# 1NC

## 1 – DA

#### The plan’s recognition of strikes paves the way for rising wages and prices, which creates major inflation. The risk is low now, but more pro-labor policy from Biden will tip the economy in favor of unions. That means inflation spikes.

Peek 10/22

Peek, Liz. “Biden's Big Labor policies will create next round of inflation.” The Hill. 22 October 2021. <https://thehill.com/opinion/finance/577933-bidens-big-labor-policies-will-create-next-round-of-inflation?rl=1>

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Americans blame President Biden for rising inflation; it could get worse. The administration’s big-spending policies and inability to cure our supply chain woes have driven prices higher. In addition, Biden’s generous handouts and vaccine mandates have pushed workers to the sidelines, making it difficult to fill jobs and raising costs even further. But it is Biden’s enthusiasm for Big Labor that is going to make matters worse. We are now entering a new phase of inflation pressures. A rising cost of living is pushing workers to demand higher wages, which in turn prompts companies to raise prices even more, igniting an unholy cycle that penalizes everyone. Unions, cheered on by Biden’s White House, have decided to take advantage of this moment. **Labor strikes** are on the increase, which will **lead to higher wages**, take workers offline **and make it even harder to get goods to customers**. Those bare shelves popping up around the country may just be a teaser for what comes next**. A wage-price spiral** is the phenomenon that **causes inflation to become “persistent” and not “transitory.”** This is what Democrats will bring to the 2022 midterm elections. A recent Morning Consult/Politico poll found that 62 percent of registered voters, including 61 percent of independents and even 41 percent of Democrats, blame Biden’s policies for soaring inflation. With prices rising at the fastest rate in 13 years, less than half of those surveyed attribute the increase to Americans returning to pre-pandemic behavior. Though the policies that contributed to price hikes on everything from rents to gasoline to chicken were not specified in this poll, other surveys have found voters pinning rising inflation on Democrats’ big spending programs, such as the $1.9 trillion American Rescue Plan. That is one reason (along with a healthy survival instinct) that moderate Democrats are now slow-walking Biden’s $3.5 trillion “social infrastructure” bill. Transportation Secretary Pete Buttigieg acknowledged the connection the other day, when he shirked responsibility for port delays and trucker shortages by arguing that we don’t have just a supply problem but also a demand problem. Buttigieg is correct. With Congress authorizing an unprecedented $5 trillion in “relief” spending over the past two years and with the Federal Reserve pumping trillions into the money supply, the country is awash with money. Put most simply, there is too much money chasing too few goods. As a consequence, prices in September rose 5.4 percent from the year before, faster that the growth in wages, which increased 4.6 percent. Over the past year, real average hourly wages are down almost one percent. Workers are falling behind, and they know it. Unions have taken notice and decided that this is the time to begin rebuilding their ranks among private companies. **Only 6.3 percent of private-sector workers today belong to unions**, a massive drop from 12 percent in 1990. Clearly, **labor leaders would like to reverse that trend**. With the nation short of workers, this may be the perfect time to do so. Just recently, 10,000 United Auto Workers at tractor manufacturer John Deere went out on strike for the first time in three decades, while 31,000 employees at Kaiser Permanente are also staging a walkout. Some 1,400 workers at cereal-maker Kellogg are striking. All in, there have been 12 strikes of 1,000 workers or more so far this year, according to the Bureau of Labor Statistics, and a total of 178 work stoppages. Those figures are way above 2020 totals, but about the same as in 2018 and 2019. My guess: We’re in the early innings. **Workers are aware that they have leverage**, and union leaders know **there is a pro-Big Labor president in the White House**. Early in his tenure, Biden posted a message about workers’ right to organize and the virtues of collective bargaining on Twitter that many saw as encouraging employees at an Amazon facility in Alabama to vote in favor of forming a union. It was an unprecedented intrusion by a president into such contests. As it happened, Biden’s push failed when workers overwhelmingly defeated the organizing effort. President Biden has gone further, inserting into his stimulus bills pro-union items like making union dues deductible and requiring that federal funds flow predominantly to union shops. As important, he has packed the National Labor Relations Board with former union lawyers committed to advancing the cause. Politico reports that the agency’s expected rulings could “serve as a backdoor for enacting provisions … that would vastly expand workers’ ability to join unions in potentially the most important overhaul of U.S. labor law since the 1940s.” Organizing gig workers is one of the new board's top ambitions. The Los Angeles Times affirms: “Biden has put unions at the center of policy — viewing them as vehicles not only to rebuild middle-class jobs but also to address climate change and racial and gender inequity.” The John Deere workers rejected a contract that would have awarded raises of 5 percent to 6 percent and offered another 3 percent wage hike in 2023 and 2025. Deere’s employees are emboldened by the company’s current profitability and the struggle to hire new employees. Most likely, workers elsewhere will follow suit. We have not seen a wave of disruptive labor strikes for many years. For the past two decades globalization put a lid on the demands of workers who were wary of shipping jobs overseas, and the Great Recession crimped corporate profits. Biden’s **pro-union efforts** could win back some of those blue-collar workers who defected to Donald Trump in 2016, but the president’s encouragement of Big Labor **will** surely **lead to higher wages.** Those **pay hikes will spur even higher inflation**; it will be hard to stop the merry-go-round. It will also be hard for Biden and his fellow Democrats to escape responsibility for what many voters consider the country’s number one problem: inflation.

#### Inflation independently guarantees recession- responsible governmental policy now is key

Long 2021. Heather Long, economics correspondent for The Washington Post. “The economy isn’t going back to February 2020. Fundamental shifts have occurred.” WaPo June 20, 2021. <https://www.washingtonpost.com/business/2021/06/20/us-economy-changes/> Accessed 6/26/21. ARJH/msdi2021

