### T – URWS

#### Interpretation: The affirmative must defend the right to strike without any restrictions or exceptions

#### The phrase “unconditional right to strike” is a legal term. Its ONLY use in academic literature is to define a subset of the right to strike where the government CANNOT suspend the right. Here is an example from a railway worker strike in Germany:

LARRY **PETERSON PhD**. ‘GERMAN COMMUNISM, WORKERS' PROTEST, AND LABOR UNIONS The Politics of the United Front in Rhineland - Westphalia 1920-1924’. **1993.** Originally published by Kluwer Academic Publishers. ISBN 978-94-010-4718-0 ISBN 978-94-011-1644-2 (eBook) DOI 10.1007/978-94-011-1644-2. Larry Peterson (1949) received a PhD from Columbia University in 1979, and has been Managing Editor of Comparative Politics since 1983. He published widely about German, American, and comparative labor history.

Competition for the USPD and the United Front Strikes Like the metalworkers' strike in Dusseldorf, the major strikes of early 1922 tested the ability of USPD union leaders to conduct wage movements and back workers' economic demands politically. The KPD continued to refrain from interfering in the leadership of the strikes, supported them with offers of a united front, but also took up rank-and-file demands and emphasized its militant profile in contrast to the USPD's localization of strikes and reluctance to provide political support for them. A strike of metalworkers in Hagen in January and February was similar to the earlier one in Dusseldorf. The USPD controlled the local DMV; employers dragged out negotiations; the union demanded a 25 percent wage increase to compensate for inflation and restore parity with the metal industry in Dusseldorf; but arbitrators proposed a smaller compromise. Since the work force was predominantly Protestant and the Christian union weak, the DMV was able to carry out a unified month-long strike to back its demands. The KPD vigorously supported a united front of the three socialist parties during the strike. The union eventually had to accept a compromise proposed by state arbitrators that fell short of its demands. Once again employers proved themselves more capable of holding out in a localized conflict; the material hardship caused by the inflation was primarily responsible for forcing strikers back to work. As a result of the strike's defeat, the SPD in Hagen declined to insignificance, and the KPD made its first breakthrough among metalworkers. Though still the largest workers' party, the USPD faced a serious challenge from both the left and dissatisfied union members. 101 Of greater national importance was a series of strikes of railway workers and officials. These engulfed Rhineland and other regions in late December and early February, the latter provoking a parliamentary vote of confidence that threatened to bring down the center-left coalition in Berlin. As state employees, railway workers and officials were particularly hard hit by the state's financial crisis and consequent inability to raise wages to compensate for inflation. Their demands centered on government attempts to reduce the deficit by restricting salary increases, reducing the number of holidays and vacation days, and laying off workers. 102 However, their strikes also tested the commitment of the USPD and ADGB to workers' (as opposed to government) interests, to Sachwerterfassung as a means of ensuring adequate state finances, and to the right to strike (guaranteed in principle to state employees under the Weimar constitution). On all three counts the ADGB and a significant faction of USPD leaders backed the needs of the government, dominated by bourgeois parties, against the workers, leaving the KPD the only party to unequivocally support railway employees' demands, financial reform that would require employers to contribute their fair share to meet the deficit, and the **unconditional right of workers to strike**. The KPD tried to use the railway strikes and vote of confidence to force new Reichstag elections and drive especially the USPD to the left but, when this failed, exploited its own united front agitation and the support of ADGB, SPD, and part of the USPD for the government to expand its mass base among workers. The first strike broke out among railway workers in Hagen on December 20 but remained localized. A second wildcat strike on December 27 in Elberfeld, a district rail center, spread quickly throughout the Wuppertal and to Hagen. The socialist railway workers' union recognized the strike on December 29, after which it spread to Cologne and Essen, the two other district centers in RhinelandWestphalia, as well as to Monchen-Gladbach, Neuss, Krefeld, Remscheid, and Lennep. In all, 165 rail shops and stations with 8,000 workers joined the strike. On December 31 union and state negotiators reached a national agreement, ending the strike. \03 The KPD agitated for the expansion of the strike to other groups of workers but refrained from taking action itself. It was well aware of the political implications of the strike but waited to see how many workers supported it before increasing its involvement. Communist agitation was coordinated by the labor union sections of the ZentraLe and district leadership through fractions in the free union and was particularly intense in the three regional rail centers.104 The settlement failed to satisfy workers and did not cover officials (by status functionaries). Discontent among lower level state functionaries had increased steadily as inflation eroded salaries. The Reichstag was slow in raising salaries, then stalled in allocating funding. 105 By early 1922 they had sunk below the level of better-paid workers. When the state again failed to meet union demands, the largest union of railway officials, the nonpartisan Reichsgewerkschaft deutscher Eisenbahnbeamter und -anwarter, called a strike on February 1.106 The February strike posed special problems for the KPD. It involved state officials, with whom the Communists had had little or no contact, and was called by a nonsocialist union. Social Democratic leaders of the free union, which organized railway workers and included a nucleus of support for the KPD, supported President Ebert's use of emergency powers to suspend the functionaries' right to strike and cooperated with the government in breaking the strike. While the KPD was completely free of prior constraints in approaching railway officials and could make Ebert's decree the centerpiece of its agitation, it had to overcome its isolation from railway officials, divisions between officials and workers, and the actions of free union leaders to prevent workers from