# 1NC Glenbrooks R3

### ICJ CP---1NC

#### [A just government ought to] request the International Court of Justice issue an advisory opinion over whether they ought to [establish an unconditional right to strike]. [A just government] ought to abide by the outcome of the advisory opinion.

#### Solves – the ICJ will rule in favor of an unconditional right to strike.

Seifert ’18 (Achim; Professor of Law at the University of Jena, and adjunct professor at the University of Luxembourg; December 2018; “The protection of the right to strike in the ILO: some introductory remarks”; CIELO Laboral; http://www.cielolaboral.com/wp-content/uploads/2018/12/seifert\_noticias\_cielo\_n11\_2018.pdf; Accessed: 11-3-2021; AU)

The **recognition of a right to strike** in the legal order of the **International Labour Organization** (ILO) is probably one of the most controversial questions in international labor law. Since the foundation of the ILO in the aftermath of World War I, the recognition of the right to strike as a **core element** of the principle of freedom of association has been discussed in the International Labour Conference (ILC) as well as in the Governing Body and the International Labour Office. As is well known, the ILO, in its long history spanning almost one century, has not explicitly recognized a right to strike: neither Article 427 of the Peace Treaty of Versailles (1919), the Constitution of the ILO, including the Declaration of Philadelphia (1944), nor the Conventions and Recommendations in the field of freedom of association - namely Convention No. 87 on Freedom of Association and Protection of the Right to Organise (1948) - have explicitly enshrined this right. However, the Committee on Freedom of Association (CFA), established in 1951 by the Governing Body, recognized in 1952 that Convention No. 87 guarantees also the **right to strike** as an **essential element of trade** union rights enabling workers to collectively defend their economic and social interests1. It is worthwhile to note that it was a complaint of the World Federation of Trade Unions (WFTU), at that time the Communist Union Federation on international level and front organization of the Soviet Union2, against the United Kingdom for having dissolved a strike in Jamaica by a police operation; since that time the controversy on the right to strike in the legal order of the ILO was also embedded in the wider context of the Cold War. In the complaint procedure initiated by the WFTU, the CFA **recognized** a **right to strike** under Convention No. 87 but considered that the police operation in question was lawful. In the more than six following decades, the CFA has elaborated a **very detailed case law** on the right to strike dealing with many concrete questions of this right and its limits (e.g. in essential services) and manifesting an even more complex structure than the national rules on industrial action in many a Member State. This case law of the CFA has been compiled in the “Digest of Decisions and Principles of the Freedom of Association Committee of the Governing Body of the ILO”3. In 1959, i.e. seven years after case No. 28 of the CFA, the Committee of Experts for the Application of Conventions and Recommendations (CEACR) also recognized the right to strike as **a core element of freedom** of association under Article 3 of Convention No. 874. Since then, the CEACR has **reconfirmed** its view on many occasions. Both CFA and CEACR coordinate their interpretation of Article 3 of Convention No. 875. Hence there is one single corpus of rules on the right to strike developed by both supervisory Committees of the Governing Body. Moreover, the ILC also has made clear in various Resolutions adopted since the 1950s that it considers the **right to strike** as an **essential element of freedom of association6**. On the whole, the recognition of the right to strike resulted therefore from the interpretative work of CFA and CEACR as well as of the understanding of the principle of freedom of association the ILC has expressed on various occasions. It should not be underestimated the wider political context of the Cold War had in this constant recognition of a right to strike under ILO Law. Although the very first recognition of the right to strike -as mentioned above- went back to a complaint procedure before the CFA, initiated by the Communist dominated WFTU, it was the Western world that particularly emphasized on the right to strike in order to blame the Communist Regimes of the Warsaw Pact that did not explicitly recognize a right to strike in their national law or, if they legally recognized it, made its exercise factually impossible; to this end, unions, employers’ associations but also Governments of the Western World built up an alliance in the bodies of the ILO7. In accomplishing their functions, CFA and CEACR necessarily have to interpret the Conventions and Recommendations of the ILO whose application in the Member States they shall control. In so doing, they need to concretize the principle of freedom of association that is only in general terms guaranteed by the ILO Conventions and Recommendations on freedom of association. But as supervisory bodies, which the Governing Body has established and which are not foreseen in the ILO Constitution, both probably do not have the power to interpret ILO law with binding effect8. This is also the opinion that the CEACR expresses itself in its yearly reports to the ILC when explaining that, “its opinions and recommendations are non-binding”9. As a matter of fact, the Governing Body, when establishing both Committees, could not delegate to them a power that it has never possessed itself: nemo plus iuris ad alium transferre potest quam ipse haberet10. According to Article 37(1) of the ILO Constitution, it is within the **competence of the International Court of Justice** to decide upon “any question or dispute relating to the **interpretation of this Constitution** or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution.” Furthermore, the ILC has not established yet under Article 37(2) of the ILO Constitution an ILO Tribunal, competent for an authentic interpretation of Conventions11. However, it **cannot be denied** that this constant interpretative work of CFA and CEACR possesses an **authoritative character** given the high esteem the twenty members of the CEACR -they are all internationally renowned experts in the field of labor law and social security law- and the nine members of the CFA with their specific expertise have. As the CEACR reiterates in its Reports, “[the opinions and recommendations of the Committee] derive their persuasive value from the legitimacy and rationality of the Committee’s work based on its impartiality, experience and expertise”12. Already this interpretative authority of both Committees justifies that **national legislators or courts take into consideration** the views of these supervisory bodies of the ILO when implementing ILO law. Furthermore, the long-standing and uncontradicted interpretation of the principle of freedom of association by CFA and CEACR as well as its recognition by the Member States may be considered as a **subsequent practice** in the application of the ILO Constitution under Article 31(3)(b) of the Vienna Convention on the Law of Treaties (1968): such subsequent practices shall be taken into account when interpreting the Agreement. Their constant supervisory practice probably reflects a volonté ultérieure, since other bodies of the ILO also have **recognized a right to strike** as the two above-mentioned Resolutions of the ILC of 1957 and 1970 as well as the constant practice of the Conference Committee on the Application of Standards to examine **cases of violation** of the right to strike as **examples for breaches of the principle of freedom of association** demonstrate. As this constant practice of the organs of the ILO has not been contradicted by Member States, there is a **strong presumption** for recognition of a right to strike as a subsequent practice of the ILO under Article 31(3)(b) of the **Vienna Convention** on the Law of Treaties.

