Negative Case

I negate the resolution resolved: A just government ought to recognize an unconditional right of workers to strike**.**

First, I offer the following definitions;

* **Recognize:**
  + Merriam-Webster Dictionary defines recognize as “to acknowledge formally: such as; to admit as being lord or sovereign, to admit as being of a particular status, to admit as being one entitled to be heard : give the floor to, and/or to acknowledge the de facto existence or the independence of.”

(<https://www.merriam-webster.com/dictionary/recognize>)

* **Unconditional:**
  + Merriam-Webster Dictionary defines unconditional as “not conditional or limited.”

(<https://www.merriam-webster.com/dictionary/unconditional>)

* **Strike:**
  + Merriam-Webster Dictionary defines strike as “to stop work in order to force an employer to comply with demands.”

(<https://www.merriam-webster.com/dictionary/strike>)

**Framework**

**The Role of Ballot: Vote for the debater that best resists oppression**

**Prefer for following reasons:**

1. **Resisting oppression is a prerequisite to any conception of justice due to moral exclusion**

**Winter and Leighton ‘99**

***[****Deborah DuNann Winter, Psychologist that specializes in Social Psych, Counseling Psych, Historical and Contemporary Issues, Peace Psychology. Dana C. Leighton, PhD graduate student in the Psychology Department at the University of Arkansas. Knowledgable in the fields of social psychology, peace psychology, and justice and intergroup responses to transgressions of justice] “Peace, conflict, and violence: Peace psychology in the 21st century.” Pg 4-5*

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged e lite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice, injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, **we must be vigilant in noticing and listening to the oppressed, invisible, outsiders**. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity. Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it. In the long run, reducing structural violence by reclaiming neighborhoods, demanding social justice and living wages, providing prenatal care, [and] alleviating sexism, and celebrating local cultures, will be our most surefooted path to building lasting peace.

**Case**

**Police should not have the right to strike; police unions prevent accountability for police brutality & repress the working class, especially people of color**

**Collective bargaining resulting from the threat of strikes increases police misconduct, prevents accountability, creates racist/sexist work environments**

**Dharmapala, McAdams, and Rappaport ‘18**

*Dhammika Dharmapala, Richard H. McAdams, and John Rappaport are Professors of Law at University of Chicago Law School. (“Collective bargaining and police misconduct,” University of Chicago and Legal Theory Paper Series.* [*https://web.archive.org/web/20200320044622id\_/https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2145&context=public\_law\_and\_legal\_theory*](https://web.archive.org/web/20200320044622id_/https:/chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=2145&context=public_law_and_legal_theory)*)*

Many collective bargaining agreements provide significant procedural protections and rights of appeal to officers accused of misconduct. Using Chicago data, Iris (1998) finds that disciplinary orders are frequently overturned during arbitral review. Others argue that the special procedural rights afforded law enforcement officers make it unduly difficult to discipline them in the first place (Huq and McAdams 2016; Keenan and Walker 2005; Rushin 2017). Collectively, 6 scholars worry, these contractual provisions threaten to undermine the ability of management to deter misconduct, and thus may promote its commission.  Although most collective bargaining agreements do not address recruitment and hiring of new officers (DeCarlo and Jenkins 2015), qualitative evidence suggests that unions have affected law enforcement hiring practices nonetheless. Unions have brought or supported reverse discrimination lawsuits challenging affirmative action hiring plans, fought to maintain entry requirements that depress female and minority hiring, and, in some cases, contributed to a work environment intolerant of racial and gender difference (Kearney and Mareschal 2014; McCormick 2015; Piven 1973; Riccucci 1990; Walker 2008).

**Empirics prove: collective bargaining has devastating effects**

**Rushin ‘17**

*Stephen Rushin is Professor of Law at Loyola University School of Law. (“Police union contracts,” Duke Law Journal.* [*https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1604&context=facpubs*](https://lawecommons.luc.edu/cgi/viewcontent.cgi?article=1604&context=facpubs)*)*

