# 1NC

**I negate.**

**In this round, I value consequentialism.**

Sinnott-**Armstrong,** W. **(2015).** Consequentialism. In E. N. Zalta (Ed.), The Stanford Encyclopedia of Philosophy (Winter 2015). Retrieved from<http://plato.stanford.edu/archives/win2015/entries/consequentialism/>  Consequentialism, as its name suggests, is the view that **normative properties depend only on consequences**. This general approach can be applied at different levels to different normative properties of different kinds of things, but the most prominent example is consequentialism about the moral rightness of acts, which holds that **whether an act is morally right depends only on the consequences of that act** or of something related to that act, such as the motive behind the act or a general rule requiring acts of the same kind. consequentialist as opposed to deontological because of what it denies. It denies that moral rightness depends directly on anything other than consequences, such as whether the agent promised in the past to do the act now. Of course, the fact that the agent promised to do the act might indirectly affect the act's consequences if breaking the promise will make other people unhappy. Nonetheless, according to classic utilitarianism, what makes it morally wrong to break the promise is its.

**Prefer - This is the only topical lens to view the round through as the resolution asks us to evaluate a policy action. Government actions determined by policy makers will inevitably lead to trade-offs between citizens. The only justifiable way to resolve these conflicts is consequentialism.**

**VC: max societal well being – prefer because we acknowledge those that are undermiined**

#### Observation: the neg only has to prove that 1 instance of an unconditional strike is bad to win the debate

**Contention 1: The Economy**

**The Global Economy is stabilizing and set for increases in 2021 but is still vulnerable to shocks**

**World Bank 6-8** 6-8-2021 "The Global Economy: on Track for Strong but Uneven Growth as COVID-19 Still Weighs"<https://www.worldbank.org/en/news/feature/2021/06/08/the-global-economy-on-track-for-strong-but-uneven-growth-as-covid-19-still-weighs>

A year and a half since the onset of the COVID-19 pandemic, **the global economy is poised to stage its most robust post-recession recovery in 80 years in 2021**. But the **rebound is expected to be uneven across countries**, as major economies look set to register strong growth even as many developing economies lag. Global **growth is expected to accelerate to 5.6% this year,** largely on the strength in major economies such as the United States and China. And while growth for almost every region of the world has been revised upward for 2021, many continue to grapple with COVID-19 and what is likely to be its long shadow. **Despite this year’s pickup, the level of global GDP in 2021 is expected to be 3.2% below pre-pandemic projections**, and per capita GDP among many emerging market and developing economies is anticipated to remain below pre-COVID-19 peaks for an extended period. As the pandemic continues to flare, it will shape the path of global economic activity.

**Strikes hurt the Economy – two warrants:**

**1] They hurt critical core industries that is necessary for economic growth**

**McElroy 19** John McElroy 10-25-2019 "**Strikes** Hurt Everybody"<https://www.wardsauto.com/ideaxchange/strikes-hurt-everybody> (MPA at McCombs school of Business)

This **creates a poisonous relationship between the company and its workforce.**  Many GM hourly workers don’t identify as GM employees. They identify as UAW members. And they see the union as the source of their jobs, not the company. It’s an unhealthy dynamic that puts GM at a disadvantage to non-union automakers in the U.S. like Honda and Toyota, where workers take pride in the company they work for and the products they make. Attacking the company in the media also **drives away customers**. Who wants to buy a shiny new car from a company that’s accused of underpaying its workers and treating them unfairly? Data from the Center for Automotive Research (CAR) in Ann Arbor, MI, show that **GM loses market share during strikes and never gets it back. GM lost two percentage points during the 1998 strike, which in today’s market would represent a loss of 340,000 sales**. Because GM reports sales on a quarterly basis we’ll only find out at the end of December if it lost market share from this strike. UAW members say one of their greatest concerns is job security. But causing a company to lose market share is **a sure-fire path to more plant closings and layoffs.** Even so, unions are incredibly important for boosting wages and benefits for working-class people. GM’s UAW-represented workers earn considerably more than their non-union counterparts, about $26,000 more per worker, per year, in total compensation. Without a union they never would have achieved that. Strikes are a powerful weapon for unions. They usually are the only way they can get management to accede to their demands. If not for the power of collective bargaining and the threat of a strike, management would largely ignore union demands. If you took away that threat, management would pay its workers peanuts. Just ask the Mexican line workers who are paid $1.50 an hour to make $50,000 BMWs. But strikes don’t just hurt the people walking the picket lines or the company they’re striking against. They hurt suppliers, car dealers and the communities located near the plants. The Anderson Economic Group estimates that 75,000 workers at supplier companies were temporarily laid off because of the GM strike. Unlike UAW picketers, those supplier workers won’t get any strike pay or an $11,000 contract signing bonus. No, most of them lost close to a month’s worth of wages, which must be financially devastating for them. GM’s suppliers also lost a lot of money. So now they’re cutting budgets and delaying capital investments to make up for the lost revenue, which is a further drag on the economy. According to CAR, the communities and states where GM’s plants are located collectively lost a couple of hundred million dollars in payroll and tax revenue. Some economists warn that if **the strike** were prolonged it **could knock the state o**f Michigan – home to GM and the UAW **– into a recession.** That prompted the governor of Michigan, Gretchen Whitmer, to call GM CEO Mary Barra and UAW leaders and urge them to settle as fast as possible. So, while the UAW managed to get a nice raise for its members, the strike left a path of destruction in its wake. That’s not fair to the innocent bystanders who will never regain what they lost. John McElroyI’m not sure how this will ever be resolved. I understand the need for collective bargaining and the threat of a strike. But there’s got to be a better way to get workers a raise without torching the countryside.