#### US compliance ensures faith in global democratic institutions – solves nuclear war.

Hawksley ’16 [Humphrey; formerly the BBC’s Beijing Bureau Chief and author of The Third World War: A Novel of Global Conflict and Asian Waters: American, China, and the Global Paradox; 11-19-2016; "Trump makes International Law Crucial for Peace"; Humphrey Hawksley; https://www.humphreyhawksley.com/trump-makes-international-law-crucial-for-peace/; Accessed 4-1-2020; AH]

Major powers tend to reject international law when rulings run counter to their interests insisting that the distant courts carry no jurisdiction. China rejected a Permanent Court of Arbitration’s ruling in July and clings to expansive claims in the South China Sea, including Scarborough Shoal near the Philippines. China’s response mirrored US rejection of a 1986 International Court of Justice ruling against US support for rebels in Nicaragua. “With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties,” writes journalist Humphrey Hawksley for YaleGlobal Online. Disregard for the rule of law weakens the legal system for all. Hawksley offers two recommendations for renewing respect for international law: intuitional overhaul so that the all parties recognize the courts, rejecting decisions only as last resort, and governments accepting the concept, taking a long-term view on balance of power even when rulings go against short-term strategic interests. Reforms may be too late as China organizes its own parallel systems for legal reviews and global governance, Hawksley notes, but international law, if respected, remains a mechanism for ensuring peace. – YaleGlobal LONDON: Flutter over the surprise visit to China by Philippines President Rodrigo Duterte may soon fade. But his abrupt and public dismissal of the United States in favor of China has weakened the argument that international rule of law could underpin a changing world order. The issue in question was the long-running dispute between China and the Philippines over sovereignty of Scarborough Shoal, situated 800 kilometers southeast of China and 160 kilometers west of the Philippines mainland, well inside the United Nations–defined Philippines Exclusive Economic Zone. Despite a court ruling and Duterte’s cap in hand during his October mission to Beijing, Philippine fishing vessels still only enter the waters around Scarborough Shoal at China’s mercy. The dispute erupted in April 2012, when China sent ships to expel Filipino fishing crews and took control of the area. The standoff became a symbol of Beijing’s policy to lay claim to 90 percent of the South China Sea where where it continues to build military outposts on remote reefs and artificially created islands in waters claimed by other nations. Lacking military, diplomatic or economic muscle, the Philippines turned to the rule of law and the Permanent Court of Arbitration in the Hague. A panel of maritime judges ruled China’s claim to Scarborough Shoal invalid in July this year. China refused to recognize the tribunal from the start and declared the decision “null and void,” highlighting the complex balance in the current world order between national power and the rule of law. Beijing’s response mirrored a 1986 US response to Nicaragua’s challenge in the International Court of Justice. The court ruled against the United States for mining Nicaragua’s harbors and supporting right-wing Contra rebels. The United States claimed the court had no jurisdiction. China’s response on the South China Sea ruling mirrors a 1986 US response.With these stands, both China and the United States weakened a crucial element of international law – consent and recognition by all parties. The Western liberal democratic system is being challenged, and confrontations in Asia and Europe, as in Crimea and Ukraine, replicate the lead-up to the global conflicts of last century’s Cold War. As Nicaragua and Central America were a flashpoint in the 1980s, so Scarborough Shoal and South China Sea are one now. Other flashpoints are likely to emerge as China and Russia push to expand influence. Western democracies being challenged by rising powers have a troubled history. The 1930s rise of Germany and Japan; the Cold War’s proxy theaters in Vietnam, Nicaragua and elsewhere; and the current US-Russian deadlock over Syria are evidence that far more thought must be given in the deployment of international law as a mechanism for keeping the peace The view is supported, on the surface at least, by Russia and China who issued a joint statement in June arguing that the concept of “strategic stability” being assured through nuclear weapons was outdated and that all countries should abide by principles stipulated in the “UN Charter and international law.” Emerging power India, with its mixed loyalties, shares that view. “The structures for international peace and security are being tested as never before,” says former Indian ambassador to the UN, Hardeep Singh Puri, author of Perilous Interventions: The Security Council and the Politics of Chaos. “It is everyone’s interest to re-establish the authority of the Security Council and reassert the primacy of law.”