“This is an extraordinarily unusual time. And we really don’t have a template or any experience of a situation like this,” Powell said Wednesday. “We have to be humble about our ability to understand the data.” There’s dispute, among other things, about how many of these changes are temporary and how many are true fundamental shifts that will stick around for years and reshape behaviors. But many people agree, at least, the changes are proving very disruptive. There are obvious changes, like the realization that working from home is possible for a sizable part of the labor force and the widespread adoption of online ordering for daily necessities like groceries. These will remain significant parts of work and commerce going forward. Nearly a quarter of workers are likely to work at least a day or two from home each week, the McKinsey Global Institute predicts. And e-commerce, which grew three times faster last year than in prior years, shows few signs of ebbing. Then there are new dynamics emerging as home prices soar in many parts of the country that are unaccustomed to seeing such extremes. While millions of American homeowners suddenly find themselves “house rich,” the surge in prices is exacerbating the affordability crisis as first-time buyers are getting priced out. Experts fear a rental crisis could be next. Then there is inflation, which hit a 13-year high in May, and is widely viewed as the biggest risk that could sink — or at least stall — the recovery’s progress. Although the Fed predicts this will be a short-lived phenomenon, businesses and consumers are already changing some behaviors. Many companies are shrinking the size of how many paper towels are in a package or how much cat food is in a can and still charging the same amount. Home builders are refusing to guarantee prices in fear that material costs will jump further, and investors are suddenly reviving interest in Treasury Inflation-Protected Securities. “Because there are now so many retirees, I think there will be more political pressure to tame any inflation,” said Lisa Cook, an economics professor at Michigan State University. “The general public has gotten used to low inflation.” All of this is coming at a time when workers are increasingly demanding more pay and better working conditions. They want more flexibility, more opportunities for workers of color and more understanding from employers of mental health and child care needs. Businesses are paying attention, largely because they are desperate for workers. There are an estimated 9.7 million job openings right now, according to job site Indeed. That’s a record, and several million more than the nation has seen before. How all of this will play out remains uncertain. In housing, prices in many markets are up 10 percent or more from a year ago, a very different dynamic than what the nation experienced coming out of the Great Recession. Many of the fastest growing prices are in smaller cities as Americans are relocating to places with more green space and sense of community. A major concern is what happens now that so many first-time home buyers are being priced out because they can’t afford the hefty down payments. They will have to stay as renters. Susan Wachter, co-director of the University of Pennsylvania’s Penn Institute for Urban Research, predicts the nation is on the verge of a rental housing crisis. At the end of this month, the national eviction moratorium expires, and many landlords are eager to bump up rent and force out tenants who lost jobs in the crisis. At the same time, investors have scooped up cheap single-family homes in the hopes of renting them out for good profits. Single-family home rents were already up 5.3 percent a year as of April, according to research firm CoreLogic. “I see this coming year as a year where rents will increase by a surprisingly high amount,” Wachter said. “The affordability problem is going to extend out into more places, especially second and third-tier cities.” In a worst-case scenario, it could lead to more homelessness, even in such a hot economy. It will almost certainly reinforce the divides between the haves and have nots. The same is true of the rise of automation during the pandemic. As companies looked for ways to reduce the number of people in an office, hotel or factory, they turned to robots and telework. They invested heavily in technology, which economists predict could result in one of the biggest boosts to worker productivity in years. This higher productivity forecast is one of the reasons the McKinsey Global Institute says the United States could see an economy that’s $3,500 per person bigger by 2024. But those gains are unlikely to be evenly distributed. Automation also has downsides, especially layoffs for workers without college degrees. “This is not a sure thing that we reap the benefits of faster growth without negative side effects. There are real worries about inequality,” said Susan Lund, head of the McKinsey Global Institute. “Are we able to create real opportunities for people who have been in low-wage, low skilled jobs?” In addition to equality and housing questions, policymakers are also grappling with what will happen with inflation. The nation hasn’t seen sustained high inflation in 30 years. It’s unclear how Americans will react. There is perhaps no better illustration of the disruptive price and supply chain issues than lumber prices, which hit an eye-popping record of $1,670 per thousand board feet in May. There was a sigh of relief on Wall Street and in the White House as lumber prices on the commodities exchanges fell about $600 in the past two weeks. The price is still about three times higher than pre-pandemic norms, but it is trending down. But home builder Jerry Konter in Savannah, Ga., says reality on the ground is a lot different than charts on a Wall Street trading terminal. Sky-high prices for lumber remain at stores and many suppliers because they still have to sell all the wood they bought at the top. Konter doesn’t expect retail prices to change until August or September. For the first time in his 44-year career building homes, Konter altered his standard contract to no longer guarantee a firm date or price. He has to explain to buyers that the price could jump and items like cabinets that used to arrive in 10 days now take four months. While hopeful for improvement, he’s preparing for high prices and supply bottlenecks to last. His expectations — and behaviors — have shifted. “I personally believe we are about to kill the golden goose in the economy with these supply issues,” Konter said, adding, “There are so many people that are being left out of getting a home because of the additional input costs. It’s almost impossible to build an entry-level home.” While many economists and Wall Street traders believe the Fed’s prediction that inflation will subside later this year, they are quick to say their biggest fear is that the Fed is wrong. If a lot of people start believing inflation of 5 percent a year is here to stay, then they will demand higher pay and businesses will respond by raising consumer prices again, igniting a vicious cycle. The Fed would have to respond to that cycle by hiking interest rates quickly, a tactic that typically causes recessions. “In the next few months, we’ll have very high inflation numbers. It’s unlikely to persist, but it’s a real risk that it does. That risk is higher now than it has been for decades,” said former Fed official Randall Kroszner. “Will consumers accept it as temporary? We really don’t know. In some ways, this is faith-based monetary policy.”

**Econ decline would collapse deterrence----that causes extinction**

**Tønnesson 15** (Research Professor, Peace Research Institute Oslo; Leader of East Asia Peace program, Uppsala University, 2015, “Deterrence, interdependence and Sino–US peace,” International Area Studies Review, Vol. 18, No. 3, p. 297-311)

Several recent works on China and Sino–US relations have made substantial contributions to the current understanding of how and under what circumstances a combination of nuclear deterrence and economic interdependence may reduce the risk of war between major powers. At least four conclusions can be drawn from the review above: first, those who say that interdependence may **both inhibit and drive conflict** are right. Interdependence raises the cost of conflict for all sides but asymmetrical or unbalanced dependencies and negative trade expectations may generate tensions leading to trade wars among interdependent states that in turn **increase the risk of military conflict** (Copeland, 2015: 1, 14, 437; Roach, 2014). The risk may increase if one of the interdependent countries is governed by an inward-looking socio-economic coalition (Solingen, 2015); second, the risk of war between China and the US should not just be analysed bilaterally but include their allies and partners. Third party countries could drag China or the US into confrontation; third, in this context it is of some comfort that the three main economic powers in Northeast Asia (China, Japan and South Korea) are all deeply integrated economically through production networks within a global system of trade and finance (Ravenhill, 2014; Yoshimatsu, 2014: 576); and fourth, decisions for war and peace are taken by very few people, who act on the basis of their future expectations. International relations theory must be supplemented by foreign policy analysis in order to assess the value attributed by national decision-makers to economic development and their assessments of risks and opportunities. If leaders on either side of the Atlantic begin to seriously fear or anticipate their own nation’s decline then they may blame this on external dependence, appeal to anti-foreign sentiments, contemplate the use of force to gain respect or credibility, adopt protectionist policies, and ultimately **refuse to be deterred by** either **nuclear arms** or prospects of socioeconomic calamities. Such a dangerous shift could happen **abruptly**, i.e. under the instigation of actions by a third party – or against a third party. Yet as long as there is both nuclear deterrence and interdependence, the tensions in East Asia are unlikely to escalate to war. As Chan (2013) says, all states in the region are aware that they cannot count on support from either China or the US if they make provocative moves. The greatest risk is not that a territorial dispute leads to war under present circumstances but that **changes in the world economy** alter those circumstances in ways that render inter-state peace more precarious. If China and the US fail to rebalance their financial and trading relations (Roach, 2014) then a trade war could result, interrupting transnational production networks, provoking social distress, and exacerbating nationalist emotions. This could have unforeseen consequences in the field of security, with nuclear deterrence remaining the only factor to protect the world from Armageddon, and unreliably so. **Deterrence could lose its credibility: one of the two great powers might gamble that the other yield in a cyber-war or conventional limited war**, or third party countries might engage in conflict with each other, with a view to obliging Washington or Beijing to intervene.