striking in sympathy. The KPD centered its support of the strike on salary demands and protection of the eight-hour day. A successful outcome would set a precedent for wage settlements in other industries, while defeat would restrict the **unconditional right to strike,** one of the chief gains of the 1918 revolution. Moreover, the impact of salary increases, won in a prohibited strike, on state finances could bring down the government, provoke new elections, and open the way for a workers' government composed of the SPD, USPD, and KPD and based on the ADGB' s ten demands. While unlikely in February 1922, this added a political dimension to the KPD's agitation for a united wage front of workers, employees, and officials.I OO Toward railway officials, the KPD maintained a low profile. Although the Zentrale thought that the strike "could not be carried out within narrow [labor union] limits," it decided "to take into consideration the position of those who were directly involved in the strike" and limit itself to "offering the strikers and their demands the strongest propagandistic support.,,108 "The Communist Party ... held itself back on purpose in order to prevent this strike from being put down as a Communist putsch.,,109 Thus, it limited its own demands to immediate strike-related questions and only hesitantly tried to broaden them to include state finances. 110 The UdHuK distributed a special issue of its newspaper and took part in solidarity meetings but held back from endorsing the strike to spare the strikers unnecessary trouble.1l1 The KPD sent speakers to strike meetings and held public meetings of its own but did not try to intervene where it was not welcome.112 Both KPD and UdHuK adopted a wait-and-see attitude, geared toward winning a base of support among railway officials, rather than expanding or politicizing the strike.ll3 Toward workers, by contrast, the KPD tried to attract the USPD away from the SPD, then appeal to USPD members. It encouraged solidarity among railway and streetcar workers, miners, and other groups of state-employed workers. The Communist majority in the Essen railway workers' local passed a resolution in favor of the strike, but the KPD supported sympathy strikes only in Hagen and Hamm where Independent Social Democrats initiated or joined them. 114 It tried wherever possible to organize meetings on a united front basis with SPD, USPD, and ADGB, as well as to create united solidarity committees. It concentrated its agitation on Ebert's prohibition of the strike to pressure the USPD and joined with local and district USPD leaders in DUsseldorf and Hagen and the USPD-controlled ADGB in DUsseldorf and Barmen-Elberfeld in sending protests to the government.1l5 Although Communists and Independents quickly agreed on the protests against Ebert's decree and the KPD refrained from criticizing the USPD during the strike, USPD leaders gave the strike only half-hearted support, and the two parties could not agree on further solidarity measures. Once the strike was over, the KPD attacked the USPD for bei ng "the cowardl y and pitiful fence of the ADGB and SPD.,,116 The strike remained isolated, and railway officials succumbed to government pressure and returned to work on February 8. The KPD benefited from reprisals against strikers. In Rhineland-Westphalia it organized a conference of Communist railway workers and officals in mid February and created a committee of two workers and two officials to examine the role of the KPD in future railway movements.ll7 The Zentrale and the district party leadership and local groups in Rhineland-Westphalia created a subdivision in the party's labor union section for government officials. lIs Communists made the strike a regular theme at public meetings in February and March, increased support among railway workers, and won a hearing from the more conservative railway officials. 1I9 Finally, the KPD profited from the governmental crisis provoked by the strike. The USPD introduced a resolution in the Reichstag criticizing the government's handling of the strike, especially Ebert's suspension of the right to strike, and the government responded by demanding a vote of confidence, which it could not win without the USPD's support. This was a critical time for the government, since it was about to conclude passage of a tax bill to adjust state finances to the inflation. A sizable minority of USPD Reichstag members defied the binding decision of the delegation to vote against the government and absented themselves from the vote to save the center-left coalition. Their action provoked consternation, particularly where the left wing of the USPD was strong, as in Di.isseldorf and Hagen. Simultaneously, the ADGB, SPD, and pro-SPD wing of the USPD dropped serious attempts to reform state finances on the basis of Sachwerterfassung and agreed to a compromise with the moderate bourgeois parties. 120 The KPD emerged from the strikes of Di.isseldorf and Hagen metalworkers and railway workers and officals as the only workers' party that consistently supported unified regional and national union action, militant defense of wage demands, and adequate taxation of industry through Sachwerterfassung. The USPD hadjustified its continued existence in large part with its militant brand of unionism, between the SPD's reliance on Arbeitsgemeinschaft and arbitration and the KPD's escalation of strikes into mass political actions, and Sachwerterfassung had originally been proposed by the SPD and USPD and then made the centerpiece of the ADGB's initiative to counteract the inflation. The metalworkers' and railway strikes, the confidence vote, and the compromise with the bourgeois parties over tax reform undermined both the rationale for an independent left-wing Social Democratic party and the attempt by the ADG B to project a militant economic profile because they forced leaders of both organizations to make decisions contrary to the programs that won them mass support. The inflation was eroding the basis for a middle position, whether focused on the unions or the USPD, between SPD and KPD. By adapting its actions to the USPD's and ADGB's most radical policies, the KPD positioned itself to inherit their mass support as the inflationary crisis radicalized workers and forced USPD and ADGB leaders to repudiate their policies to avoid a political confrontation that would undermine the state. The ADGB became even more wedded to the SPD's positions in the government, and national USPD leaders moved closer to the SPD. But from this time rank-and-file Independents and free union members in Rhineland-Westphalia began seriously to reconsider the Communist alternative. 121