### BBB DA---1NC

#### Biden’s continued PC is key to pass Build Back Better next week – despite inflation concerns

Barrón-López 11-11 (Laura Barrón-López, White House Correspondent for Politico, formerly covered Congress for the Washington Examiner, HuffPost and The Hill, BA political science, California State University, Fullerton, “Dems to White House: The only prescription is more Biden,” Politico, 11-11-2021, <https://www.politico.com/news/2021/11/11/dems-white-house-biden-520946)//re-cut> by Elmer

After months of deference to Congress, President Joe **Biden moved** more **assertively last week** to shepherd half his domestic agenda into law. With the other half still in limbo, Democrats want some of that Biden punch again. Outside groups fear that congressional Democrats could come up short on Biden’s social spending package. They are **concerned** that moderates in the House may end up buckling if the budget scores on the bill come back worse than anticipated. And there is residual anxiety that one of the two wavering Senate Democrats — Joe **Manchin** of West Virginia **and** Kyrsten **Sinema** of Arizona — **could vote “no” over concerns about inflation** and long-term debt. **The** clearest **solution** to avoiding this, they argue, **is more Biden**. “All eyes are on the president, all expectations are on the president,” said Lorella Praeli, co-president of the progressive Community Change Action. “We are playing our role. We are mobilizing. We're reminding people everyday what this is about.” Praeli added that Biden must ensure there aren’t future cuts to the package, which dropped from $3.5 trillion to $1.75 trillion to accommodate centrist Democrats in the House and Senate. “This is what he campaigned on. Only the president can deliver it in the end.” Until last week, Biden’s involvement in negotiations had been more deferential than managerial. That befuddled lawmakers, who were waiting for him to draw red lines about which priorities he wants in and out of the deal or to even demand votes. To date, Biden has publicly refrained from drawing a red line around including paid leave in the final version of the legislation, leaving the leadership in the House at odds with centrists in the Senate. But Biden did ramp up his involvement in the negotiations last week. And Democrats viewed that as key to getting an agreement in the House on their infrastructure bill, as well as on a rule to move forward with their social spending package, which funds universal pre-K, expands Medicare access, cuts taxes for families with children 18 years old and under, and combats climate change. Now they want more. Expectations are high for Biden to keep the House to its promise of a vote on that social spending plan the week of Nov. 15. “They basically made a promise,” said Rahna Epting, executive director of the progressive advocacy group MoveOn. “And Biden was able to get enough progressives to vote for the bipartisan infrastructure bill, on that promise. We are expecting Biden and the Democratic Caucus will make good on their word and pass the Build Back Better Act no later than Nov 15th as stated.” White House officials contend that Biden and his team remain in close touch with the Hill, and their legislative affairs staff continues to push the social spending bill toward a vote. The **White House** said it is **communicating regularly with** a range of lawmakers including **Manchin**, but did not answer when asked whether Biden has spoken to the West Virginia senator or other moderates in recent days. “There has been no kind of slowdown when it comes to our Hill outreach,” a White House official said. The growing demands for Biden to stay heavily involved reflect a fear in the party that the **window to act on the agenda is quickly closing**, especially as concerns mount about lingering inflation and the midterms near. If the House meets its deadline next week and passes the social spending bill, some Democrats want Biden to issue a deadline for the Senate to act. Others noted that the end-of-year legislative calendar is short and brutal. The “dynamic has totally changed,” said a Democratic strategist. “**The president secured this agreement** **with the five holdouts for** **House passage of BBB next week and it’s on him to enforce it**.” A top climate operative echoed that assessment telling POLITICO that Biden “will have failed” on tackling climate change if the second piece of the agenda doesn’t pass. But the operative also expressed a newfound fear that Biden’s current effort to sell the benefits of the infrastructure bill could distract or complicate Democrats’ attempt to keep public interested in the social spending plan. "They need to sell [physical infrastructure] but also act like it's not enough," said the activist. "How are they also creating the urgency for BBB to get done, for it to stay on the timeline of getting it done by Thanksgiving? It's a balancing act.” Matt Bennett, co-founder of the moderate group Third Way, agreed that the dynamics were “tricky” in trying to sell one just-passed bill as historic while simultaneously making the case that another ambitious bill is needed. Biden will travel to New Hampshire and Michigan next week to highlight the money the infrastructure bill will direct toward new roads, bridges and transit projects across the country. “This moment that we're in is hard,” said Bennett. “It will be much, much easier when both bills are completed. There is a very profound political imperative for Democrats to get this finished, to end the infighting and sausage-making and shift to creating a narrative about what Democrats have just done for Americans because they've been utterly unable to do that.” A number of **groups plan to amp up pressure next week** as Congress returns. House Speaker Nancy Pelosi and the White House have repeated their desire to have a vote on the social spending plan by the end of next week. The Service Employees International Union will descend on Capitol Hill with some 500 union members, said Mary Kay Henry, the union’s president. “We are escalating phone calls, text messages,” said Henry. “We're bringing members into Washington next Tuesday, we have the president's back, to get Congress to act quickly and get the full back package.” Democratic outside groups have spent more than $150 million on TV and digital ads promoting the president’s social spending plan, known as “Build Back Better.” The League of Conservation Voters and Climate Power launched new digital ads calling on the five moderates who reached an agreement with the White House and House leadership last week to follow through on their commitment to pass the second piece of Biden’s economic agenda “next week.” The longer it takes to pass the social spending plan, the harder it becomes to keep the party unified, Democrats warn, especially amid up-and-down economic news. A new report Wednesday revealed inflation hit 6.2 percent in October, its highest point in 31 years, contributing to high gas, car and food prices. It forced Biden to quickly issue a statement addressing the issue and ever-so-slightly shift his messaging, arguing that passage of the social spending plan would combat inflation. “Inflation hurts Americans’ pocketbooks, and reversing this trend is a top priority for me,” Biden said in a statement. “It is important that Congress pass my Build Back Better plan, which is fully paid for and does not add to the debt, and will get more Americans working by reducing the cost of child care and elder care, and help directly lower costs for American families.”