## 2 – DA

#### Tech can solve infrastructure concerns but needs to be integrated – operators are key.

Jacobs 5/31 [Lionel; Senior Security Architect in the Palo Alto Networks ICS and SCADA solutions team. Coming from the asset-owner side , Lionel has spent more than 20 years working in the IT/OT environment, with a focus on ICS systems design, controls, and implementation. He was a pioneer in bridging the IT-OT security gap and implementing next-generation security into performance and safety critical process control areas. During his tenure, he successfully deployed a large scale ICS/SCADA security architecture composed of over 100 next-generation firewalls, hundreds of advanced endpoint protection clients and SIEM, distributed over dozens of remote plants and a centralized core, all based on a "Zero Trust" philosophy. Lionel graduated from Houston Baptist University with a double degree in Physics and Mathematics and has held certifications as a MCSE, CCA, CCNP, CCIP, CCNA, CSSA, and GICSP; “Critical Infrastructure Protection: Physical and Cyber Security Both Matter,” eSecurity Planet; 5/31/21; https://www.esecurityplanet.com/networks/critical-infrastructure-protection-physical-cybersecurity/]//SJWen

Segmentation based on business criteria

Segmentation is not just breaking apart the network based on the IP-Address space. True segmentation requires identifying and grouping devices into Zones or Enclaves based on meaningful business criteria to protect better vulnerable devices found within the address space. Access to devices in the zone needs to be restricted by users, groups, protocols, networks, and devices. In some instances, you may even consider restricting access by time of day.

IoT/IIoT is beginning to take hold in the energy industry, which means there are going to be more devices attached to these networks gathering information and possibly running on a vendor’s proprietary software and hardware, which more than likely will not be managed or patchable by the operator of the system. So O&G needs to have a definite plan on how they will address this growing trend, and a zero trust-based strategy offers the best means of doing this integration in a safe, secure, and, most important, reversible manner.

Camera and sensor security

Segmentation will also include the zoning of radio frequency (RF) technologies like Wi-Fi, Microwave, satellite, and cellular. ICS and SCADA systems operators must remain mindful of the possibility of an upstream attack by threat actors who have managed to compromise their RF facilities. Remote facilities and devices often have cameras and sensors to alert when a door has been opened. Still, because they are remote, attackers have time to enter the facilities and plant a device that can go completely unnoticed.

Another option physical access affords them is the opportunity to compromise the runtime operating systems and/or OS of the devices they find. The only way you will find these would be to do a physical search of the facility or cabinet and run an audit of the OS to ensure nothing has been tainted.

Zoning limits damage

So the reason why the zone trust segmentation (zoning) is so important is if you don’t have the time to perform these acts to confirm that the site is not compromised. With proper zoning enforcement, you can limit and isolate the damage to a region or just that location.

Zones in a Zero Trust network also serve as an inspection point for traffic entering and exiting the enclave. The enabling of IPS, IDS, and virtual sandboxing technology can be applied on a per-zone basis, allowing for customized protection for the vulnerable devices contained within. Implementing these security measures is a best practice even on zones where devices can receive updates and have some form of endpoint protection.

With proper design and device consideration, zoning with the different inspection technologies enabled can also be a remediating factor for those devices in your network that cannot be patched, updated, and even those that are end-of-life. In short, zoning with inspection technology enabled helps to ensure IT and OT network systems’ safe operations. In even the most secure environments, it is never safe to assume that data traffic transversing the network is free of a potential threat.

#### Increased strikes send a clear signal to terrorists that critical US infrastructure is vulnerable by weakening organizations.

Davies 6 [Ross; George Mason University - Antonin Scalia Law School, Faculty, The Green Bag; “Strike Season: Protecting Labor-Management Conflict in the Age of Terror,” SSRN; 4/12/06; https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=896185]//SJWen

Strikes (and, to a lesser extent, lockouts) are painful but necessary parts of private-sector American labor-management relations. Even if they weren't - even if sound public policy called for their eradication - we couldn't stop them. They are an inevitable byproduct of the conflicting interests and limited resources of organized workers and their employers. History shows that this is true even in times of warfare overseas or crisis at home: labor-management strife lessens at the beginning of a conflict and then bounces back. Now, however, we are confronted with warfare at home, a phenomenon that the United States has not had to deal with since the Civil War - before the rise of today's unprecedentedly large, complex, and interdependent economy and government.

And history is repeating itself again. After a lull at the beginning of the war with terrorists, work stoppages have returned to their pre-war levels. The overall rate of strike activity is substantially lower than it was during previous wars (it has been slowly declining, along with overall union membership in the private sector, for decades). Today's war, however, is being fought in part on American soil, and against enemies who operate worldwide, but whose attacks tend to be small and local, seeking advantage from the unpredictability and brutality of the damage they inflict rather than from its scale. Thus, even small, localized, and occasional work stoppages - not just the large-scale strikes that arguably affected the military-industrial complex and thus the war efforts in the past - have the potential to increase risks to critical infrastructure and public safety during the war on terror. In other words, persistent strike activity at current levels poses risks of public harm, albeit risks that are difficult to anticipate with specificity in the absence of much experience or available data. This justifies taking some reasonable precautions, including the proposal made in this Article.

By its very nature, a labor strike increases the vulnerability of that employer's operations to a terrorist attack. A strike is an act specifically designed to disrupt and weaken an employer's operations, for the (usually) perfectly lawful purpose of pressing for resolution of a dispute with management. A weakened organization or other entity is, of course, less capable of resisting and surviving exogenous shocks, whether they be commercial competition or terrorist attacks. In the United States, with its fully extended and endlessly interconnected critical infrastructure that touches everything from food processing to energy distribution to water quality, a strike in the wrong place at the wrong time that disrupts and weakens some part of that infrastructure could be decisive in the success or failure of a terrorist attack of the small, local sort described above, on such a weakened link in some infrastructural chain. Of course, none of this is to suggest that any union or its members (or any employer or its managers) would knowingly expose their fellow citizens or their property to a terrorist attack. To the contrary, experience to date suggests that union members are at least as patriotic and conscientious as Americans in general. In fact, the effectiveness of the proposal made in this Article is predicated in part on the assumption that neither workers nor their employers will knowingly contribute to the incidence or effectiveness of terrorist attacks. The concern addressed here is, rather, that innocent instigators or perpetuators of a work stoppage might unwittingly facilitate a successful terrorist attack or aggravate its effects.

#### Attacks on critical infrastructure collapses the economy through multiple avenues.

FAS 6 [DCSINT Handbook No. 1.02; Info directly from US army and Deputy Chief of Staff for Intelligence; “Critical Infrastructure Threats and Terrorism,” DCSINT/FAS; 8/10/6; https://fas.org/irp/threat/terrorism/sup2.pdf]//SJWen

Agriculture

In 1984, a cult group poisoned salad bars at several Oregon restaurants with Salmonella bacteria as the first recorded event of bioterrorism in the United States. This resulted in 750 people becoming sick.24 A review of the agriculture infrastructure results in vulnerable areas such as the high concentration of the livestock industry and the centralized nature of the food processing industry. The farm-to table chain contains various points into which an attack could be launched. The threat of attack would seriously damage consumer confidence and undermine export markets. Understanding the goal of the threat points to the area most likely attacked. If the intent was economic disruption the target would be livestock and crops, but if the intent was mass casualties the point of attack would be contamination of finished food products. Damage to livestock could be very swift, the USDA calculated that foot-and mouth disease could spread to 25 states in 5 days.25 CDC is presently tracking and developing scenarios for the arrival of Avian Flu.