**2] Strikes create a stigmatization effect over labor and consumption that devastates the Economy**

**Tenza 20**, Mlungisi. "The effects of violent strikes on the economy of a developing country: a case of South Africa." Obiter 41.3 (2020): 519-537. (Senior Lecturer, University of KwaZulu-Natal)

When South Africa obtained democracy in 1994, there was a dream of a better country with a new vision for industrial relations.5 However, the number of violent strikes that have bedevilled this country in recent years seems to have shattered-down the aspirations of a better South Africa. South Africa recorded **114 strikes in 2013 and 88 strikes in 2014, which cost the country about R6.1 billion** according to the Department of Labour.6 The impact of these strikes has been hugely felt by the mining sector, particularly the platinum industry. The biggest strike took place in the platinum sector where about 70 000 mineworkers’ downed tools for better wages. Three major platinum producers (Impala, Anglo American and Lonmin Platinum Mines) were affected. The strike started on 23 January 2014 and ended on 25 June 2014. Business Day reported that “the five-month-long strike in the platinum sector pushed the economy to the brink of recession”. 7 This strike was closely followed by a four-week strike in the metal and engineering sector. All these **strikes** (and those not mentioned here) were characterised with violence accompanied by damage to property, intimidation, assault and sometimes the killing of people. Statistics from the metal and engineering sector showed that about 246 cases of intimidation were reported, 50 violent incidents occurred, and 85 cases of vandalism were recorded.8 Large-scale unemployment, soaring poverty levels and the dramatic income inequality that characterise the South African labour market provide a broad explanation for strike violence.9 While participating in a strike, workers’ stress levels leave them feeling frustrated at their seeming powerlessness, which in turn provokes further violent behaviour.10 These strikes are not only violent but **take long to resolve. Generally, a lengthy strike has a negative effect on employment, reduces business confidence and increases the risk of economic stagflation.** In addition, such strikes **have a major setback on the growth of the economy and investment** opportunities. It is common knowledge that consumer spending is directly linked to economic growth. At the same time, if the economy is not showing signs of growth, employment opportunities are shed, and poverty becomes the end result. The economy of South Africa is in need of rapid growth to enable it to deal with the high levels of unemployment and resultant poverty. One of the measures that may boost the country’s economic growth is by **attracting potential investors** to invest in the country. However, this might be **difficult** as investors would want to invest in a country where there is a likelihood of getting returns for their investments. The wish of getting returns **for investment may not materialise if the labour environment is not fertile** for such investments as a result of, for example, unstable labour relations. As a result of this strike, the platinum industries lost billions of rands.29 According to the report by Economic Research Southern Africa, the platinum group metals industry is South Africa’s second-largest export earner behind gold and contributes just over 2% of the country’s Gross Domestic Product (GDP).30 The overall metal ores in the mining industry which include platinum sells about 70% of its output to the export market while sales to local manufacturers of basic metals, fabricated metal products and various other metal equipment and machinery make up to 20%. 31 The research indicates that the overall impact of the strike in 2014 was driven by a reduction in productive capital in the mining sector, accompanied by a decrease in labour available to the economy. This resulted in a sharp increase in the price of the output by 5.8% with a **GDP declined by 0.72 and 0.78%.**32