#### Empirics proves Pro-Labor and Pro-Union policies sap PC.

Leon 21 Luis Feliz Leon 1-6-2021 "If we want it, we’re going to have to fight like hell for it" - Labor faces an uphill battle to pass the PRO Act" <https://www.thestrikewave.com/original-content/labor-faces-uphill-battle-to-pass-pro-act> (Organizer and journalist)//Elmer

In New York City, after years of organizing fast-food workers, 32BJ SEIU won two ‘just cause’ laws protecting 67,000 workers from being fired arbitrarily. In California, after a 17-year battle for a union, 45,000 childcare providers finally won the “largest single union election America has seen in seven years.” New Mexico just became the ninth state—including California, New York, New Jersey, Illinois, Massachusetts, Oregon, Washington, and Maine—to create a pathway for mandatory recognition using card check, which makes it easier for workers to gain union recognition by submitting a majority of signed cards of workers rather than through a drawn-out election campaign where the employer can interrogate workers, hold captive audience meetings, and fire union supporters. Despite these recent labor victories at the state level, the share of all workers belonging to a union continues to dwindle, at a nadir of 10.3 percent. With the share of private-sector workers in a union at 6.2 percent, the labor movement has effectively been beaten back to the dregs of the 1890s: the good-old days of the Gilded Age, when Andrew Carnegie and a coterie of plutocrats pillaged workers’ labor and amassed an obscene amount of wealth to make the headless Marie Antoinette’s nerve endings twitch in the grave. With “right-to-work” laws all but banning the union shop in 27 states and Guam, the National Labor Relations Board packed by Donald Trump with lawyers from union-busting firms, and states gutting the bargaining rights of state employees, how can organized labor build power to win back lost ground? The answer is to make it easier for workers to join unions. The Protecting the Right to Organize (PRO) Act, H.R. 2474, is a compendium of labor’s wish-list items. It would make it easier for workers to form unions, imposing consequence on union-busting employers who violate labor law, and weakening “right-to-work” laws. It passed the House last year by a vote of 224-194, signifying both Democrats wanting to burnish their pro-labor bona fides before the campaign season and the growing leftist bloc within its ranks. The Senate version garnered 42 co-sponsors, but Majority Leader Mitch McConnell blocked it. If enacted, it would strengthen workers’ right to unionize by updating the 1935 National Labor Relations Act and reversing the damage of the anti-union Taft-Hartley Act of 1947, repealing its ban of secondary boycotts, and making it possible for unions to coordinate solidarity strikes as truck drivers represented by the Teamsters did last year when they refused to cross the picket during strikes at Stop & Shop organized by the United Food and Commercial Workers. The **inclusion of the right to strike** in solidarity with other unions in some Teamster contracts hearkens back to a legacy of labor militancy. It would also end the misclassification of workers as “independent contractors” using an ‘ABC’ test to determine whether they are genuinely independent businesspeople. The PRO Act would set deadlines for workers to secure agreement on a first contract, overcoming a stalling tactic employers use to undermine unionizing efforts, and set up mediation to resolve disputes with employers. To discourage union-busting, it would ban employers from coercing workers from signing away their right to pursue litigation and prohibit permanently replacing workers who have gone on strike with strikebreakers. It also bars employers from forcing workers to attend “captive audience” meetings to discourage unionization and imposes stiff penalties on employers who violate workers’ rights. These practices are common. Unions charge employers with violating federal law in 41.5 % of all union-election campaigns, according to a study by the Economic Policy Institute (EPI), a left-leaning think tank. “Given the data on employer conduct during union elections, it stands to reason that enabling workers to avoid a rigged process and win a union would make a difference in union density,” said EPI director of government affairs Celine McNicholas. “This is especially true when you consider how many private-sector workers say they would want a union if they could win one in their workplace.” Nearly 50 percent of all nonunion workers say they would vote for a union if given the chance, one recent poll found. The most recent Gallup poll shows that 65 percent of Americans have a favorable view of unions. “Labor law is broken, often making the NLRB election process a hellish gauntlet for workers who want to form a union," said Daisy Pitkin, UNITE HERE’s laundry organizing director in Arizona from 2002 to 2009. “In order for workers to make it through that gauntlet, they and the union they're building have to be really strong to withstand the company’s attacks.” “Industrial laundries are dangerous places to work," Pitkin continued. "Workers are routinely injured and burned by machinery, and in the factories that wash hospital linen, they are exposed to bodily fluids and waste, surgical tools, fluids bags and the like.” One Phoenix hospital laundry the union was trying to organize, Sodexho Commercial Linen Exchange, was charged by the NLRB with 22 separate violations, according to Pitkin. Sodexho – now known as Sodexo – is a major international services chain, with contracts ranging from serving cafeteria food in colleges to prisons. The union was able to provide enough evidence of unfair labor practice violations, including firing workers during organizing drives, surveillance and other intimidation tactics, that the NLRB issued a Gissel bargaining order, forcing the employer to recognize and bargain with the union. Pitkin led organizing campaigns at nine industrial laundries across Arizona alongside “mainly women workers in this deep-red, right-to-work, Arpaio country,” referring to Sheriff of Maricopa County Joe Arpaio, the neo-fascist blowhard nationally known for blustering displays of cruelty to immigrants and incarcerated people. UNITE HERE organized three by card check, another after workers went on a spontaneous strike due to safety concerns, and five through drawn-out elections. Ultimately, it was able to claim 65% percent union density in the state’s industrial-laundry sector. “Our theory was that if we could organize midrange companies, then clean up the market by going after the smaller, local and regional players, we could raise industry standards for wages and health and safety even before organizing the big national and international corporations,” said Pitkin. "This partially proved true: when we got to above 50% density, we were able to bring the floor up for wages across the state." The challenge has been less workers’ lack of interest in joining a union than the roadblocks making it difficult to do so. For the last decade, the labor movement has tried to remove these barriers, but largely failed. The PRO Act’s key **provisions** are a **throwback to** Sen. Bernie Sanders’ **W**orkplace **D**emocracy **A**ct, which would have repealed state "right-to-work" laws that drain union coffers by allowing non-union members to benefit from the benefits of union representation, or “free ride,” without paying dues. The Employee Free Choice Act (**EFCA**), which **died** **in the Senate** during President Barack Obama’s first term, **had** **similar potential to** **increase union membership**, as it would have enabled workers to get union representation if a majority signed union cards (“card check”) rather than through an election. It **died because** **Obama was unwilling to put p**olitical **c**apital **behind it to overcome opposition from Republicans and center-right Democrats.** “**EFCA was very close to becoming law**. At the end of the day, in my view, the **Obama** administration **did not put** the **necessary p**olitical **c**apital **into securing its passage**,” said EPI's McNicholas. “The Obama administration **decided to focus on** ‘**bipartisan’** and ‘reach across the aisle’ type **solutions** to the 2008 financial crisis, and thus **didn't care** about EFCA in the face of the anti-EFCA mobilization **by strong ‘antis’** like the Chamber of Commerce,” says Susan Kang, a professor of political science at John Jay College who studies political economy, labor, and human rights. “Basically, labor was swept aside by the Obama administration … at the exact moment when he had the strongest mandate and political capital.” Another issue, said Patrick Burke, an organizer with United Auto Workers Local 2322 in Massachusetts, was that EFCA's card-check provisions, when framed as a replacement for elections, “became very easy to demonize and difficult to explain to people not already familiar with labor law.” “The short story is that the EFCA was **doomed from** a few **moderate Dems not being willing to go through** with card check once actually in power to enact it. The long story is that the labor movement's disappearance from the ‘adult table’ of Democratic politics has cyclical downward effects. They're less able to convince Dems to go out on the limb for them and to prioritize their legislative requests,” said Brandon Magner, a labor lawyer in Indiana. Despite a history of betrayal and rejection, labor and immigrant rights organizations, coalesced around Biden, a self-professed “union guy,” after the primaries and helped deliver him to the White House in the hope that doing so would lead to executive action on immigration and labor law reform. “We call on Congress to pass and Biden to sign the Protecting the Right to Organize (PRO) Act early in 2021 to make sure every worker who wants to form or join a union is able to do so freely and fairly,” AFL-CIO President Richard Trumka said in a statement after the election. But union organizers, researchers, and labor lawyers see dim prospects for winning significant labor reform during the Biden administration.