Banking

Prior to the destruction of the Twin Towers, physical attacks against the banking industry, such as the destruction of facilities, were rare. Unfortunately, evidence indicates that may change, in March 2005 three British al-Qa’ida operatives were indicted by a U.S. federal court on charges of conducting detailed reconnaissance of financial targets in lower Manhattan, Newark, New Jersey, and Washington, D.C. In addition to video taping the Citigroup Center and the New York Stock Exchange in New York City, the Prudential Financial building in Newark, and the headquarters of the International Monetary Fund and the World Bank in Washington D.C., the men amassed more than 500 photographs of the sites.26 The Banking infrastructures primary weakness is along its cyber axis of attack. Through phishing and banking Trojan targeting specific financial institutions, attackers reduce confidence among consumers. Recently American Express posted an alert online, including a screenshot of a pop-up that appeared when users log in to its secure site.27

The attack not only attempts to obtain personal information that can be used for various operations, but also launches a virus into the user’s computer. CitiBank, and Chase Manhattan Bank have both been victim during 2005 and 2006 to phishing schemes misrepresenting their services to their clients.

Energy

Recently the oil industry occupied the headlines, and the criticality of this infrastructure is not lost on terrorists. In mid-December 2004, Arab television aired an alleged audiotape message by Usama bin Laden in which he called upon his followers to wreak havoc on the U.S. and world economy by disrupting oil supplies from the Persian Gulf to the United States.28 The U.S. uses over 20.7 million barrels a day of crude oil and products and imports 58.4% of that requirement.29 On 19 January 2006 al-Qaeda leader Osama bin Laden announced in a video release that, “The war against America and its allies will not be confined to Iraq…..”, and since June of 2003 there have been 298 recorded attacks against Iraqi oil facilities.30 Terrorists conduct research as to the easiest point to damage the flow of oil or to the point where the most damage can be done. Scenarios involving the oil fields themselves, a jetliner crashing into the Ras Tanura facility in Saudi Arabia could remove 10 percent of the world’s energy imports in one act.31 Maritime attacks are also option for terrorists; on October 6, 2002 a French tanker carrying 397,000 barrels of crude oil from Iran to Malaysia was rammed by an explosive laden boat off of the port of Ash Shihr, 353 miles east of Aden. The double-hulled tanker was breached, and maritime insurers tripled the rates.32 Energy most travel often long distances from the site where it is obtained to the point where it is converted into energy for use, a catastrophic event at any of the sites or along its route can adversely impact the energy infrastructure and cause ripples in other infrastructures. The security of the pipeline in Alaska increases in importance as efforts are made to make America more independent on energy use.

Economy

The U.S. economy is the end-state target of several terrorist groups as identified in the introduction quote. The means by which terrorists and other threats attempt to impact the economic infrastructure is through it’s linkage to the other infrastructures. Attacks are launched at other infrastructures, such as energy or the Defense Industrial Base in an effort to achieve a “cascading” result that impacts the economy. Cyber attacks on Banking and Finance are another effort to indirectly impact the economy. The short term impacts of the 9/11 attacks on Lower Manhattan resulted in the loss of 30% of office space and a number of businesses simply ceased to exist. Close to 200,000 jobs were destroyed or relocated out of New York City. The destruction of physical assets was estimated in the national accounts to amount to $14 billion for private businesses, $1.5 billion for state and local government enterprises and $0.7 billion for federal enterprises. Rescue, cleanup and related costs are estimated to at least $11 billion for a total direct cost of $27.2 billion.33 The medium and long term effects cannot be accurately estimated but demonstrate the idea of cascading effects. The five main areas affected over a longer period were Insurance, Airlines, Tourism and other Service Industries, Shipping and Security and military spending. At various times terrorist rhetoric has mentioned attacks against Wall Street proper, but the more realistic damage to the economy will come through the indirect approach of cascading effects.

Transportation

The attack on commuter trains in Madrid in March of 2004 and the London bombings in July of 2005, which together killed 243 people, clearly indicated the threat to the transportation infrastructure. Statistics provided by the Brookings Institute in Washington DC show that between 1991 and 2001 42% of worldwide terrorist attacks were directed against mass transit. Transportation is viewed by terrorists as a “soft target” and one that will impact the people of a country. Mass Service Transportation (MST) is the likely target of a terrorist attack.

MST caters to large volumes of people, crammed into narrow confined spaces

MST is designed to move large numbers of people quickly and efficiently, which is often counter to protective measure

MST assets are enclosed, serving to amplify explosions

MST attacks can result in “cascading effects” because communications and power conduits are usually collocated in proximity to their routes

The Department of Homeland Security sent a “public sector notice” in May of 2006 based on two incidents of “suspicious videotaping” of European mass-transit systems.34 The individual had several tapes besides the one in his camera, none of which showed any tourist sites. The tapes focused on the insides of subway cars, the inside and outside of several stations and exit routes from the stations. In June of 2003 the FBI arrested Iyman Faris, a 34 year old naturalized American citizen who had been in contact with Al Qaeda conducting research and reconnaissance in an effort to destroy the Brooklyn Bridge.35 Mr. Faris had traveled to Afghanistan and Pakistan in 2000, meeting with Osama bin Laden, he returned to the U.S. and began gathering information concerning the Brooklyn Bridge and communicating via coded messages with Al Qaeda leaders. An attack on the bridge would have not only damaged the transportation infrastructure, but also a known American landmark. On 24 May 2006, a Pakistani immigrant was convicted on charges of plotting to blow up one of Manhattan’s busiest subway stations in retaliation for the U.S. actions at the Abu Ghraib prison.36

Terrorist threats to the transportation infrastructure extend beyond land to the sea. Vice Admiral Jonathan Greenert, commander of the U.S. Seventh Fleet, said “one of my nightmares would be a maritime terrorism attack in the Strait of Malacca”.37 “There is a strain of al-Qaida in Southeast Asia, called Jemaah Islamiya. They are actively pursuing a maritime terrorism capability that includes diving and mining training.”38 As how this might impact on the economy, $220 billion in trade comes through the Seventh Fleet area of responsibility and 98% of the commerce is moved by sea. Just as ports can be viewed a SPOF within the maritime transport system, there are certain waterway chokepoints or heavily trafficked areas that can be viewed as a high payoff target to a terrorist or result in catastrophic damage from a natural disaster.