#### The impact is recession.

**Anderson 20** [Somer Anderson “What Causes a Recession” 9/15/20 <https://www.investopedia.com/ask/answers/08/cause-of-recession.asp>] AG

The standard [macroeconomic](https://www.investopedia.com/terms/m/macroeconomics.asp) definition of **a recession is** two consecutive quarters of **negative** [**GDP growth**](https://www.investopedia.com/articles/economics/08/genuine-progress-indicator-gpi.asp)**.** Private business, which had been in expansion prior to the recession, scales back production and tries to limit exposure to systematic risk. Measurable levels of spending and investment are likely to drop and a natural downward pressure on prices may occur as aggregate demand slumps. **GDP declines and** [**unemployment rates**](https://www.investopedia.com/terms/u/unemploymentrate.asp) **rise because companies lay off workers to reduce costs.**

**Contention 2: Essential Workers**

**Subpoint A) Nurses**

#### Nursing strikes can cause harm well beyond labor relations with negative effects on a patient’s safety, finances, and a hospital’s reputation.

**Masterson 17**[Les Masterson, August 15, 2017, “Nursing Strikes Can Cause Harm Well Beyond Labor Relations”,<https://www.healthcaredive.com/news/nursing-strikes-can-cause-harm-well-beyond-labor-relations/447627/>] AG.

A study on nurses’ strikes in New York found that labor actions have a temporary negative effect on a hospital’s patient safety. Study authors Jonathan Gruber and Samuel A. Kleiner found that **nurses’ strikes increased in-patient mortality by 18.3% and 30-day readmission by 5.7% for patients admitted during the strike. Patients admitted during a strike got a lower quality of care,** they wrote. “We show that this deterioration in outcomes occurs only for those patients admitted during a strike, and not for those admitted to the same hospitals before or after a strike. And we find that these changes in outcomes are not associated with any meaningful change in the composition of, or the treatment intensity for, patients admitted during a strike,” they said. They said a possible reason for the lower quality is fewer major procedures performed during a strike, which could lead partially to diminished outcomes. The study authors found that patients that need the most nursing care are the ones who make out worst during strikes. “We find that patients with particularly nursing-intensive conditions are more susceptible to these strike effects, and that hospitals hiring replacement workers perform no better during these strikes than those that do not hire substitute employees,” they wrote. Allina Health’s Abbott Northwestern Hospital in Minneapolis faced a patient safety issue during a strike last year that resulted in the CMS placing the hospital in “immediate jeopardy” status after a medication error. A replacement nurse administered adrenaline to an asthmatic patient through an IV rather than into the patient’s muscle. The patient, who was in the emergency room (ER), wound up in intensive care for three days because of the error. Allina said the error was not the nurse’s fault, but was the result of a communication problem. The CMS accepted the hospital plan of correction, which included having a nurse observer when needed and retraining ER staff to repeat back verbal orders. Hospitals also take a financial hit during strikes. Even the threat of a one- or two-day nurse strike can cost a hospital millions. Bringing in hundreds or thousands of temporary nurses from across the country is costly for hospitals. They need to advertise the positions, pay for travel and often give bonuses to lure temporary nurses. T**he most expensive** recent **nurse strike was when about 4,800 nurses went on strike at Allina Health in Minnesota two times last year. The two strikes of seven days and 41 days cost the health system $104 million. The hospital also saw a $67.74 million operating loss** during the quarter of those strikes. Even the threat of a strike can cost millions. Brigham and Women’s Hospital in Boston spent more than $8 million and lost $16 million in revenue preparing for a strike in 2016. The 3,300-nurse union threatened to walk out for a day and much like Tufts Medical Center, Brigham & Women’s said the hospital would lock out nurses for four additional days if nurses took action. At that time, Dr. Ron Walls, executive vice president and chief operating officer at Brigham and Women’s Hospital, said the hospital spent more than $5 million on contracting with the U.S. Nursing Corp. to bring on 700 temporary nurses licensed in Massachusetts. The hospital also planned to cut capacity to 60% during the possible strike and moved hundreds of patients to other hospitals. They also canceled procedures and appointments in preparation of a strike.

#### The status quo requires doctors to file a 10 day notice which is key to preventing death

**National Labor Relation Board** [NLRB “Right to Strike <https://www.nlrb.gov/strikes>]

**Section 8(g) prohibits a labor organization from engaging in a strike,** picketing, or other concerted refusal **to work at any health care institution without first giving at least 10 days’ notice** in writing to the institution and the Federal Mediation and Conciliation Service.

