forcing employees to attend daily anti-union meetings where pro-union workers have no right to present alternative views and can be fired on the spot if they ask a question.

Plastering the workplace with anti-union posters, banners, and looping video ads—and denying pro-union employees access to any of these media.

Instructing managers to tell employees that there’s a good chance they will lose their jobs if they vote to unionize.

Having supervisors hold multiple one-on-one talks with each of their employees, stressing why it would be bad for them to vote in a union.

Having managers tell employees that pro-union workers are “the enemy within.”

Telling supervisors to grill subordinates about their views on unionization, effectively destroying the principle of a secret ballot.

#### Labor unions corrupt and they don’t help the people

Graham 16’ Graham, James. "A Reconsideration of the Right to Strike." *The Catholic Lawyer* 9.2 (2016): 4. //RD Debatedrills

We need not conclude from all this that the right to strike is, or shoud be, obsolete. 4 Baerwald, The Labor Encyclicals Today, 49 CATHOLIC MIND 622, 629 (1951). 35 WEBB & WEBB, THE HISTORY OF TRADE UNIONIsm 664 (1920). Proposed alternatives which have been successful in other nations, such as compulsory arbitration and the formation of a Labor Party, might prove unworkable here and even obnoxious to the American eco-political system. It is also true that in this country most employers will never welcome unions with open arms and in the last analysis, despite the protections and prohibitions of the federal and state labor statutes, unions, in most cases, will be forced to resort to a show of economic strength to force recognition and/or just bargaining demands upon recalcitrant employers. But the point sought to be made here is that the right to strike is by no means absolute. A democratic desire to sympathize with the "underdog" should not obscure the fact that the entire community, including employers, has a legitimate interest in industrial peace. Mr. Justice Brennan argued in his vigorous dissenting opinion in the Sinclair case that the justification for the Norris-LaGuardia Act in 1932 was that federal court injunctions had stripped unions of their strike weapon without substituting any reasonable alternative. However, an agreement, freely made, to arbitrate all disputes arising during the term of the contract obviously does offer such an alternative. Ironically enough, the Sinclair decision will also add to the woes of many harassed union leaders. It is unfortunate but true that those labor organizations which are most democratic in their internal affairs are often most guilty of illegal strike activities; either the leaders cannot control dissident elements in the ranks or, facing re-election difficulties, must cater to the desire of the members for dramatic action to protest real or imagined grievance. In the past, the threat of an imminent injunction has been urged when necessary by union officials, 9 CATHOLIC LAWYER, SPRING 1963 without losing face, as a compelling reason for resorting to arbitration rather than a work stoppage for satisfaction of the grievance

#### **Unions are essentially labor cartels, which have a worse effect on the economy AND the worker.**

Sherk 2009 [James (Research Fellow, Labor Economics at the Heritage Foundation), 21 May 2009, “What Unions Do: How Labor Unions Affect Jobs and the Economy”, The Heritage Foundation, <https://www.heritage.org/jobs-and-labor/report/what-unions-do-how-labor-unions-affect-jobs-and-the-economy>] //DebateDrills LC

Unions function as labor cartels. A labor cartel restricts the number of workers in a company or industry to drive up the remaining workers' wages, just as the Organization of Petroleum Exporting Countries (OPEC) attempts to cut the supply of oil to raise its price. Companies pass on those higher wages to consumers through higher prices, and often they also earn lower profits. Economic research finds that unions benefit their members but hurt consumers generally, and especially workers who are denied job opportunities.

The average union member earns more than the average non-union worker. However, that does not mean that expanding union membership will raise wages: Few workers who join a union today get a pay raise. What explains these apparently contradictory findings? The economy has become more competitive over the past generation. Companies have less power to pass price increases on to consumers without going out of business. Consequently, unions do not negotiate higher wages for many newly organized workers

. These days, unions win higher wages for employees only at companies with competitive advantages that allow them to pay higher wages, such as successful research and development (R&D) projects or capital investments.

Unions effectively tax these investments by negotiating higher wages for their members, thus lowering profits. Unionized companies respond to this union tax by reducing investment. Less investment makes unionized companies less competitive.

This, along with the fact that unions function as labor cartels that seek to reduce job opportunities, causes unionized companies to lose jobs. Economists consistently find that unions decrease the number of jobs available in the economy. The vast majority of manufacturing jobs lost over the past three decades have been among union members--non-union manufacturing employment has risen. Research also shows that widespread unionization delays recovery from economic downturns.

Some unions win higher wages for their members, though many do not. But with these higher wages, unions bring less investment, fewer jobs, higher prices, and smaller 401(k) plans for everyone else. On balance, labor cartels harm the economy, and enacting policies designed to force workers into unions will only prolong the recession.

#### Striking leads to worse conditions.

Condon 18 [Jacki, 1 October 2018, “Strikes and their Economic Consequences”, Engineering News, <https://www.engineeringnews.co.za/article/strikes-and-their-economic-consequences-2018-10-01>] //DebateDrills LC

While several activities can be taken in an effort to prevent strikes from occurring or escalating, in the South African context, the tendency towards violent outbursts seems to outweigh reasonable action.

“Strikes and labour unrest have marked negative impacts on the employees themselves, the employers and their stakeholders, the government, consumers, and the economy,” advises Jacki Condon, Managing Director of Apache [Security](https://www.engineeringnews.co.za/topic/security) [Services](https://www.engineeringnews.co.za/topic/services). “The negative effects on international trade include the hinderance of economic development, creating great economic uncertainty – especially as the global media continues to share details, images and videos of violence, damage to property and ferocious clashes between strikers and [security](https://www.engineeringnews.co.za/topic/security).”

Strike action results in less productivity, which in turn means less profits. Labour Law expert, Ivan Israelstam confirms that; “The employer is likely to lose money due to delayed [service](https://www.engineeringnews.co.za/topic/service) to clients or to lost production time. The employees will lose their pay due to the no work, no pay principle. If the strikers are dismissed they will lose their livelihoods altogether.”

This year alone, Eskom, Prasa, various [manufacturing](https://www.engineeringnews.co.za/topic/manufacturing) plants, Sasol and the Post Office have faced crippling strikes – to name but a few. Condon argues that there are more immediate consequences to consider than loss of income.

“As the socio-economic issues continue to affect South Africans across the board, tensions are constantly rising,” states Condon. “Businesses must protect themselves, their assets, [business](https://www.engineeringnews.co.za/topic/business) property, and their non-striking employees from violence and intimidation.”

#### Global democracy is impossible

Dixon 10 [Dr. Patrick Dixon, PhD Foreign Policy, “The Truth About the War With Iraq”, http://www.globalchange.com/iraqwar.htm]

And so we find an interesting fact: those who live in democratic nations, who uphold democracy as the only honourable form of [government](http://www.globalchange.com/government-debt-expect-higher-inflation-as-secret-weapon-to-reduce-huge-liabilities.htm), are not really true democrats after all. They have little or no interest in global democracy, in a nation of nations, in seeking the common good of the whole of humanity. And it is this single fact, more than any other, this inequality of wealth and privilege in our shrinking global village, that will make it more likely that our future is dominate by terror groups, freedom fighters, justice-seekers, hell-raisers, protestors and violent agitators.