**Econ collapse destroys deterrence and causes extinction – cross apply Tonneson 15 from the last DA**

## 3 – CP

**Counterplan Text: The United States should implement a universal basic income of $1,200 US Dollars per month**

**A Universal Basic Income addresses the problems of the aff because people can quit exploitative jobs and keep their livelihood until they find a new one. That destroys monopsony power and is major step towards labor equity.**

Katelyn **Peters 9-8.** Katelyn Peters [a writer and editor for more than five years who focuses on both investing and personal finance content. In addition to her experience in finance, she is also a volunteer editorial contributor for Litmus Press, O Books, and The Post-Apollo Press], 9-8-2021, "Universal Basic Income (UBI)," Investopedia, [https://www.investopedia.com/terms/b/basic-income.asp // DebateDrills /](https://www.investopedia.com/terms/b/basic-income.asp%20//%20DebateDrills%20/) recut by Park City NL

Universal basic income (**UBI**) **is a government program in which every adult citizen receives a set amount of money regularly**. The goals of a **basic income system** are to **alleviate poverty and replace other need-based social programs** that potentially require greater bureaucratic involvement. The idea of universal basic income has gained momentum in the U.S. as automation increasingly replaces workers in manufacturing and other sectors of the economy. The idea of providing a basic income to all members of society goes back centuries. The 16th century English philosopher and statesman Thomas More mentions the idea in his best-known work, Utopia. Thomas Paine, a pamphleteer whose ideas helped spur the American Revolution, proposed a tax plan in which revenues would provide a stream of government income “to every person, rich or poor.”1 And Martin Luther King, Jr., proposed “guaranteed income” in his book Where Do We Go from Here: Chaos or Community? published in 1967.2 While the federal government provides financial support for low-income Americans through the earned income tax credit (EIC), Temporary Assistance for Needy Families (TANF), and other programs, a system of universal income has never taken hold in the United States. However, the concept has risen to the national consciousness in recent years. Much of this renewed interest has to do with fundamental changes to the economy—namely, the growth of automation—that threatens to leave many Americans without jobs that pay a subsistence wage. A 2019 report by the Brookings Institution, for example, found that one-quarter of all U.S. jobs are susceptible to automation. The researchers argue that roles involving more routine tasks, such as those in manufacturing, transportation, office administration, and food preparation, are most vulnerable.4 Supporters of universal basic income believe a guaranteed payment from the government can help ensure that those who are left behind by this economic transformation avoid poverty. Even if **government-sourced income** isn’t enough to live on, it **could theoretically supplement the income from** the **lower-wage** or part-time **jobs** they are still able to obtain. Proponents also believe that a **universal payment system would make it easier for people to receive assistance who** are in need but **have trouble qualifying for other** government **programs**. Some Americans seeking disability insurance payments, for example, may lack access to the healthcare system, thereby hindering their ability to verify their impediment.5

## 4 – CP

#### The United States should

#### ---enter a prior, binding, and genuine consultation with the International Court of Justice to issue a binding ruling to recognize an unconditional right of workers to strike.

#### ---pass a concurrent resolution that non-compliance with the International Court of Justice’s ruling constitutes an enforceable violation of Charter obligations.

#### ICJ says yes and creates a culture of *acculturation* that socializes acceptance of international law – the aff shreds that.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original

C. FOA and the Right to Strike as Opinio Juris There is also considerable support for the proposition that the general practice of states on FOA and the right to strike stems from acceptance as a matter of legal obligation. Admittedly, while the existence of opinio juris may be inferred from a general practice, the International Court of Justice (ICJ) has at times noted the insufficiency or inconclusiveness of such practice, instead seeking confirmation that "[states'] conduct is 'evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it. ",149 Trade agreements, for instance, may represent treaty law and may qualify as evidence of general practice, but they are typically entered into by States that have specific economic or political objectives rather than from a desire to embrace obligations arising under international law.15° Further, it is possible that even with respect to ILO conventions, **widespread ratification is** in part **a function of** acculturation, insofar as endorsements across a region **contribute to** socialized acceptance of norms on FOA, **reassuring** peer countries that protecting rights to association including **the right to strike will not place them in** an inferior competitive position. 151 That said, **the ICJ** often does **infer** the existence of opinio juris from a general practice **and**/or from **determinations by** national or international tribunals.152 And there are ample reasons to draw such an inference here. To start, **FOA is** consciously **accepted as an obligation** by ILO member states not simply through ratification of Convention 87 (covering more than 80 percent of them) but by virtue of membership itself. The **ILO Constitution** expressly requires support for FOA principles, and these principles are further imbedded through a tripartite governance structure that allocates power-sharing roles to worker organizations alongside governments and employers. 153 Thus, ILO members understand there is an underlying obligation to respect FOA in law and practice.154 A second reason is that domestic law can provide relevant evidence regarding the presence of opinio juris among states. Commitments to FOA expressed in national constitutions, statutes, and court decisions are not necessarily evidence of a state's belief that the principle is international as opposed to domestic law. Nonetheless, the International Law Commission has made clear that evidence of acceptance as law (opinio juris) "may take a wide range of forms," including but not limited to "official publications; government legal opinions; [and] decisions of national courts." 155 In this regard, the CEACR in 2012 identified 92 countries where "the right to strike is explicitly recognized, including at the constitutional level"; the list includes six countries that have not ratified Convention 87.156 Recognition in domestic law of a right to strike alongside a conscious decision not to ratify Convention 87 could give rise to an inference that these six countries are rejecting the right as a principle of international law. However, as explained earlier, national courts for two of the six non-ratifying countries (Brazil and Kenya) expressly invoke ILO membership and/or principles as guidance in their domestic law decisions.157 In addition, Canada—a country not listed among the 92 endorsing the right to strike in the 2012 General Survey—has since recognized a constitutional right to strike under national law, relying in part on international law principles including CEACR and CFA determinations.158 The Canadian Supreme Court had previously been explicit in invoking Convention 87, ICESCR, and ICCPR as "documents [that] reflect not only international consensus but also principles that Canada has committed itself to uphold." 159 Further, a third country in the group of six—South Korea—has affirmed in its trade agreements with the United States and the EU its obligation to "adopt and maintain in its statutes and regulations, and practices" FOA in accordance with the ILO Declaration.16° And in various CFA complaints against South Korea for violating FOA principles, including the right to strike, the Government has disputed the facts of the complaints while at the same time recognizing that such rights are embedded in international law.161 Accordingly, a more relevant reference point in this setting may be that "when States act in conformity with a treaty provision by which they are not bound . . . this may evidence the existence of acceptance as law (opinio juris) in the absence of any explanation to the contrary.3 3162 Stepping back, domestic law on FOA and the right to strike, which for many countries developed after Convention 87 and its initial applications by the CEACR and CFA, may be viewed in part as a window into countries' sense of obligation in law and practice. A state may at times adopt labor provisions of a trade agreement for reasons of comity or relative competitive advantage. These reasons may play a more modest role with respect to adoption of certain human rights treaties or ILO conventions. 163 But evidence of practice and obligation in the domestic law sphere—especially when informed by regard for international instruments—seems almost by definition to be a function of acceptance as law rather than susceptibility to strategic motivations. In this regard, there are numerous instances in recent years where governments have expanded their legislative protections for the right to strike following a period of dialogue with the CEACR, and that committee has recognized and applauded the changes in law. 164 Of particular relevance to the U.S. setting, these expansions have included assuring the right to strike for public sector employees and prohibiting the hiring of replacements for strikers. 165 A third reason to infer opinio juris (in addition to the centrality of FOA principles within the ILO Constitution and the strong evidence of FOA and right-to-strike practice and obligation under domestic law) involves **recent statements from** high officials in **the U**nited **N**ations **indicating** that **the right to strike is understood** by its leaders **as** CIL. In his 2016 report to the U.N. General Assembly, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and association explained, "The right to strike has been established in international law for decades, in global and regional instruments, and is also enshrined in the constitutions of at least 90 countries. The right to strike has, in fact, become customary international law.'5166 In 2018, responding to a press briefing on a strike by U.N. employees following announced pay cuts, the Deputy Spokesman for the U.N. Secretary-General reiterated the U.N. view that the right to strike is indeed CIL and did so in the context of the right being asserted by public employees not involved in the administration of the state: Question: Does the Secretary-General believe that U.N. staff have a right to take part in industrial action? Deputy Spokesman: We believe the right to strike is part of customary international law. 167 These statements did not simply materialize in recent times. Two major U.N. Human Rights treaties—the ICESCR and the ICCPR—have been interpreted by their relevant treaty bodies to include a right to strike; these bodies have reaffirmed their joint commitment to the right to strike as part of FOA, and they regularly monitor governments' record of compliance with this right. 168 And as noted earlier, the two treaties—each ratified by over 80 percent of U.N members—include a clause explicitly identifying respect for ILO Convention 87. In sum, the principles of FOA including the right to strike would appear to satisfy both prongs of the CIL test. The widely recognized general practice on strikes has sufficient shape and contours: a basic right, three substantive exceptions (public servants involved in administration of the state, essential services in the strict sense of the term, and acute national emergencies), a recognition that strikers retain their employment relationship during the strike itself, and certain procedural prerequisites or attached conditions.169 There are variations in national practice and also disagreements at the margins about what the right to strike protects, but these aspects are not different in kind from diversity and contests regarding international rights prohibiting child labor, or for that matter domestic constitutional rights involving freedom of expression or the right to bear arms. As for opinio juris, a broad range of sources combine to establish that the general practice stems from a sense of acceptance and obligation: ILO foundation and structure; two widely endorsed United Nations human rights treaties; national constitutions; government representations; domestic legislative and judicial decisions that expressly refer to or impliedly accept international standards and practices; and contemporary U.N. leadership.