#### Consistent with the legal definition of unconditional

US Legal Dictionary No Date Us Legal, Inc., "Unconditional Law and Legal Definition," https://definitions.uslegal.com/u/unconditional/

Unconditional means without conditions; without restrictions; or absolute. For instance, unconditional promise is a promise that is unqualified in nature. A party who makes an unconditional promise must perform that promise even though the other party has not performed according to the bargain

#### Prefer:

#### One of the few actual uses of the term “unconditional right to strike” in the topic literature. Prefer because it uses the only definition within the topic literature. Consistency with the topic lit is key to fairness because without it, debaters could jettison any word of the resolution allowing for the proliferation of an infinite number of affirmatives.

#### Consistent with the legal definition of the term “unconditional” Legal precisions outweighs limits and ground --- it’s a prerequisite to effective education and progress

Shannon 02 – Bradley Shannon, law at University of Idaho, January 2002 (Washington Law Review, 77 Wash. L. Rev. 65, Lexis

The first answer to this question is, why should we not care? If proper terminology (of whatever type) is readily available and comprehendible, why should one not want to use it? Does one really need a reason for not misusing any word, technical or otherwise? In other words, though many misuses of Rules terminology might not seem to cause serious problems, surely that is not an argument in favor of a disregard of proper Rules terminology, particularly where the cost of using proper terminology is negligible. 79 The second answer to the question why we should care about the use of proper Rules terminology goes to the cost of using improper terminology even in seemingly trivial contexts. Understanding legal concepts is difficult enough without the confusion created when an inappropriate term is used to represent those concepts. And this is true regardless of how minor the misuse. In some sense, every misuse of legal language impedes the understanding - and, consequently, the progress - of the law.

#### Violation: They only defend the right to strike for incarcerated workers – not all workers

#### Vote neg:

#### Procedural fairness: Their interpretation explodes limits, opening the floodgates to an almost infinite scope of possible affirmatives that can be run at a tournament. They can cherry pick any restriction or condition which makes it impossible for the negative to reasonably prepare. This kills neg ground and creates a side bias for the aff. Steals all of the neg ground which is rooted in justifying conditions and restrictions on the right to strike. Debate is fundamentally a competitive game which means that fairness is a d-rule and a pre-req to evaluating aff offense. They obviously care about fairness because they follow speech times. If procedural fairness is irrelevant, then I get a 2NR.

#### Limits outweigh – they’re the vital access point for any theory impact – its key to fairness – huge research burdens mean we can’t prepare to compete – and its key to education – big topics cause hyper-generics, lack of clash, and shallow debate – and it destroys participation

Rowland 84 (Robert C., Prof of Comm @ Kansas and former Debate Coach – Baylor University, “Topic Selection in Debate”, American Forensics in Perspective, Ed. Parson, p. 53-54)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

#### Argument skills: If I win that they aren’t consistent with the definition of “unconditional right to strike” then they are non-topical. Being topical is critical to allowing the neg to refute the aff in an in-depth fashion. This process produces iterative testing and improvement, where we learn to improve our arguments bases on our opponent’s arguments. This means that they are only winning the arguments they are because of my inability to predictably prepare and respond to them. This kills the educational ability of debate because the aff isn’t being exposed to the best possible counterarguments against their aff and the neg isn’t allowed to practice refutation. The educational aspect of debate is obviously important because schools fund the activity.

#### Drop the debater: If you drop the argument the aff has no offense and therefore there is no reason to vote aff. Also, key to deter future abuse.

#### Topicality is a voting issue that should be evaluated through competing interps because reasonability is arbitrary and invites intervention. Also, topicality is a yes or no question. You either are topical or you are not topical.

#### No RVIS: You shouldn’t win for following the rules and RVIS would lead to a chilling effect preventing a check on legitimate abuse.