This lack of corrective action in cases of systemic officer misconduct is, in part, a consequence of public-employee labor law. Like most states, Illinois permits police officers "to bargain collectivelywith regard to policy matters directly affecting wages, hours and terms and conditions of employment."'" Courts have interpreted phrases like "terms and conditions of employment" in Illinois and elsewhere to permit or require the negotiation of internal procedures used by police management to investigate or punish officers suspected of misconduct. As part of its collective bargaining agreement with the Fraternal Order of Police, the union representing police officers, the City of Chicago has agreed "to erase decades worth of records that document complaints against police officers and the resolution of these complaints."" Because of this, Chicago's Independent Police Review Authority does not consider an officer's history of complaints when examining a new complaint against the same officer." The Chicago union contract also delays interrogations of officers involved in alleged wrongdoing"

and prevents the investigation of most anonymous complaints. Perhaps it is no coincidence that less than 2 percent of all civilian complaints against Chicago police officers result in any sort of disciplinary action. Chicago is hardly alone. In recent years, civil rights advocates have uncovered a number of collective bargaining agreements that provide frontline officers with a laundry list of procedural protections during internal investigations. For example,Baltimore's police union contract  includes provisions that allow for the expungement of officer performance records, bar the public disclosure of disciplinary actions, and limit civilian oversight of police officers. And in Cleveland, the U.S. Department of Justice (DOJ) found it challenging to investigate the Cleveland Police Department in part because its collective bargaining contract mandated the removal of disciplinary records from department databases after two years.

**DiSalvo et al. ‘20**

*DANIEL DISALVO is professor and chair of political science in the Colin Powell School at the City College of New York–CUNY and a senior fellow at the Manhattan Institute. His scholarship focuses on American political parties, elections, labor unions, state government, and public policy. DiSalvo, Daniel, et al. “The Trouble with Police Unions.” National Affairs,*[*https://www.nationalaffairs.com/publications/detail/the-trouble-with-police-unions*](https://www.nationalaffairs.com/publications/detail/the-trouble-with-police-unions)*.*

Both contractual provisions and state statutes govern officer discipline and misconduct. They generally come in three forms. The first details the steps required to investigate an officer accused of misconduct — sometimes even specifying the way a complaint must be formally lodged. Such provisions stipulate when and where an officer can be interviewed, by whom, and with whom present. Many contracts contain rights to notice of charges, legal representation, a hearing, and appeal, among others. The Chicago police contract states that an interview of an officer "shall be postponed for a reasonable time, but in no case more than forty-eight...hours from the time the Officer is informed of the request for an interview and the general subject matter thereof and his or her counsel or representative can be present." These rules were adopted because requiring officers to make statements on the record forces them, as a condition of their employment, to surrender their constitutional right to remain silent.Second, labor contracts allow — or even require — the expungement of officers' records of past disciplinary actions or accusations of misconduct. Until this spring, New York state shielded officers' records from the public through a provision in state law. In Cleveland, the collective-bargaining agreement required that disciplinary records be deleted every two years. Baltimore's most recent collective-bargaining agreement states that an accused officer "may request expungement of such matter from any file containing the record of the formal complaint" three years after a complaint is "not sustained" or the officer is exonerated. In Seattle, the contract allows the city to retain files of investigations that result in a "sustained" finding of misconduct for the duration of the officer's employment. Files of investigations that are "not sustained" can only be retained for three years.Third, grievance and arbitration rules spell out how an officer (and his union representative) can challenge an adverse personnel action by a superior — including re-assignment, suspension, transfer, or firing. If a sergeant disciplines an officer, the officer or his union representative can appeal to a lieutenant, and so on up the chain of command. If the matter remains unsettled, it can be appealed to binding arbitration. The Chicago FOP's website offers members instructions for filing grievances, recommending that officers file as soon as possible. It also provides a template for filing, reminds officers to maintain supporting documents that strengthen their case, and outlines the supervisor-response process. Any non-binding mediation that follows can be forwarded to an arbitration hearing. Arbitrators are empowered to order re-instatement and back pay for officers found guilty of misconduct. The use of arbitration can limit officer accountability. Unlike court proceedings, arbitration is typically conducted behind closed doors. Additionally, unions have significant influence over the selection of arbitrators. Some agencies list acceptable arbitrators in the appendix to the union contract; others allow the National Academy of Arbitrators or similar organizations to submit a list of prospective arbitrators. The union and city then, in a process akin to jury selection, alternatively reject arbitrators until one remains. Arbitrators also have an incentive to be police-friendly — if they discipline too many officers, they risk not being chosen in future cases. Furthermore, in arbitration cases, legal technicalities related to procedure often overshadow the substance of the complaints against officers.Other contractual provisions also constrain management. For instance, contracts typically promulgate seniority rules, whereby officers are assigned duties based on time on the job. This means that police chiefs cannot assign particular officers to patrol particular areas at particular times of day. Consequently, the least experienced officers are often assigned to patrol the toughest neighborhoods during times of peak criminal activity.