#### Ruling on the right to strike secures the legitimacy of the ICJ as an international mediation body.

Hofmann and Schuster 16 [Claudia and Norbert; February 2016; Dr. Claudia Hofmann works as a research associate at the Chair for Public Law and Policy at the University of Regensburg. She specializes in public international law (in particular the field of socio-economic human rights and equality-oriented policies), social law, constitutional and administrative law. Norbert Schuster works as a lawyer in Berlin and teaches at the University of Bremen. He specialises in labour law; “It ain’t over ‘til it’s over: the right to strike and the mandate of the ILO Committee of Experts revisited,” <https://global-labour-university.org/fileadmin/GLU_Working_Papers/GLU_WP_No.40.pdf>] Justin

BASES FOR A POTENTIAL RULING BY THE INTERNATIONAL COURT OF JUSTICE The question of whether the Committee has left the area of interpretation and entered the sphere of standard-setting can only be answered on a case by case basis. As has been indicated before, **the** primary **question for an** advisory opinion **of the ICJ is whether Convention** No. **87 contains a** right to strike (see Section IV). What follows is, therefore, a cursory **glance at** the **legal bases for** an **ICJ opinion**, so as to sketch the broad outlines of a possible decision. Under Art 37.1 of the ILO Constitution, taken together with Art 36 of the ICJ Statute, **the I**nternational **C**ourt of **J**ustice **is responsible for** questions or differences of opinion about the interpretation of the ILO Constitution and the ILO Conventions. **This reflects the function of the ICJ as an** international mediation body **inasmuch as cases are** to be referred to the ICJ when the parties to a treaty disagree about the interpretation of a norm within the treaty. Let us assume that such a disagreement exists here as to whether, in particular, Art 3 of ILO Convention No. 87 also accords trade unions a right to strike.85 The Committee of Experts and the Committee on Freedom of Association have expressed a legal opinion on this. In the current legal situation, i.e. in the absence of concrete rules explicitly granting the Committee of Experts a corresponding interpretative competence, **the** competence to decide on this issue rests with the ICJ. Upon what sources of law and which principles will the ICJ base its decision? Two provisions are particularly relevant here. One is Art 38 of the ICJ Statute and the other is Art 31 of the Vienna Convention on the Law of Treaties (VCLT).

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin

**In the face of** the **headwinds against** the **multilateral system** and global institutions, **including direct attacks** on their legitimacy, **the I**nternational **C**ourt of **J**ustice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system **serves as a bulwark against arbitrariness and provides** the mechanism for **peaceful settlement of disputes, guaranteeing** the **stability** so necessary **for international cooperation**. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, **its** judgements and advisory **opinion** directly **influence the** development and strengthening of the **rule of law** in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the **adjudication of disputes** between states **remains** an **essential** role of the Court **in preserving peace and security**. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: **if we** are to **preserve** the international **multilateral system**, then **adherence** and respect **for international law remains key**.

#### Multilateralism solves a bunch of impacts – even a tiny net benefit is enough to o/w the AFF

Esther Brimmer 14 [Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013, “Smart Power” and Multilateral Diplomacy, June, <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>] Recut Justin

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ **The world** in 2014 **is** fundamentally different from previous periods, growing vastly more **interconnected**, interdependent, networked, **and complex**. National **economies are** in many cases inextricably **intertwined**, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global **power** is **more diffuse today than in centuries**. Although predictions of the nation-state’s demise have gone unrealized, **non-state actors** – including NGOs, corporations, and international organizations - **are more influential** today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. **From terrorism to** nuclear proliferation, **climate** change **to pandemic disease**, transnational **crime to cyber** attacks, violations of fundamental **human rights to natural disasters, today’s** most **urgent security challenges pay no heed to state borders**. ¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, **the other component** necessary in today’s Smart Power alchemy **is** robust, focused, and sustained **international cooperation**. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in **challenges** facing all states has **created a need for multiple, simultaneous diplomatic transactions** among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

## Case

### Uniqueness

**The National Labor Relation Act already serves to protect workers right to strike – the plan does nothing. This also means the aff can’t solve because none of their harms change when it is passed.  
NLRB, no date** “The Right to Strike”, <https://www.nlrb.gov/strikes#:~:text=Section%207%20of%20the%20National,for%20employees%20by%20this%20section>., //NL

Section 7 of the National Labor Relations Act states in part, “Employees shall have the right. . . to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.” Strikes are included among the concerted activities protected for employees by this section. Section 13 also concerns the right to strike. It reads as follows:

Nothing in this Act, except as specifically provided for herein, shall be construed so as either to interfere with or impede or diminish in any way the right to strike, or to affect the limitations or qualifications on that right.

It is clear from a reading of these two provisions that: **the law not only guarantees the right of employees to strike, but also places limitations and qualifications on the exercise of that right.** See for example, restrictions on strikes in health care institutions (set forth below).