### Aff

### General

#### No solvency – strikes spark backlash and fragmentation

Grant and Wallace 91 [Don Sherman Grant; Ohio State University; Michael Wallace; Indiana University; “Why Do Strikes Turn Violent?” University of Chicago Press; March 1991; <https://www.jstor.org/stable/pdf/2781338.pdf?refreqid=excelsior%3Aca3144a9ae9e4ac65e285f2c67451ffb>]

\*\*RM = Resource-Mobilization, or Strikes

3. Violent tactics.-Violent tactics are viewed by RM theorists exclu- sively as purposeful strategies by challengers for inciting social change with little recognition of how countermobilization strategies of elites also create violence. The role of elite counterstrategies has been virtually ig- nored in research on collective violence. Of course, history is replete with examples of elites' inflicting violence on challenging groups with the full sanction of the state. Typically, elite-sponsored violence occurs when the power resources and legal apparatus are so one-sidedly in the elites' favor that the outcome is never in doubt. In conflicts with weak insiders, elites may not act so openly unless weak insiders flaunt the law. Typically, elite strategies do not overtly promote violence but rather provoke violence by the other side in hopes of eliciting public condemnation or more vigorous state repression of challenger initiatives. This is a critical dynamic in struggles involving weak insiders such as unions. In these cases, worker violence, even when it appears justified, erodes public support for the workers' cause and damages the union's insider status. 4. Homogeneity and similarity.-Many RM theorists incorrectly as- sume that members of aggrieved groups are homogeneous in their inter- ests and share similar positions in the social structure. This (assumed) homogeneity of interests is rare for members of outsider groups and even more suspect for members of weak-insider groups. Indeed, groups are rarely uniform and often include relatively advantaged persons who have other, more peaceful channels in which to pursue their goals. Internal stratification processes mean that different persons have varying invest- ments in current structural arrangements, in addition to their collective interest in affecting social change. Again, these forces are especially prev- alent for weak insiders: even the group's lowest-status members are likely to have a marginal stake in the system; high-status members are likely to have a larger stake and, therefore, less commitment to dramatic change in the status quo. Internal differences may lead to fragmentation of interests and lack of consensus about tactics, especially tactics suggesting violent confronta- tion. While group members share common grievances, individual mem- bers may be differentially aggrieved by the current state of affairs or differentially exposed to elite repression. White's (1989) research on the violent tactics of the Irish Republican Army shows that working-class members and student activists, when compared with middle-class partici- pants, are more vulnerable to state-sponsored repression, more likely to be available for protest activities, and reap more benefits from political violence. When we apply them to our study of strike violence, we find that differences in skill levels are known to coincide with major intraclass Strikes divisions in material interests (Form 1985) and are likely to coincide with the tendency for violent action. For instance, skilled-craft workers, who are more socially and politically conservative than unskilled workers, are less likely to view relations with employers as inherently antagonistic and are prone to separate themselves from unskilled workers, factors that should decrease their participation in violence.

#### Wages

#### Strikes don’t increase wages – other studies flawed

Lacroix 86 Lacroix, R., 1986. A Microeconometric Analysis of the Effects of Strikes on Wages. Articles, 41(1), pp.111-127. Robert Lacroix is a professor of economics at the [Université de Montréal](https://en.wikipedia.org/wiki/Universit%C3%A9_de_Montr%C3%A9al) in [Montreal](https://en.wikipedia.org/wiki/Montreal), Quebec, Canada.

On the whole, our empirical results support the hypothesis inferred from the Siebert and Addison model which states that, on the average, for a large number of cases and all things being equal, there will be no difference between wage settlements reached after a strike and other negotiated wage agreement AN EXPLANATION OF THE DIFFERENCE BETWEEN OUR RESULTS AND THOSE OF OTHER STUDIES Why have so many previous studies found a positive effect of strikes on wages? The reason, according to us, is that there were two major flaws con tained in the wage equations including a strike variable. Firstly, many studies have shown that strike activity is positively correlated with the level of economic activity and the level of inflation10. Since it is difficult to have empirical variables of expected inflation and of labour market conditions in wage equations capturing the whole impact of these factors on wages, a strike variable might capture a part of the effect of economic conditions on wages. Therefore, a positive effect of strikes on wage agreements may be found, even if there were no causal relationship between these two variables. Moreover, in these studies, either industrial sector effects on wage agreements are completely neglected or these effects are forced to be the same for the whole sample period. But, because of specific economic condi tions in various industries, wage settlements might be very different from one industry to another even if all of them are signed under the same general economic conditions. Furthermore, we have no reason to suppose that these interindustrial disparities in wage agreements would remain constant from one period to another. Then, should strikes somehow be correlated with the evolution of relative wages, previous results on the effect of strikes on wages should be interpreted with caution. In the 14 wage equations, these two problems have been practically solved. Indeed, assuming that the economic environment is relatively stable during a short period of time, it has been possible to get rid of expected in flation and labour market variables by reducing our sample periods to one year. Moreover, in each of the 14 wage equations, an industrial sector variable has been added and the coefficients of these sectorial variables could vary from one year to the next. One could wonder what would have been the result if, instead of solv ing the two problems of the previous studies by reducing the sample period, it had been decided to estimate a single wage equation for the entire 1968-81 period using the same data. To answer this question the following wage equation was estimated