**Police Unions eradicate accountability for misconduct**

**McCormick ‘15**

*Marcia L. McCormick is an associate professor at the St. Louis University of Law. (“Our uneasiness with police unions: Power and voice for the powerful? Saint Louis University Public Law Review.* [*https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1027&context=plr*](https://scholarship.law.slu.edu/cgi/viewcontent.cgi?article=1027&context=plr)*)*

Police unions, more than other kinds of public sector unions, are often viewed as obstacles to reform, and there is a certain sense of adversary-ness between the officers on the street and high level officials and between the public and police. Police unions play a role in reinforcing the norms of the police subculture, which may include a sense of embattled warrior and a unity that prohibits testifying against officers accused of misconduct. This code of silence includes efforts to prevent investigations and to provide organized public group solidarity supporting officers accused of misconduct. Police unions have quite strongly opposed efforts at citizen oversight. Unions also fight to keep all information related to discipline of officers secret**.** In fact, Jeff Roorda, who was a state representative in addition to his union role, introduced a bill in early 2014 to change the state's open meetings and records law to keep secret any information about internal investigations of police officers or any information about police shootings including the name of the officer involved unless the officer has been charged with a crime in connection with the internal investigation or shooting.

**Collective bargaining increases police brutality, especially against people of color**

**Greenhouse ‘20**

Steven Greenhouse is a reporter covering labor and workplace issues at the New Yorker and formerly the NYT. (“How police unions enable and conceal abuses of power,” *The New Yorker.* <https://www.newyorker.com/news/news-desk/how-police-union-power-helped-increase-abuses>)

A 2018 University of Oxford study of the hundred largest American cities found that the extent of protections in police contracts was [directly and positively correlated](https://ora.ox.ac.uk/objects/uuid:d251393e-53e0-4c5e-a0ab-323b49768de2/download_file?file_format=pdf&safe_filename=Police%2BInstitutions%2Band%2BPolice%2BAbuse%2B-%2BEvidence%2Bfrom%2Bthe%2BUS%2B-%2BRG%2Bthesis.pdf&type_of_work=Thesis) with police violence and other abuses against citizens. A 2019 University of Chicago study found that [extending collective-bargaining rights](https://static1.squarespace.com/static/55ad38b1e4b0185f0285195f/t/5d92b749ad13ae3d9b293125/1569896278868/Sheriffs+Unions+Misconduct.pdf) to Florida sheriffs’ deputies led to a forty per cent statewide increase in cases of violent misconduct—translating to nearly twelve additional such incidents annually.In a forthcoming study, Rob Gillezeau, a professor and researcher, concluded that, from the nineteen-fifties to the nineteen-eighties, the ability of police to collectively bargain led to a substantial rise in police killings of civilians, with a greater impact on people of color. “With the caveat that this is very early work,” Gillezeau [wrote](https://twitter.com/robgillezeau/status/1266834185055956997) on Twitter, on May 30th, “it looks like collective bargaining rights are being used to protect the ability of officers to discriminate in the disproportionate use of force against the non-white population.”

**Cunningham, Feir, and Gillezeu ‘21**

*IZA Institute of Labor Economics March 2021. Alex Thomson for his initial examination of the data. Emily Owens, Andrew Goodman-Bacon, Sam Myers, Robynn Cox, John Rappaport, Algernon Austin, and seminar participants at the University of Victoria, the University of Alabama, Lakehead University, Duke University, University of Massachusetts Amherst, Jennifer Doleac’s Flash Seminar on Policing, the Arnold Ventures Police Accountability Roundtable, the National Economic Association Sessions at the Allied Social Science Association Annual Meeting, and the AEA Summer Program for helpful comments and suggestions. Feir acknowledges the support of the Federal Reserve Bank of Minneapolis*

[**https://ftp.iza.org/dp14208.pdf**](https://ftp.iza.org/dp14208.pdf)

We find that the introduction of collective bargaining rights for law enforcement drives a substantial increase in non-white civilians killed by law enforcement over both the medium and the long-run. These are large effects: our findings suggest that access to collective bargaining rights accounts for 10 percent of the total non-white civilian deaths from the 1959 to 1988. We find no associated increase in white civilian deaths. Thus, our results suggest that the popular notion that police unions are related to increased violence against civilian is empirically grounded, at least historically. These results are robust to numerous specifications and a contiguous county design, and cannot be explained by the simultaneous adoption of LEOBRs. We also find suggestive evidence that collective bargaining rights decrease police employment, which would be consistent with increasing compensation. We do not find a significant impact on crime nor the number of officers killed in duty. This suggests that collective bargaining rights do not affect police safety. This points to a particularly discouraging scenario where policing itself is becoming no safer even while more civilians are killed in the law enforcement process.