### Circumvention

**A right to strike is circumvented through criminal law, which restricts effective strike strategies. The use of court injunctions to prevent strikes, and the definitions of unfair labor practices all undermine solvency.**

**White 08 (Ahmed A. White (J.D. at Yale, Professor of Law, and Nicholas Rosenbaum Professor of Law Chair at University of Colorado), March 2008, "The Crime of Staging an Effective Strike and the Enduring Role of Criminal Law in Modern Labor Relations," WorkingUSA: The Journal of Labor and Society,** <https://lawweb.colorado.edu/profiles/pubpdfs/white/White11WUSA.pdf>**) // CR**

As many union members and labor activists already know, the reality is quite different than this view suggests. Rather than having been banished by modern labor laws from the realm of labor relations, the criminal law continues to play a decisive role in limiting the right tostrike. Nowadays, though, this antistrike function is a more ancillary and insidious one, as the criminal law is brought to bear to compel workers to surrender to the authority of the labor law itself, particularly in regards to how the law allows employers to respond to strikes and how, in turn, labor may counter this. Especially significant is the use of the criminal law to protect employers’ right to defeat strikes by resuming business with scabs: workers who cross the picket line and replacement. The criminal law essentially ensures that employers may break a strike by this means strikers without any real fear that unions might lawfully use the strike itself to counter this; it thus secures for employers an enormously powerful weapon. As I will try to show, this huge advantage is thoroughly unilateral, as the criminal law affords organized labor no comparable advantage in vindicating its rights under the labor law. The criminal law carries out this function in three distinct but mutually reinforcing ways. The first involves the arrest and prosecution of unionists who resort to overly militant tactics in trying to frustrate employers’ use of scab workers. Used in this fashion, the criminal law prohibits the very tactics that proved so vital to labor’s momentous organizing gains in the 1930s and 1940s— and the only tactics liable to foil an employer’s attempt to break a strike today. The second way that criminal law touches the right to strike is by employers’ use of court injunctions, backed by the prospect of criminal contempt, to bar strike activity. Like the straightforward arrest or prosecution of workers, this second approach is very much a resurrection of a practice all too common in pre-New Deal times, complete with a usual focus on supposedly violent, destructive, and threatening conduct. The difference, though, is that nowadays injunctions are issued in the name of vindicating rights under the labor law, even if this means the right of employers to break strikes. The third way the criminal law is used to undermine strikes involves the Board’s (and courts’) use of the criminal law to define union unfair labor practices and to draw the boundaries of strike activity that will be protected by the labor law from employer reprisals. This approach leaves workers whose actions surrounding a strike are so much as arguably criminal vulnerable to being disciplined or fired, especially if they do this trying to prevent the use of scabs. In these ways the criminal law maintains a key role in limiting the right to strike and ultimately preventing labor from using the strike to mount any effective challenge to employers’ hegemony over the workplace. As I have already suggested, appreciating this function of the criminal law can be difficult, though. For the suppression of labor rights seems no longer to be what criminal law is all about in modern society. Prior to the New Deal, it was difficult for anyone not to perceive the use of the criminal law in labor disputes as a crude assault on workers’ rights. Nowadays, though, things seem very different. Not only is the labor law itself, properly speaking, devoid of important criminal provisions; but the criminal law is seldom used as a bludgeon against unionists. It is rare to find the trumped-up charges, the lack of any semblance of proper procedures, the crimes tailor-made to undermine unions, or other outrages of the sort so common through most of the first half of the last century. When the criminal law is brought to bear, it is in the name of neutral enforcement of the law and vindication of the labor law itself.

### Strikes Fail

#### Strikes fail even if they’re legal: two-tier agreements, financially unstable unions, and scabs all undermine effectiveness.

Garneau 19

Garneau, Marianne. “Why don’t strikes achieve more?” 1 May, 2019. *Organizing Work.* <https://organizing.work/2019/05/why-dont-strikes-achieve-more/>

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Last week social media and the labor press were filled with triumphant celebration of the strike at Stop & Shop, which saw some 31,000 workers off the job, and then of its resolution with a new collective agreement. There has been considerable [excitement](https://wagingnonviolence.org/2019/04/labor-organizer-jane-mcalevey-strikes-trump-era/" \t "_blank) on the [left](https://jacobinmag.com/2019/04/strike-jeremy-brecher-interview-teachers" \t "_blank) lately about strikes in general, especially since, for a long time, that tactic lay somewhat dormant. With strikes on the [uptick](https://www.democracynow.org/2019/2/15/headlines/more_us_workers_went_on_strike_in_2018_than_in_any_year_in_three_decades" \t "_blank), the left is primed to view this as a hopeful turnaround, signaling labor’s re-consolidation of its power. However, there is sometimes a troubling news cycle in all of this. Basically: a union goes out on strike, it all looks very exciting, the left cheers the worker militancy, then notice of a settlement comes down, the union writes a press release declaring victory, and the left affirms the power of labor.  If you read the content of the collective bargaining agreements, though, there is often less reason to be enthusiastic. **In three strikes that were settled in the past few weeks**—Stop & Shop, the Saskatoon Co-op, and the Chicago Symphony Orchestra—all of the **contracts involved the introduction of a two-tier system**. This is one of the worst moves a union can make.  A two-tier system stipulates different employment terms for future employees than for current employees, or for full-timers versus part-timers, etc. In the case of the [Saskatoon Co-op](https://organizing.work/2019/04/saskatoon-co-op-strike-ends-with-two-tier-contact/" \t "_blank), new employees will top out at a lower wage, and will take longer to reach that maximum wage. In the case of [Stop & Shop](https://www2.bostonglobe.com/business/2019/04/22/stop-shop-agreement-seen-win-for-workers/riq8cmn40UGDp3wylfSdGM/story.html" \t "_blank), new part-timers (the majority of the workforce is part-time) lose out on time-and-a-half pay, and get lower pension contributions. In the case of the [Chicago Symphony Orchestra](https://www.nytimes.com/2019/04/27/arts/music/chicago-symphony-strike.html" \t "_blank), future hires are losing guaranteed pensions in favor of riskier defined-contribution plans. **Two-tier contracts divide the workforce**, pitting different groups of workers against each other. **Existing employees or senior employees take a superior deal for themselves, and in so doing, burn future hires or those less senior**. **This is toxic to worker solidarity and undermines the overall power of workers**—ensuring they’ll be weaker for future job actions like strikes. When a union signs a two-tier contract, it signals to the workforce that what they really are is a craft union for the high-seniority, full-time staff, with everyone else invited to fight for one of those spots, if they remain accessible at all. Two-tier contracts are a short-sighted move by the union and a long-game strategic move by the boss. They allow a union to settle a strike with their existing members keeping what they have (and maybe making a few gains elsewhere), while selling out future workers. Employers get to look forward to lower employment costs down the road, not to mention a divided workforce. Unions are also in effect selling out their future selves. **The upper tier of workers** whose interests they serve better **shrinks over time**, as those workers retire or leave. **The workers who remain are less powerful. That means the union is less powerfu**l. It may still have membership numbers and dues income, but its workforce is more vulnerable, and the union is bargaining from a weaker position going forward. Acknowledging that unions are signing two-tier or rollback contracts is demoralizing. It is especially so at a time when labor is supposed to be in a strong bargaining position because of a decent economy with low unemployment. If strikes are the best tactic labor has, and the economic circumstances are in our favor, why are unions signing crappy contracts? There are a number of factors that contain how effective strikes can be, and impel unions to settle them. For one thing, they are expensive. **If a union is providing** even **minimal strike pay, it needs** a war chest of **millions of dollars to** be able to **support** even **a few hundred workers. Strikes** drain union coffers, and they **take a financial, physical, and emotional toll on workers** as well, who aren’t usually earning as much in strike pay as they would on the job, while getting yelled at or hit by cars or freezing on the picket line. Quite often, **strikes don’t succeed in** completely **shutting down a business**, not least **because employers can** legally **hire scabs**. The product may suffer, and employers may take a hit, but they can hobble along (while draining the union’s bank account). (A note on the alleged $100 million loss suffered by Stop & Shop during the recent strike, which leftists also celebrated: that figure was put out by the [employer](https://www.masslive.com/boston/2019/04/stop-shop-owner-says-11-day-strike-cost-company-about-100-million.html" \t "_blank), and is more than double an estimate put forward by an [industry analyst](https://www.newhavenindependent.org/index.php/archives/entry/pyrrhic_victory/" \t "_blank). We should always remain skeptical about boss communications. In this case, they may be crying poverty to get workers to sign the proposed collective agreement.) Sometimes strikes end because of government intervention, as when workers are [legislated back to work](https://organizing.work/2018/11/canada-post-strikes-and-occupations-end-as-workers-legislated-back-to-work/" \t "_blank), or [fired en masse](https://www.politico.com/story/2017/08/05/reagan-fires-11-000-striking-air-traffic-controllers-aug-5-1981-241252" \t "_blank). Less dramatically, the government can intervene to bring about some kind of settlement in the form of binding arbitration. Sometimes employers even goad unions into striking, knowing what a heavy toll strikes take. If an employer knows they can weather a strike much better than the union, they are perfectly incentivized to provoke one and [starve the union out](https://labornotes.org/2006/11/viewpoint-looking-back-northwest-strike" \t "_blank). The bottom line is that strikes, under the current labor relations system, are not the slam-dunk tactic the left takes them to be. Strikes can only take place when the contract has expired, and once the membership has been balloted. This means that the employer has years to prepare, knowing when the contract is set to expire. They probably even know roughly how long the strike can last. They’ve also seen strikes before, and aren’t bowled over by them. There is no element of surprise. They know the union won’t do anything too drastic like occupy the workplace or chain the doors shut. They hire scabs, they manage public relations (often by crying poverty or publicly claiming the union won’t come to the table), and they wait it out. Of course we in left labor circles sympathize with strikers and see their cause as morally and politically righteous. But sympathy is one matter, and clear-eyed analysis is another. That we wish workers victory does not mean we suspend judgement about the effectiveness of their tactics. Nor is any of this meant to judge or condemn unions for choosing the tactics that they do. Instead, it is about zooming out and understanding what factors are constraining the situation in general. When leftists picture strikes, they are probably in part remembering black-and-white images of workers in the 1910s and 1920s streaming out of factories and mines and violently clashing with Pinkerton guards. But strikes have been tamed by the labor relations framework established by the Wagner Act (the National Labor Relations Act) of 1935 and the Taft-Hartley Act of 1947. Those legislative measures were passed in response to massive upheaval, in which workers shut down production with strikes, or employers shut down production with lockouts. The goal of the Wagner Act is right there in its full title: “to diminish the causes of labor disputes burdening or obstructing interstate and foreign commerce.” The NLRA forced employers to sit down and bargain with workers, not out of a desire to strengthen workers as a class, but to funnel disputes between workers and bosses into a less disruptive process – in boardrooms and away from the shopfloor — so that economic production could continue. Taft-Hartley further contained strikes in numerous ways, again in response to creative and effective forms of economic disruption, by outlawing sympathy strikes, political strikes, “wildcat” strikes taken without the authorization of union leadership, secondary picketing and boycotts, and so on. Under this legal framework, strikes are a blunted tactic, quite intentionally so. They do accomplish something – in each of the three cases described above, workers would almost certainly have got a worse deal had they not struck. There are also strikes that yield apparently better deals, such as the [contract](https://labornotes.org/2018/12/marriott-hotel-strikers-set-new-industry-standard" \t "_blank) bargained by Unite Here with Marriott hotels – arguably in part because contracts at seven different bargaining units expired simultaneously, allowing almost 8,000 workers to strike at once. But strikes don’t change the big-picture balance of power between employers and workers. Most of the time, strikes are like a fistfight in which one side gets a bloody nose, the other gets a black eye, and each walks away saying “You shoulda seen the other guy.” At best, a win looks like giving the other side two wounds while you only suffer one.