#### The impact is death

**Wright 10** [​​Wright, Sarah. 7/10 “Evidence on the Effects of Nurses' Strikes.” <https://www.nber.org/digest/jul10/evidence-effects-nurses-strikes>] AG

U.S. hospitals were excluded from collective bargaining laws for three decades longer than other sectors because of fears that **strikes by nurses** might **imperil patients' health**. Today, while unionization has been declining in general, it is growing rapidly in hospitals, with the number of unionized workers rising from 679,000 in 1990 to nearly one million in 2008. In **Do Strikes Kill? Evidence from New York State** (NBER Working Paper No. [**15855**](https://www.nber.org/papers/w15855)), co-authors [**Jonathan Gruber**](https://www.nber.org/people/Jonathan_Gruber) and [**Samuel Kleiner**](https://www.nber.org/people/Samuel_Kleiner) carefully examine the effects of nursing strikes on patient care and outcomes. The researchers match data on nurses' strikes in New York State from 1984 to 2004 to data on hospital discharges, including information on treatment intensity, patient mortality, and hospital readmission. They conclude that **nurses' strikes were costly to hospital patients: in-hospital mortality increased by 19.4 percent and hospital readmissions increased by 6.5 percent for patients admitted during a strike.** Among their sample of 38,228 such patients, an estimated 138 more individuals died than would have without a strike, and 344 more patients were readmitted to the hospital than if there had been no strike. **"Hospitals functioning during nurses' strikes do so at a lower quality of patient care**," they write.

#### Subpoint B) Teachers

#### ​​Teacher strikes can be disastrous and hurt student growth.

**Norton and Hernandez 18** [Hilary and Tracy. *Hilary Norton is BizFed chair and executive director of FAST (Fixing Angelenos Stuck in Traffic).* *Tracy Hernandez is the founding CEO of the Los Angeles County Business Federation (*[*BizFed*](http://www.bizfedlacounty.org/)*) and president of IMPOWER Inc.*. “Commentary: A teachers strike is bad for our students, families and economy ”. 10-10-2018. No Publication. http://laschoolreport.com/commentary-a-teachers-strike-is-bad-for-our-students-families-and-economy/.] SJ//VM

While a strike looms within our nation’s second-largest school district, the business community of Los Angeles urges the Los Angeles Unified School District and United Teachers Los Angeles to resolve their differences in a way that doesn’t put students at risk. As the organized, grassroots voice of the business community in Greater Los Angeles, BizFed works to support the public institutions that serve our community and the families that work to build our region’s economy. BizFed represents 390,000 businesses that employ nearly 4 million people throughout Los Angeles County. The majority of these employees are working to support their families, many of which include LAUSD students. It is important that the needs of students are placed first in the negotiations. Last week, BizFed wrote a letter to the LAUSD board and the UTLA executive officers urging them to do everything possible to avoid a strike. We received appreciative and positive feedback from LAUSD Board President Mónica García and Superintendent Austin Beutner as well as UTLA President Alex Caputo-Pearl. **When schools are closed due to strikes, students miss learning opportunities, parents must take days off from work and our region is disrupted. Beyond hurting families, this strike will hurt our businesses and their ability to sustain and create new jobs.** This **potential strike by LAUSD teachers will be the first in nearly three decades. The strike in 1989 lasted nine days; the most recent teachers strike in West Virginia lasted seven days. For a family living paycheck to paycheck, over a week of unpaid time off to watch their children should not be the deciding factor between paying the rent and putting food on the table; the entire family’s livelihood is threatened.** Imagine a single mom who is a nurse and has no one to watch her children. She must choose between leaving her children at home or missing a shift. That money cannot be paid back. **Every day that a student is not in the classroom, they lose learning opportunities. Students fall behind the content standards set by the California State Board of Education, and teachers have to add those lost days into their curriculum. Students lose daily social interactions with their peers, which helps build character and good citizenship.** Think of a student who has the dream of being a doctor. They miss school and now are discouraged and lose the aspiration of being a doctor. At-risk youth are the most vulnerable when there are school closures. **If parents don’t have the ability to skip work during a teacher strike, can’t afford childcare or don’t have family that can help out, that means students are left unsupervised. Anyone who has children knows that the course of their lives can change in an instant. We must avoid putting our children’s health and safety at risk.** In LAUSD, over 84 percent of the students qualify for free or reduced-price meals; the district serves over 700,000 meals each day. For many of these students, this is their only chance to eat a healthy breakfast, lunch and supper after school. A child’s nutrition should not be compromised at the hands of this potential strike. **As business leaders, we value the importance of treating teachers fairly while maintaining fiscal solvency. We urge LAUSD and UTLA to find a resolution that accomplishes both. Employers care deeply for the strength and effectiveness of our K-12 educational systems.** These students will also become the workforce that will grow our economy into the future. **We understand that LAUSD needs more resources and support from the state, but they do not need to exacerbate the problem by cutting off the current stream of per-pupil state funding each day the strike occurs.** The business community is ready to stand with its school district and teachers to support our public education system. We implore LAUSD and UTLA to avoid public fights, come to a resolution and work with the larger community to improve our city’s education system for all. Keep our future leaders learning!