#### **BBB wins the US the Tech Competition Race.**

Prins 21 Nomi Prins 3-15-2021 “Infrastructure Should Be the Great Economic Equalizer” <https://truthout.org/articles/infrastructure-should-be-the-great-economic-equalizer/> (former managing director at Goldman Sachs and author of All the Presidents’ Bankers and Collusion: How Central Bankers Rigged the World, due to be released in paperback on May 7.)//Elmer

Prins 3-15 (Nomi Prins is a former managing director at Goldman Sachs and author of All the Presidents’ Bankers and Collusion: How Central Bankers Rigged the World, due to be released in paperback on May 7. She served on Sen. Bernie Sanders’s Federal Reserve Reform Advisory Council. "Infrastructure Should Be the Great Economic Equalizer" 3/15/21 <https://truthout.org/articles/infrastructure-should-be-the-great-economic-equalizer/> NL)

**Infrastructure as an International Race for Influence** In an [interview with CNBC](https://www.cnbc.com/2021/02/18/cnbc-exclusive-cnbc-transcript-united-states-treasury-secretary-janet-yellen-speaks-with-cnbcs-closing-bell-today.html) in February 2021, after being confirmed as the first female treasury secretary, Janet Yellen stressed the crucial need not just for a Covid-19 stimulus relief but for a sustainable infrastructure one as well. As part of what the **Biden** administration has labeled its **“**[**Build Back Better**](https://joebiden.com/build-back-better/)**” agenda**, she **underscored** the “**long-term structural problems in the U.S. economy** that have resulted in inequality [and] slow productivity growth.” She also highlighted how **a major** new **focus on clean-energy investments could make** the **economy more competitive globally**. When it comes to **infrastructure and sustainable development** efforts, the **U.S. is being left in the dust** **by** its primary **economic rivals**. Following his first phone call with Chinese President **Xi** Jinping, President Biden [noted](https://www.bbc.com/news/business-56036245) to a group of senators on the Environment and Public Works Committee that, “if we don’t get moving, they are going to eat our lunch.” He went on to say, “They’re **investing** **billions** of dollars dealing with a whole range of issues that relate to transportation, the environment, and a whole range of other things. We just have to step up.” As this country, deep in partisan gridlock, **stalls on infrastructure** measures of any sort, its **global competitors** are **proceeding full speed** ahead. Having helped to jumpstart its economy with projects like high-speed railways and massive new bridges, **China** is now **accelerating** its efforts to further develop its **technological infrastructure**. As Bloomberg [reported](https://www.bloomberg.com/news/articles/2020-05-20/china-has-a-new-1-4-trillion-plan-to-overtake-the-u-s-in-tech), the Chinese are focused on supporting the build-up of “everything from wireless networks to artificial intelligence. In the master plan backed by President Jinping himself, China will invest an estimated $1.4 trillion over six years” in such projects.