### Anti-Union efforts

**The right to strike just leads businesses to take stronger steps to stop unionization, which overwhelms their link. They say unions are key to collective bargaining, but labor organizing is weaker after the plan.**

Gordon **Lafer, 20** - ("Fear at work: An inside account of how employers threaten, intimidate, and harass workers to stop them from exercising their right to collective bargaining," Economic Policy Institute, 7-23-2020, https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/)//va

NLRB elections are fundamentally framed by one-sided control over communication, with no free-speech rights for workers. Under current law, employers may require workers to attend mass anti-union meetings as often as once a day (mandatory meetings at which the employer delivers anti-union messaging are dubbed “captive audience meetings” in labor law). Not only is the union not granted equal time, but pro-union employees may be required to attend on condition that they not ask questions; those who speak up despite this condition can be legally fired on the spot.[19](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note19) The most recent data show that nearly 90% of employers force employees to attend such anti-union campaign rallies, with the average employer holding 10 such mandatory meetings during the course of an election campaign.[20](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note20) ¶ In addition to group meetings, employers typically have supervisors talk one-on-one with each of their direct subordinates.[21](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note21) In these conversations, the same person who controls one’s schedule, assigns job duties, approves vacation requests, grants raises, and has the power to terminate employees “at will” conveys how important it is that their underlings oppose unionization. As one longtime consultant explained, a supervisor’s message is especially powerful because “the warnings…come from…the people counted on for that good review and that weekly paycheck.”[22](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note22) ¶ Within this lopsided campaign environment, the employer’s message typically focuses on a few key themes: unions will drive employers out of business, unions only care about extorting dues payments from workers, and unionization is futile because employees can’t make management do something it doesn’t want to do.[23](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note23) Many of these arguments are highly deceptive or even mutually contradictory. For instance, the dues message stands in direct contradiction to management’s warnings that unions inevitably lead to strikes and unemployment. If a union were primarily interested in extracting dues money from workers, it would never risk a strike or bankruptcy, because no one pays dues when they are on strike or out of work. But in an atmosphere in which pro-union employees have little effective right of reply, these messages may prove extremely powerful. ¶ It is common for unionization drives to start with two-thirds of employees supporting unionization and still end in a “no” vote. This reversal points to the anti-democratic dynamics of NLRB elections: voters are not being convinced of the merits of remaining without representation—they are being intimidated into the belief that unionization is at best futile and at worst dangerous. When a large national survey asked workers who had been through an election **to name “the most important reason people voted against union representation,” the single most common response was management pressure, including fear of job loss**.[24](https://www.epi.org/publication/fear-at-work-how-employers-scare-workers-out-of-unionizing/#_note24) Those who vote on this basis are not expressing a preferenceto remain unrepresented. Indeed, many might still prefer unionization if they believed it could work. Where fear is the motivator, what is captured in the snapshot of the ballot is not preference but despair. ¶To understand what union elections look like in reality, we have profiled two cases in which workers sought to create a union and met with a harsh (and typical) employer backlash. In both cases—a tire plant in Georgia and a satellite TV company in Texas—the employer response ranges from illegally firing union activists to engaging in acts of coercion and intimidation that are illegal in any normal election to public office but are allowed under the NLRA. ¶

### Monopsonies NQ

**Striking doesn’t solve because workers have no leverage when monopsonies control the labor market, as they can easily hire scabs. Monopsonies always have a high supply of labor to hire so they’ll just replace strikers – means strikes have no impact. That means right to strike does nothing to stop the root cause of inequality so they can’t solve.**