#### Increased strikes sabotage the economy – they cause major disruptions and lower income for workers.

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Labor strikes can cause major disruptions to industry, commerce and the lives of many people who aren't even connected to the strike itself. The Professional Air Traffic Controllers Association strike in 1981 resulted in the firing of thousands of air traffic controllers, and the New York City transit strike in late 2005 affected millions of people. The history of strikes and labor unions is a key chapter in the story of the Industrial Revolution. While the reasons behind strikes can be complex, they all boil down to two key elements: money and power. In this article, we'll find out how labor strikes have affected the balance of power between corporations and workers, what laws regulate strikes and learn about some important strikes in history. It's difficult to say when the first real labor strike occurred. The word "strike" was first used in the 1700s, and probably comes from to notion of dealing a blow to the employer [ref]. In 1786, a group of printers in Philadelphia requested a raise and the company rejected it. They stopped working in protest and eventually received their raise. Other professionals followed suit in the next few decades. Everyone in a city who practiced the same profession agreed to set prices and wages at the same rate. Members would shun anyone who diverged from the agreement, refusing to work in the same shop and forcing employers to fire them. By the 1800s, formal trade societies and guilds began to emerge. To have a strike today, you must have a union (though not necessarily an official union) -- an organization of workers that bargain collectively with an employer. Workers form unions because an individual worker is powerless compared to an employer, who can set low wages and long working hours as long as it adheres to labor laws. When workers combine to form a union, they collectively have enough power to negotiate with the employer. The main weapon the union has against the employer is the threat of a strike action. At its most basic level, a strike occurs when all the workers in the union stop coming to work. With no workers, the business shuts down. The employer stops making money, though it is still spending money on taxes, rent, electricity and maintenance. The longer the strike lasts, the more money the employer loses. Of course, the workers aren't getting paid either, so they're losing money as well. Some unions build up "war chests" -- funds to pay striking workers. But it isn't usually very much, and it's often not enough for a prolonged strike. Strikes help explain why unions are more powerful than individuals. Imagine if an employer refuses to give a raise to an individual worker. She then decides to stop coming to work in protest. The employer simply fires her for not coming to work. That one worker has no power to influence the employer. However, it can be very costly for an employer to fire every single worker when a union goes on strike (though it has happened).

#### Strikes fail and hurt workers

Orechwa 19 Jennifer Orechwa, 2019, "General Motors Strike A Reminder Unions Hurt Workers," UnionProof, https://projectionsinc.com/unionproof/how-unions-hurt-workers-the-gm-strike-continues/

Employees Hurt the Most by a Strike The reality is that a strike hurts the workers the most. They don’t hurt the union. In fact, union leaders see a strike as a chance to get some nationwide publicity as an organization helping the “little guys” take on the big bad abusive employer. Strikes don’t hurt permanently hurt the company because a large company like GM has a contingency plan and is prepared to keep operating without the striking workers by taking steps like temporarily shutting down some plants and consolidating operations. It’s the workers that are hurt, encouraged by the unions and some politicians to subject themselves to loss of income and job stability. Instead of encouraged, it should read that workers are “used” by the unions and [political parties](https://www.cnbc.com/2019/09/16/2020-election-democrats-cheer-uaw-strike-against-gm-criticize-trump.html) to push their agenda. Unions thrive on making employers look bad, and politicians that believe America’s big businesses take advantage of employees use the strikes as proof. The general line is that, “If employees are willing to suffer a loss of income, benefit and job stability, the workplace policies must be abusive.”

### AT Unions

#### Unions devastate industries and burden the entire economy – hurts all workers

Holcombe, Randall G. and Gwartney, James D., Unions, Economic Freedom, and Growth (February 24, 2010). Cato Journal, Vol. 30, No. 1, 2010, Available at SSRN: https://ssrn.com/abstract=2256190