#### Losing causes extinction - uncontrolled risks from emerging tech cause rapid shifts in strategic stability and misuse - American dominance is key.

Jain **’20** [Ash; 2020; Senior fellow with the Scowcroft Center for Strategy and Security; Strategic Studies Quarterly; “Present at the Re-Creation: A Global Strategy for Revitalizing, Adapting, and Defending a Rules-Based International System,” <https://www.atlanticcouncil.org/wp-content/uploads/2019/10/Present-at-the-Recreation.pdf>]

The system must also be adapted to deal with new issues that were not envisioned when the existing order was designed. Foremost among these issues is emerging and disruptive technology, including AI, additive manufacturing (or 3D printing), quantum computing, genetic engineering, robotics, directed energy, the Internet of things (IOT), 5G, space, cyber, and many others. Like other disruptive technologies before them, these innovations promise great benefits, but also carry serious downside risks. For example, AI is already resulting in massive efficiencies and cost savings in the private sector. Routine tasks and other more complicated jobs, such as radiology, are already being automated. In the future, autonomous weapons systems may go to war against each other as human soldiers remain out of harm’s way. Yet, AI is also transforming economies and societies, and generating new security challenges. Automation will lead to widespread unemployment. The final realization of driverless cars, for example, will put out of work millions of taxi, Uber, and long-haul truck drivers. Populist movements in the West have been driven by those disaffected by globalization and technology, and mass unemployment caused by automation will further grow those ranks and provide new fuel to grievance politics. Moreover, some fear that autonomous weapons systems will become “killer robots” that select and engage targets without human input, and could eventually turn on their creators, resulting in human extinction. The other technologies on this lisgt similarly balance great potential upside with great downside risk. 3D printing, for example, can be used to “make anything anywhere,” reducing costs for a wide range of manufactured goods and encouraging a return of local manufacturing industries.61 At the same time, advanced 3D printers can also be used by revisionist and rogue states to print component parts for advanced weapons systems or even WMD programs, spurring arms races and weapons proliferation.62 Genetic engineering can wipe out entire classes of disease through improved medicine, or wipe out entire classes of people through genetically engineered superbugs. Directed-energy missile defenses may defend against incoming missile attacks, while also undermining global strategic stability. Perhaps the greatest risk to global strategic stability from new technology, however, comes from the risk that revisionist autocracies may win the new tech arms race. Throughout history, states that have dominated the commanding heights of technological progress have also dominated international relations. The United States has been the world’s innovation leader from Edison’s light bulb to nuclear weapons and the Internet. Accordingly, stability has been maintained in Europe and Asia for decades because the United States and its democratic allies possessed a favorable economic and military balance of power in those key regions. Many believe, however, that China may now have the lead in the new technologies of the twenty-first century, including AI, quantum, 5G, hypersonic missiles, and others. If China succeeds in mastering the technologies of the future before the democratic core, then this could lead to a drastic and rapid shift in the balance of power, upsetting global strategic stability, and the call for a democratic- led, rules-based system outlined in these pages.63 The United States and its democratic allies need to work with other major powers to develop a framework for harnessing emerging technology in a way that maximizes its upside potential, while mitigating against its downside risks, and also contributing to the maintenance of global stability. The existing international order contains a wide range of agreements for harnessing the technologies of the twentieth century, but they need to be updated for the twenty-first century. The world needs an entire new set of arms-control, nonproliferation, export-control, and other agreements to exploit new technology while mitigating downside risk. These agreements should seek to maintain global strategic stability among the major powers, and prevent the proliferation of dangerous weapons systems to hostile and revisionist states.

### Util---1NC

#### The standard is maximizing expected well-being—to clarify, hedonistic act utilitarianism. Calc indicts don’t link—nuke war is bad because as far as we know, it would cause pain.

Moen 16 Ole Martin, PhD, Research Fellow in Philosophy at the University of Oslo. "An Argument for Hedonism." Journal of Value Inquiry 50(2). 2016. https://www.academia.edu/26656561/\_An\_Argument\_for\_Hedonism\_by\_Ole\_Martin\_Moen. PeteZ

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative. 2

The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values. If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good. 3 As Aristotle observes: “We never ask what her~~is~~ end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad.

If we are onto something in our everyday reasoning about values, it seems that pleasure and pain are both places where we reach the end of the line in matters of value.