#### Teacher strikes hurt student outcomes and worsen income inequality

[**Illinois Policy**, 10-2-**19**, “Teacher strikes hurt student outcomes and may worsen income inequality”<https://www.illinoispolicy.org/press-releases/teacher-strikes-hurt-student-outcomes-and-may-worsen-income-inequality/>] // SC SD

CHICAGO (Oct. 2, 2019) – As the Chicago Teachers Union plans to announce this afternoon whether it will walk out on more than 360,000 students, [**studies show**](https://illinoispolicy.us1.list-manage.com/track/click?u=7fe208d3c85ffa1d03aeaade4&id=5ecc6a508a&e=0b391c8e91) **strikes negatively affect student academic outcomes.**

**Research published in the National Bureau of Economic Research indicates strikes can temper growth in elementary student test scores by 2.2%. Given 90% of Chicago Public School students in 2018 were minority and 83% were classified as low-income, this means a strike will disproportionately harm those most in need and leave them to endure the long term negative consequences.**

Experts from the nonpartisan Illinois Policy Institute are available to comment on how a strike would hurt minority and low-income students, potentially worsening income inequality.

**How strikes harm student populations:**

**Test score decline: Expert consensus finds strikes have long-term negative effects on students. One study published by the NBER discovered that long strikes of 10 or more days have a significant negative effect on math test scores. Another published by Columbia University economists found extended disruptions, such as a strike, have negative effects on math and English achievement.**

**Less instruction: Unless the educational time lost during a strike is made up – such as by extending the school year – students lose the corresponding time in the classroom. In addition, students may require extensive review of material to get back up to speed.**

Underperforming state averages: CPS already underperforms state academic achievement benchmarks. Its average SAT scores are 56 points lower than the state average, its four-year graduation rates are 11 percentage points lower and the percentage of CPS teachers rated proficient or excellent is 11 percentage points lower. A strike could exacerbate this.

#### Income inequality leads to poverty

**Gould 14** [Elise Gould “Inequality is the Main Cause of Poverty” EPI January 8, 2014, <https://www.epi.org/blog/inequality-main-persistent-poverty/>] AG

I couldn’t agree more with Paul Krugman’s [blog post](https://krugman.blogs.nytimes.com/2014/01/08/on-fighting-the-last-war-on-poverty/?_r=0) this morning when he says, “**the main cause of persistent poverty** now **is high inequality of market income.”** We looked at precisely this question in the latest edition of [State of Working America](http://stateofworkingamerica.org/). (And the White House Council of Economic Advisors cited our work on this in their [War on Poverty 50 Years Later Report](https://www.whitehouse.gov/sites/default/files/docs/50th_anniversary_cea_report_-_final_post_embargo.pdf), released today.) In the roughly three decades leading up to the most recent recession, looking at the officially measured poverty rate, educational upgrading and overall income growth were the two biggest poverty-reducing factors, while **income inequality was the largest poverty-increasing factor.** Relative to these factors, the racial composition of the U.S. population over this period (the growth of nonwhite populations with higher likelihoods of poverty) and changes in family structure (the growth of single mother households) have contributed much less to poverty, particularly in recent years.

## Case

### Contention 1

#### We outweigh on timeframe – by the time the kafala system is broken down in the affirmative world we would have alr seen a recsiion and teacher and nurse strikes hurting students and killing patients.