While the right of workers to unionize and bargain collectively is completely consistent with freedom of contract and individual rights, 20th century labor law has created an environment in which unions have the power to compromise the freedom of contract by compelling workers to bargain collectively, in some cases to compel them to join a union and pay union dues, and to compel employers to negotiate with unions for labor contracts even when individuals may prefer to bargain themselves, independent of other workers. The concept of collective bargaining is consistent with economic freedom, but the developments of 20th century labor law have compromised economic freedom, and the powers given to unions have limited the rights of workers and employers. Unions have consistently bargained for higher wages and other benefits for their employees, and in the short run, because labor law has given to unions an advantage in the bargaining process, union contracts have had the effect of increasing the wages and benefits of union workers. In the long run, the higher cost of union labor brought on by those union contracts has resulted in a steady decline in private sector unionism, and has eroded U.S. manufacturing in unionized industries—most visibly, the railroad and auto industries. With private sector union density in the United States at about 12 percent, the overall effect of unionization on economic growth is not substantial. In a few industries such as the railroad industry and the auto industry, it has been devastating. Those two industries illustrate the larger effect of unionization, which has been the shift of employment away from unionized firms. While private sector union density is relatively low and declining, public sector union density is higher and stable. Local government employees have a union density of 46 percent, and many of the same that applied to the UAW’s effect on the auto industry also apply to local public sector employees. Benefits are very generous, imposing a less visible future cost that will have to be borne by taxpayers unless those benefits are restructured. The effect of unions on overall economic growth in the United States has been minor, because market forces have shifted private sector employment from unionized toward nonunionized industries, but international comparisons show that more restrictive labor law does place a measurable burden on the economy. In the future, the largest impact of unionization in the United States will come from public sector unionization. The burden of generous retirement benefits will crowd out other government expenditures, will be a force for higher taxes, and will impose an increasing burden on the private sector of the economy that pays those taxes.

#### Unions are structurally racist – strengthening them would deny people of color more opportunities

Watson, T., 2021. Union Construction’s Racial Equity and Inclusion Charade (SSIR). [online] Ssir.org. Available at: <https://ssir.org/articles/entry/union\_constructions\_racial\_equity\_and\_inclusion\_charade#> [Accessed 15 July 2021].