#### Prefer:

#### 1] You don’t get the choice to determine death for other people.

Paterson 2 – Department of Philosophy, Providence College, Rhode Island. (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, <http://sce.sagepub.com>)

In determining whether a life is worth living or not, **attention should be focused upon an array of ‘interests’ of the person**, and these, for the competent patient at least, are going to vary considerably, since they will be informed by the patient’s underlying dispositions, and, for the incompetent, by a minimal quality threshold. It follows that for competent patients, a broad-ranging assessment of quality of life concerns is the trump card as to whether or not life continues to be worthwhile. Different patients may well decide differently. That is the prerogative of the patient, for the only unpalatable alternative is to force a patient to stay alive. For Harris, life can be judged valuable or not when the person assessing his or her own life determines it to be so. **If a person values his or her own life, then that life is valuable, precisely to the extent that he or she values it**. Without any real capacity to value, there can be no value. As Harris states, ‘. . . the value of our lives is the value we give to our lives’. It follows that the **primary** **injustice** done to a person is to deprive the person of a life **he or she may think valuable**. Objectivity in the value of human life, for Harris, essentially becomes one of negative classification (ruling certain people out of consideration for value), allied positively to a broad range of ‘critical interests’; interests worthy of pursuing — **friendships, family, life goals, etc**. — which are subjected to de facto **self-assessment** for the further determination of meaningful value. Suicide, assisted suicide, and voluntary euthanasia, can therefore be justified, on the grounds that once the competent nature of the person making the decision has been established, the thoroughgoing commensuration between different values, in the form of interests or preferences, is essentially left up to the individual to determine for himself or herself.

#### 2] Actor spec—governments must use util because they don’t have intentions and are constantly dealing with tradeoffs—outweighs since different agents have different obligations—takes out calc indicts since they are empirically denied.

#### 3] No intent-foresight distinction for states.

Enoch 07 Enoch, D [The Faculty of Law, The Hebrew Unviersity, Mount Scopus Campus, Jersusalem]. (2007). INTENDING, FORESEEING, AND THE STATE. Legal Theory, 13(02). doi:10.1017/s1352325207070048 https://www.cambridge.org/core/journals/legal-theory/article/intending-foreseeing-and-the-state/76B18896B94D5490ED0512D8E8DC54B2

The general difficulty of the intending-foreseeing distinction here stemmed, you will recall, from the feeling that attempting to pick and choose among the foreseen consequences of one’s actions those one is more and those one is less responsible for looks more like the preparation of a defense than like a genuine attempt to determine what is to be done. Hiding behind the intending-foreseeing distinction seems like an attempt to evade responsibility, and so thinking about the distinction in terms of responsibility serves 39. Anderson & Pildes, supra note 38. I will use this text as my example of an expressive theory here. 40. See id. at 1554, 1564. 41. For a general critique, see Mathew D. Adler, Expressive Theories of Law: A Skeptical Overview, 148 U. PA. L. REV. 1363 (1999–2000). 42. As Adler repeatedly notes, the understanding of expression Anderson & Pildes work with is amazingly broad, so that “To express an attitude through action is to act on the reasons the attitude gives us”; Anderson & Pildes, supra note 38, at 1510. If this is so, it seems that expression drops out of the picture and everything done with it can be done directly in terms of reasons. 43. This may be true of what Anderson and Pildes have in mind when they say that “expressive norms regulate actions by regulating the acceptable justifications for doing them”; id. at 1511. http://journals.cambridge.org Downloaded: 03 Aug 2014 IP address: 134.153.184.170 Intending, Foreseeing, and the State 91 to reduce even further the plausibility of attributing to it intrinsic moral significance. This consideration—however weighty in general—seems to me very weighty when applied to state action and to the decisions of state officials. For perhaps it may be argued that individuals are not required to undertake a global perspective, one that equally takes into account all foreseen consequences of their actions. Perhaps, in other words, individuals are entitled to (roughly) settle for having a good will, and beyond that let chips fall where they may. But this is precisely what stateswomen and statesmen—and certainly states—are not entitled to settle for.44 In making policy decisions, it is precisely the global (or at least statewide, or nationwide, or something of this sort) perspective that must be undertaken. Perhaps, for instance, an individual doctor is entitled to give her patient a scarce drug without thinking about tomorrow’s patients (I say “perhaps” because I am genuinely not sure about this), but surely when a state committee tries to formulate rules for the allocation of scarce medical drugs and treatments, it cannot hide behind the intending-foreseeing distinction, arguing that if it allows45 the doctor to give the drug to today’s patient, the death of tomorrow’s patient is merely foreseen and not intended. When making a policy-decision, this is clearly unacceptable. Or think about it this way (I follow Daryl Levinson here):46 perhaps restrictions on the responsibility of individuals are justified because individuals are autonomous, because much of the value in their lives comes from personal pursuits and relationships that are possible only if their responsibility for what goes on in the (more impersonal) world is restricted. But none of this is true of states and governments. They have no special relationships and pursuits, no personal interests, no autonomous lives to lead in anything like the sense in which these ideas are plausible when applied to individuals persons. So there is no reason to restrict the responsibility of states in anything like the way the responsibility of individuals is arguably restricted.47 States and state officials have much more comprehensive responsibilities than individuals do. Hiding behind the intending-foreseeing distinction thus more clearly constitutes an evasion of responsibility in the case of the former. So the evading-responsibility worry has much more force against the intending-foreseeing distinction when applied to state action than elsewhere.