#### only illegal strikes have the potential to be successful and change minds – the aff has no solvency

Reddy 21-- Diana S. Reddy [Diana Reddy is a Doctoral Fellow at the Law, Economics, and Politics Center at UC Berkeley Law]; “There Is No Such Thing as an Illegal Strike”: Reconceptualizing the Strike in Law and Political Economy; Jan 6 2021; Yale Law Journal; <https://www.yalelawjournal.org/forum/there-is-no-such-thing-as-an-illegal-strike-reconceptualizing-the-strike-in-law-and-political-economy>. (AG DebateDrills)

In recent years, consistent with this vision, there has been a shift in the kinds of strikes [are] workers and their organizations engage in—increasingly public-facing, engaged with the community, and capacious in their concerns.178 They have transcended the ostensible apoliticism of their forebearers in two ways, less voluntaristic and less economistic. They are less voluntaristic in that they seek to engage and mobilize the broader community in support of labor’s goals, and those goals often include community, if not state, action. They are less economistic in that they draw through lines between workplace-based economic issues and other forms of exploitation and subjugation that have been constructed as “political.” These strikes do not necessarily look like what strikes looked like fifty years ago, and they often skirt—or at times, flatly defy—legal rules. Yet, they have often been successful. Since 2012, tens of thousands of workers in the Fight for $15 movement have engaged in discourse-changing, public law-building strikes. They do not shut down production, and their primary targets are not direct employers. For these reasons, they push the boundaries of exiting labor law.179 Still, the risks appear to have been worth it. A 2018 report by the National Employment Law Center found that these strikes had helped twenty-two million low-wage workers win $68 billion in raises, a redistribution of wealth fourteen times greater than the value of the last federal minimum wage increase in 2007.180 They have demonstrated the power of strikes to do more than challenge employer behavior. As Kate Andrias has argued: [T]he Fight for $15 . . . reject[s] the notion that unions’ primary role is to negotiate traditional private collective bargaining agreements, with the state playing a neutral mediating and enforcing role. Instead, the movements are seeking to bargain in the public arena: they are engaging in social bargaining with the state on behalf of all workers.”181 In the so-called “red state” teacher strikes of 2018, more than a hundred thousand educators in West Virginia, Oklahoma, Arizona, and other states struck to challenge post-Great Recession austerity measures, which they argued hurt teachers and students, alike.182 These strikes were illegal; yet, no penalties were imposed.183 Rather, the strikes grew workers’ unions, won meaningful concessions from state governments, and built public support. As noted above, public-sector work stoppages are easier to conceive of as political, even under existing jurisprudential categories.184 But these strikes were political in the broader sense as well. Educators worked with parents and students to cultivate support, and they explained how their struggles were connected to the needs of those communities.185 Their power was not only in depriving schools of their labor power, but in making normative claims about the value of that labor to the community. Most recently, 2020 saw a flurry of work stoppages in support of the Black Lives Matter movement.186 These ranged from Minneapolis bus drivers’ refusal to transport protesters to jail, to Service Employees International Union’s Strike for Black Lives, to the NBA players’ wildcat strike.187 Some of these protests violated legal restrictions. The NBA players’ strike for instance, was inconsistent with a “no-strike” clause in their collective-bargaining agreement with the NBA.188 And it remains an open question in each case whether workers sought goals that were sufficiently job-related as to constitute protected activity.189 Whatever the conclusion under current law, however, striking workers demonstrated in fact the relationship between their workplaces and broader political concerns. The NBA players’ strike was resolved in part through an agreement that NBA arenas would be used as polling places and sites of civic engagement.190 Workers withheld their labor in order to insist that private capital be used for public, democratic purposes. And in refusing to transport arrested protestors to jail, Minneapolis bus drivers made claims about their vision for public transport. Collectively, all of these strikes have prompted debates within the labor movement about what a strike is, and what its role should be. These strikes are so outside the bounds of institutionalized categories that public data sources do not always reflect them.191 And there is, reportedly, a concern by some union leaders that these strikes do not look like the strikes of the mid-twentieth century. There has been a tendency to dismiss them.192 In response, Bill Fletcher Jr., the AFL-CIO’s first Black Education Director, has argued, “People, who wouldn’t call them strikes, aren’t looking at history.”193 Fletcher, Jr. analogizes these strikes to the tactics of the civil-rights movement. As Catherine Fisk and I recently argued, law has played an undertheorized role in constructing the labor movement and civil-rights movement as separate and apart from each other, by affording First Amendment protections to civil rights groups, who engage in “political” activity, that are denied to labor unions, engaging in “economic” activity.194 Labor unions who have strayed from the lawful parameters of protest have paid for it dearly.195 As such, it is no surprise that some unions are reluctant to embrace a broader vision of what the strike can be. Under current law, worker protest that defies acceptable legal parameters can destroy a union. Recasting the strike—and the work of unions more broadly—as political is risky. Samuel Gompers defended the AFL’s voluntarism and economism not as a matter of ideology but of pragmatism; he insisted that American workers were too divided to unite around any vision other than “more.”196 He did not want labor’s fortunes tied to the vicissitudes of party politics or to a state that he had experienced as protective of existing power structures. Now, perhaps more than ever, it is easy to understand the dangers of the “political” in a divided United States. Through seeking to be apolitical, labor took its work out of the realm of the debatable for decades; for this time, the idea that (some) workers should have (some form of) collective representation in the workplace verged on hegemonic. And yet, labor’s reluctance to engage in the “contest of ideas” has inhibited more than its cultivation of broader allies; it has inhibited its own organizing. If working people have no exposure to alternative visions of political economy or what workplace democracy entails, it is that much harder to convince them to join unions. Similarly, labor’s desire to organize around a decontextualized “economics” has always diminished its power (and moral authority), given that the economy is structured by race, gender, and other status inequalities—and always has been. During the Steel Strike of 1919, the steel companies relied on more than state repression to break the strike. They also exploited unions’ refusal to organize across the color line. Steel companies replaced striking white workers with Black workers.197 Black workers also sought “more.” But given their violent exclusion from many labor unions at the time, many believed they would not achieve it through white-led unions.198