Six Practices That Institutionalized Racism in Union Construction The Catch 22 | White union construction workers often stymie prospective Black workers’ attempts to join a union by trapping them in a Catch-22: requiring the worker to have a job prior to being admitted into a union, but also requiring union membership before getting a construction job. Former United Community Construction Workers activist Omar Cannon recalls Black workers being told by white union officers that they “had to be in the union to get a job.” However, the problem, [Cannon explains](https://www.jstor.org/stable/j.ctv941wxz.23?seq=1#metadata_info_tab_contents), is that “you had to get a job to get in the union.” Former Army veteran and construction worker Gilbert Banks has told a [similar story](https://www.google.com/books/edition/Black_Power_at_Work/16RmDwAAQBAJ?hl=en&gbpv=0) about treatment by foremen and unions: “They’d say, ‘Have you got a (union membership) book?’ I’d say, ‘No.’ ‘Well,’ they said, ‘Go get a book and we’ll give you a job.’ And I’d go to the union and ask them for a book. They’d say, ‘Listen, if you get the job, we’ll give you a book.’ There was no way of fighting it.” This no-win situation is not a coincidence. This Catch-22 is a form of structural racism intended to exclude people not already on the inside. Stonewalling | Another strategy white union members use to frustrate Black workers into giving up their effort to join a union is intentionally refusing communication, ignoring, and silencing them. Stonewalling effectively blocks Black workers from jobs and from unions, even when those workers have superlative skills, training, and experience. For example, former member of the Congress of Racial Equity (CORE) and construction activist [Oliver Leeds recalls](https://www.jstor.org/stable/10.7591/j.ctt7v804) how his work as an Army engineer wasn’t enough to even get considered for work and union acceptance: “I was in the Corps of Engineers. And you know what we do? We worked to win the war. We built anything that could be built: bridges, tunnels, houses, officers’ quarters, Myers quarter, roads, and airstrips. We loaded and unloaded ships. We did anything in the way that involved work, construction work. You know, when I got back to the United States, after the war, I couldn’t get a job in construction, that there was no union that would let me in? And there was damn little that I couldn’t do in the way of construction work. They’ll take you and turn you into construction workers in the army, in a segregated army, and then when you get back into civilian life, you can’t get a construction job.” These first two strategies—the Catch 22 and stonewalling—cloak the structural racism operating within unions by displacing the consequence onto the Black person: that they gave up, or that they got frustrated, rather than seeing the mechanisms at work that produced this outcome. Biased Gatekeepers | Many construction unions place unemployed members “on the bench” while they wait to be sent to work by dispatchers, the union members who distribute the jobs. Dispatchers play a central role in access to jobs and, therefore, to union entry. However, by intentionally refusing to send Black workers to jobs, racially biased dispatchers play a pivotal role in keeping unions white. In Boston, former construction worker Earl Quick [recalls](https://www.newspapers.com/newspage/437214073/) receiving his union book but never being assigned work. “White guys would come in and go right into the business agent’s office and they’d get work and me and the rest of the Black guys would just sit there,” he explains. “I never did work in Boston.” [According to](https://www.jstor.org/stable/10.7591/j.ctt7v804) the former Northwest American Friends Service Committee Director Arthur Dye, “Some [Black] workers appeared at the hiring hall day after day for several months and were never dispatched. If they began to ask questions why they were not dispatched they would be sent out to jobs … a hundred miles or so away, only to find out that when they arrived at their destination there wasn’t a job. Or they would be dispatched to a job where there was considerable possibility for physical intimidation.” Because this is a well-known practice, Black workers have often [applied directly to employers](https://www.jstor.org/stable/10.7591/j.ctt7v804), going around the union hiring halls. But in most cases, employers are required by union policy to hire only workers referred by union hiring hall dispatchers. And even when employers [intentionally](https://www.reviewjournal.com/local/local-las-vegas/vegas-discrimination-lawsuit-could-be-headed-to-arbitration/) seek to diversify their employees and union contractors, dispatchers can thwart this effort. For example, when Robert Lucas, the president of the refrigeration contractor Lewis Refrigeration, who is a white man, [called Local Union 32](https://hcommons.org/deposits/objects/hc:16486/datastreams/CONTENT/content) and specifically asked for a Black plumber to be dispatched to his job, the dispatcher reportedly laughed and dismissed his request. Discriminatory Testing | Some construction unions require that applicants pass a test for admittance. To keep their membership as white as possible, some local unions went so far as to pass white applicants regardless of how they scored, while failing nearly every Black applicant. Journalist Gary McMillan reported in the [Boston Globe](https://www.newspapers.com/newspage/437214073/), that “in 1980, a federal court in Boston found that the oral section of the exam given by the Ironworkers was so subjective and so open to abuse that it had almost no bearing on ability to do the job. For some reason, the court also found, whites almost always passed the test but Blacks almost always failed.” This blatant discriminatory testing enables the construction industry to remain an “old-boys club,” and barring entry to people of color keeps their ranks as white as possible going forward. Without equal access to unions, Black workers have been deprived of apprenticeship, mentorship, and other networking opportunities that are crucial to their professional advancement and success. Explicit Racism | Some white construction workers take a more overtly racist and aggressive approach to keeping Black membership as low as possible. This strategy has been tactically employed through the use of racist language and putting Black workers in dangerous situations. In Seattle, Donald Kelly, a white apprentice in Local 86 [recalls hearing](https://www.jstor.org/stable/10.7591/j.ctt7v804), “We have no Negro apprentices, and we will never have no Negro apprentices … No Black [expletives] will ever work out of this union as long as I am business agent.” In Boston, Earl Quick had union men [drop bolts on him and call him the N-word.](https://www.newspapers.com/newspage/437214073/) As McMillan enumerated, “almost every Black construction worker interviewed by the [Boston Globe in 1983](https://www.newspapers.com/newspage/437214073/) … has had ‘accidents’ on the job: boards or bolts dropped from above, a steel beam swing very close to his head, live wires left at his feet as he walked by.” But these incidents of overt racism and aggression aren’t just relics of the past. Last year, places like Toronto, Las Vegas, and Portland, Oregon, have had incidents of [nooses](https://www.archpaper.com/2020/06/nooses-found-at-construction-sites-in-las-vegas-toronto-and-elsewhere/) being left at construction sites. And this year, in Boston, International Brotherhood of Electrical Workers International Vice President Mike Monahan referred to Black people as “[colored.](https://www.wgbh.org/news/local-news/2021/03/18/boston-planning-agency-vice-chair-criticized-for-racist-language)” And, in response to my critique about the lack of diversity in union construction, he emailed me with the following threatening message, which included a pointed reference to “sun down towns”: “Goodnight — what time does the sun set and rise in Falmouth? Make sure you lock the doors.” Voter Suppression | And lastly, some unions go to great lengths to exclude Black people from participating in their elections. In Boston, for example, union construction limits the number of Black members through voter suppression. Voter suppression is as American as the second amendment, a tool used to maintain white power and silence Black voices for decades. For most of us, voter suppression manifests itself through draconian policies—things like making it more difficult to vote by mail, voter ID laws, and restricting access to early voting. But while many of the elected officials behind such policies are Republican lawmakers, the Greater Boston building trades unions have been taking a page from their book; one of Boston’s most extensive and ingrained systems of voter suppression resides within their halls. First, let’s take a closer look at the Greater Boston building trades unions as a system: The Greater Boston building trades union is a group of 20 construction unions operating in the Greater Boston area. Each of the 20 construction unions is governed by their own elected officials/officers. Of these elected officials/officers, 100 percent of the senior leadership is white men. The overwhelming majority of members that are responsible for recruiting new members, administering entrance exams, and conducting interviews are white men. Not a single union will disclose the number of Black members they have or the number of union-signatory companies owned by Black people. What does this have to do with voter suppression? By keeping Black membership low through exclusionary practices, the Greater Boston building trades unions control the total number of Black voters participating in union elections. This ensures that Black representation in union votes will never be sufficient to correct exclusionary or racist union policies. This also suffocates any possibility for progressive Black leadership to be elected to senior leadership positions. White union members have gone to extreme lengths to maintain their power and dominance in the construction industry. They have designed the entire system to benefit themselves and other white men, often in direct opposition to Black membership. While many of these examples occurred in the past, their roots took hold and are still manifest in today’s union construction industry, which helps white men keep unions—and especially their leadership—white.