#### Workers can strike iin the squo and illegality makes iit better for them to strike

#### Weve seen this happen before and reddy 22 quantifies that 22 miillino people were helped thru strikes in the squo

### Contention 2

#### Cx reddy 21 – illegal prison strikes are good

#### And once they are legal they have the potiential to go out of control which is a net bad for prisoners

#### No visibility – lack of public attention means strikes never generate sufficient pressure to spark change.

HLR ’19 (Harvard Law Review; 3-8-2019; “Striking the Right Balance: Toward a Better Understanding of Prison Strikes”; Harvard Law Review; https://harvardlawreview.org/2019/03/striking-the-right-balance-toward-a-better-understanding-of-prison-strikes/; Accessed: 11-8-2021; AU)

But more broadly, the prison strikers sought to draw public attention to longstanding grievances over inhumane treatment within prisons across the country and to call for significant criminal justice reforms. The strikers, through the inmate organization Jailhouse Lawyers Speak, issued a list of ten national demands, calling for, among other things, improved prison conditions, better access to rehabilitation programs, voting rights for all current and former prisoners, and the “immediate end to the racial overcharging, over-sentencing, and parole denials of Black and brown humans.”4× Most critically, the strikers passionately called for the “immediate end to prison slavery”5× — the label that activists use to describe the exploitative labor practices within prisons of putting prisoners to work, sometimes compulsorily, for just “cents an hour or even for free.”6× Although none of the strikers’ ten demands have yet been met, the 2018 nationwide prison strike was still a remarkable event in its scope and coordination, as well as its ability to generate public support and attention. An estimated 150 different organizations endorsed the strike; citizens held numerous demonstrations outside of prisons in solidarity; and a range of national media publications provided detailed coverage of the protest’s motivations, objectives, tactics, and status as potentially the “largest prison strike in U.S. history.”7× Despite the 2018 prison strike’s apparent gravity, it is difficult to fully contextualize its significance because surprisingly little attention has been paid to prison strikes previously. For instance, just two years prior, in 2016, a similar nationwide prison strike was described as “[t]he largest prison strike . . . you [probably] haven’t heard about.”8× In light of this reality, this Note peers behind prison walls to improve our understanding of prison strikes — the end goal being to open the door to a broader discussion of why and how these strikes should receive legal protection. Part I briefly documents America’s history of prison strikes, showing that the 2018 nationwide strike is the latest in a long, important tradition of prisoners using the only real means available to them — collective actions against prison administrators — to protest labor conditions and other deeply held grievances. Part II then evaluates the legal framework governing prison strikes, demonstrating that such strikes likely do not receive sufficient protections under either the Constitution or federal and state statutes and therefore can be shut down by prison administrators without fear of judicial oversight. Part III, informed by the rich history of prison strikes, argues that their potential and demonstrated value demands, at the very least, consideration of the merits of protecting incarcerated individuals’ right to strike, and it contends that the First Amendment framework offers one potential avenue to allow prisoners to peacefully surface pressing problems in our carceral system and to collectively express their humanity and dignity.

#### Unemployment creates cycles of recidivism. This means the aff doesn’t solve the root cause AND it doesn’t solve for recidivism as a whole.

**Curley 2017** (Caitlin Curley, March 17 2017, “Denying Employment To Ex-Offenders Increases Recidivism Rates,” <https://www.genfkd.org/denying-employment-ex-offenders-increases-recidivism-rates>)

There are quite a few barriers for ex-offenders looking for employment, which increase the risk for reoffending and impact recidivism rates. What keeps ex-offenders from finding jobs As a population, offenders statistically tend to have less education and less previous employment in their backgrounds, which initially makes them less-appealing applicants. Many applications will automatically disqualify those who have felony convictions, barring many former convicts. Those that make it through this step might be hit with a background check that disqualifies them as well. Making it to an interview can be difficult, but making yourself presentable for an interview you do get can also be a challenge when you might not be able to find housing and are likely low-income. All of these factors result in the ex-offender population lowering the overall employment rate by .8 to .9 percent, according to a study by the Center for Economic and Policy Research. Unemployment leads to re-offending It is commonly known by experts in the field that employment is an incredibly important factor in stabilizing someone’s life after release from prison. People need to have the steady activity and responsibility in order to avoid falling back into the same behaviors that landed them in the system. More importantly, they need a steady paycheck to get themselves housing, food and basic necessities in order to survive on their own. This impacts recidivism rates The increased risk for re-offending caused by unemployment has a negative effect on overall recidivism rates,

and that impact has been tracked by several recent studies. A 5-year study conducted by Indiana’s Department of Corrections found that an offender’s post-release employment was “significantly and statistically correlated with recidivism, regardless of the offender’s classification.” America Works partnered with the Manhattan Institute to track the success rates of their employment-assistance programs for released offenders. They found that offenders who participated in their programs had almost 20 percent less of a chance of re-offending and returning to prison. Takeaway: We have to care about recidivism Ex-offenders need employment, and it’s important to recognize their barriers to leading successful lives. But high recidivism rates indirectly impact all of us — they inflate prison populations, which overflow correctional budgets that are paid for by taxpayers. So whether or not we care about the ex-offender population, we need to care about recidivism rates overall. Employment after release from prison has a huge impact on recidivism rates, so caring about recidivism means caring about ex-offender employment.

#### Multiple alt causes to recidivism – low wages are a drop in the bucket.

Tegeng et al. ’18 (Goche; professor in the Department of Psychology at Wollo University; 2018; “Exploring Factors Contributing to Recidivism: The Case of Dessie and Woldiya Correctional Centers”; Arts and Social Sciences Journal; https://www.hilarispublisher.com/open-access/exploring-factors-contributing-to-recidivism-the-case-of-dessie-and-woldiya-correctional-centers-2151-6200-1000384.pdf; Accessed: 11-8-2021; AU)

Recidivism is “one of the most fundamental concepts in criminal justice” and relevant in understanding the core functions of the criminal justice system such as incapacitation, deterrence, and rehabilitation [1]. Within criminal justice agencies, the level of recidivism is an important outcome variable that provides the basis for determining the extent to which an agency has been able to effectively intervene in the criminality of the offender populations it serves, identifying the needs for more effective programs, communicating the need for increased resources, and demonstrating accountability to the public and to legislators [2]. There are many different plausible contributing factors that might explain why released offenders could not successfully reenter the community. A notable number of studies examined the contributing factors to recidivism among released offenders. The most plausible reasons to explain the relatively high recidivism rate among released offenders were centered on the offenders’ educational illiteracy, lack of vocational job skills, lack of interpersonal skills, or criminal history. Besides, socio-economic factors such as gender, age and employment status influence the possibility of committing crimes after first conviction. In terms of gender, men are more likely to return to prison because of **criminal peer associations**, **carrying weapons**, alcohol abuse, and **aggressive feelings** [3]. According to United States Sentencing commission 24.3 and 13.7 percent of males and females were recidivates respectively in USA. **Age is** also another demographic **determinant factor** for recidivism. A study in USA shows that recidivism rates decline relatively consistently as age increases. So youths are more likely to offend than older people. Among all offenders under age 21, the recidivism rate is 35.5 percent, while offenders over age 50 have a recidivism rate of 9.5 percent (United States Sentencing commission, 2004). Therefore, incarceration, particularly at a young age, can lead to an accumulation of disadvantages over the life course, with future opportunities severely restricted [4]. On the other hand, the absence of employment is a consistent factor in recidivism and parole or probation violations, and **having a criminal history** limits employment opportunities and **depresses wages**. In New York State, labor statistics show that 89% of formerly incarcerated people who violate the terms of their probation or parole are unemployed

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