#### Unions prevent legislation that would mitigate climate change

Kahn et al. 20 KAHN, D., MALDONADO, S. and BOUDREAU, C., 2020. Unions fracture over climate. [online] POLITICO. Available at: <https://www.politico.com/newsletters/the-long-game/2020/09/01/unions-fracture-over-climate-490237> [Accessed 15 July 2021].

A DIVIDED MOVEMENT — Organized labor is often viewed as a cheerleader for the left, helping shape the agendas of Democratic lawmakers. But in statehouses from coast to coast and at the national level, unions have had no problem blocking green initiatives if they decide they're not in their members' interests. Those who stand to lose the most from tightening environmental policies have been wielding their power the past few months to kill proposals in statehouses across the country. Broadly, the split among unions is most marked between trade unions whose jobs are tied to the fossil fuel industry and those representing the service sector, like health care, government and custodial workers. “In recent years, the public employees have been siding mostly with the environmentalists and the private sector have been siding with our opinion, which is yes, we're pro-environment but ... we also want to be able to afford to live here and have jobs here,” said Kate Gibbs, deputy director of the Engineers Labor-Employer Cooperative, a trades union. Environmental protection and union jobs are a fault line among Democrats, which will only be magnified nationwide if Joe Biden defeats President Donald Trump in November. Biden will be under pressure from the left to enact major climate action similar to the "Green New Deal," which many national labor union leaders oppose. The Democratic National Committee last month scrapped language in its platform calling for an end to fossil fuel tax breaks and subsidies, despite Biden's campaign arguing the move would ultimately benefit unions. If Joe Biden wins in November, he will be under pressure to enact major climate action similar to the Green New Deal, which many national labor union leaders oppose. If Joe Biden wins in November, he will be under pressure to enact major climate action similar to the Green New Deal, which many national labor union leaders oppose. | Alex Wong/Getty Images Take California, where Democrats dominate state government. In a recent tug of war over the blue-collar constituency, the unions proved decisive. Electrical and ironworkers, pipe fitters, boilermakers and construction workers, along with oil companies and the state Chamber of Commerce, persuaded three Democratic senators to vote against a bill that would have mandated no-drill zones around certain populous areas — killing the effort for the year. "We've got a little bit stronger voice for working people than most other people," said Robbie Hunter, president of the State Building and Construction Trades Council of California, the parent organization for 160 local unions that represent 400,000 workers across more than a dozen different trades, which spearheaded opposition to the bill. In Pennsylvania, Democratic state lawmakers were recently frustrated by AFL-CIO, Building Trades and International Brotherhood of Electrical Workers' support of a bill that would block the state from joining the Regional Greenhouse Gas Initiative, a cap-and-trade program to reduce emissions from the power sector. “It's this fundamental tension,” a California state lawmaker said on condition of anonymity to avoid political repercussion. “It underlies everything from the Green New Deal at the national level to California's climate action agenda.” STEP INSIDE THE WEST WING: What's really happening in West Wing offices? Find out who's up, who's down, and who really has the president’s ear in our West Wing Playbook newsletter, the insider's guide to the Biden White House and Cabinet. For buzzy nuggets and details that you won't find anywhere else, subscribe today. ‘Just worried about today': Unions have found common ground with environmentalists on issues like replacing lead pipes, upgrading stormwater infrastructure and developing offshore wind, an industry slated to create thousands of manufacturing and construction jobs. In California, electrical, pipe trades and sheet metal workers' unions are working with environmentalists on a bill to fund HVAC and water-system improvements in schools. In New Jersey, a coalition called Jersey Renews — whose membership includes branches of the food, health care, communications and steelworkers unions, among others — has attempted to consolidate the support of disparate groups to advance climate change mitigation strategies. Kevin Brown, New Jersey State Director of SEIU 32BJ that represents 175,000 service workers across the Northeast and is a member of Jersey Renews, said climate change became a top concern for his members after they were disproportionately affected by the devastation of Hurricane Sandy. “It’s just a difference of opinion, one that’s really a matter of life and death, and the trades are just worried about today, and that's a huge mistake," Brown said. SEIU 32BJ opposed the construction of the controversial PennEast natural gas pipeline and the New Jersey Turnpike Authority’s capital plan — which called for widening highways that may increase traffic. Trade unions backed both projects. For almost a month, trade unions also stymied momentum for groundbreaking legislation preventing polluting facilities from being placed in certain neighborhoods. Ultimately, environmental justice advocates prevailed.