#### Impact calc –

#### 1] Extinction outweighs:

#### A] Structural violence- death causes suffering because people can’t get access to resources and basic necessities

#### B] Objectivity- body count is the most objective way to calculate impacts because comparing suffering is unethical

#### C] Comes before value-to-life.

Tännsjö 11 (Torbjörn, the Kristian Claëson Professor of Practical Philosophy at Stockholm University, “Shalt Thou Sometimes Murder? On the Ethics of Killing,” <http://people.su.se/~jolso/HS-texter/shaltthou.pdf>) //BS 1-27-2018

\*\*Bracketed to avoid triggers

I suppose it is correct to say that, if Schopenhauer is right, if life is never worth living, then according to utilitarianism we should all [die] commit suicide and put an end to humanity. But this does not mean that, each of us should commit suicide. I commented on this in chapter two when I presented the idea that utilitarianism should be applied, not only to individual actions, but to collective actions as well.¶ It is a well-known fact that people rarely commit suicide. Some even claim that no one who is mentally sound commits suicide. Could that be taken as evidence for the claim that people live lives worth living? That would be rash. Many people are not utilitarians. They may avoid suicide because they believe that it is morally wrong to kill oneself. It is also a possibility that, even if people lead lives not worth living, they believe they do. And even if some may believe that their lives, up to now, have not been worth living, their future lives will be better. They may be mistaken about this. They may hold false expectations about the future.¶ From the point of view of evolutionary biology, it is natural to assume that people should rarely commit suicide. If we set old age to one side, it has poor survival value (of one’s genes) to kill oneself. So it should be expected that it is difficult for ordinary people to kill themselves. But then theories about cognitive dissonance, known from psychology, should warn us that we may come to believe that we live better lives than we do.¶ My strong belief is that most of us live lives worth living. However, I do believe that our lives are close to the point where they stop being worth living. But then it is at least not very far-fetched to think that they may be worth not living, after all. My assessment may be too optimistic.¶ Let us just for the sake of the argument assume that our lives are not worth living, and let us accept that, if this is so, we should all kill ourselves. As I noted above, this does not answer the question what we should do, each one of us. My conjecture is that we should not [die] commit suicide. The explanation is simple. If I [die] kill myself, many people will suffer. Here is a rough explanation of how this will happen: ¶ ... suicide “survivors” confront a complex array of feelings. Various forms of guilt are quite common, such as that arising from (a) the belief that one contributed to the suicidal person's anguish, or (b) the failure to recognize that anguish, or (c) the inability to prevent the suicidal act itself. Suicide also leads to rage, loneliness, and awareness of vulnerability in those left behind. Indeed, the sense that suicide is an essentially selfish act dominates many popular perceptions of suicide. ¶ The fact that all our lives lack meaning, if they do, does not mean that others will follow my example. They will go on with their lives and their false expectations — at least for a while devastated because of my suicide. But then I have an obligation, for their sake, to go on with my life. It is highly likely that, by committing suicide, I create more suffering (in their lives) than I avoid (in my life).

#### D] Mathematically outweighs.

MacAskill 14 [William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014]

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be 2×10^14. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

#### 2] Calc indicts fail:

#### A] Ethics- it would indict everything cuz they use events to understand how ethics have worked

#### B] Reciprocity- they are NIBs that create a 2:1 skew where I have to answer them to access offense while they only have to win one

#### C] Internalism- asking why we value life is nonsensical since it’s intrinsic and we just do.

### Theory---1NC

#### Interpretation: The affirmative must defend and gain offense solely from the instrumental hypothetical consequences of the entirety of the plan text.

#### To clarify, they cannot garner offense from the “intent” or “method” of the aff or solely defend “intrinsic features” of the resolution

#### First - Fairness – radically re-contextualizing the resolution lets them defend any method tangentially related to the topic exploding Limits, which erases neg ground via perms and renders research burdens untenable by eviscerating predictable limits. Procedural questions come first – debate is a game and it makes no sense to skew a competitive activity as it requires effective negation which incentivizes argument refinement, but skewed burdens deck pedagogical engagement.

#### Second - Clash – being tangentially related to the topic BUT picking any grounds for offense precludes the only common point of engagement, which obviates preround research and incentivizes retreat from controversy by eliminating any effective clash. Only the process of negation distinguishes debate and discussion by necessitating iterative testing and effective engagement, but an absence of constant refinement dooms revolutionary potential.

#### Third – Negative Prep – their model is disastrous for negative teams, it lets the aff read normative frameworks that solely flow one way. It destroys critical ideological views of the world focuses on futurity and consequences, since the aff could always claim that consequences aren’t relevant under their framework.

**Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one. No rvi - a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense. Competing interps - a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater b) norm setting - we find the best possible norms c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines.**

#### NC Theory first

#### 1] any reason we were abusive was bc the 1ac alr was which is a sequencing question, outweighs because it questions the chain of abuse and addresses why it occurred

#### 2] Negating harder against new affs, they get first and last word, negs lose the prep advantage, and 3 min 2ar lets them persuade you any way they want which ow bc it’s the only speech that can’t be rectified

#### 3] nc theory starts earlier so there’s more time to deliberate norms, 1ar theory forces new 2ar responses since we only get one speech and can’t predict every bit of spin they’ll go for, triggers intervention which ow bc it takes the decision out of the debater’s hands, that also justifies no 1ar theory.

#### Can’t weigh the value of the aff, the shell indicts the method of not defending consequences so they have to be held to that.

## NC---AT: Underview

### NC – AFC

#### CI- The violation

#### 1] Negative testing- we should get to test the affirmative from multiple angles and sides that o/w’s since it’s the constitutive and inescapable role of the negative

#### 2] Phil Ed- Reading an alternative framework is key to clashing over core philosophical issues and learning the nuances of them. That outweighs A] Uniqueness- it’s the only thing unique to LD debate B] Time frame- philosophical knowledge helps us make ethical decisions in the future outside debate.

#### 3] Strategic Case Writing- Contesting your framework forces the aff to write the most strategic framework that they can leverage. Turns fairness offense since it means aff teams are able to win framing debates more efficiently

#### 4] Inclusion- Frameworks could be morally repugnant and justify horrible atrocities. We need to be able to contest their framework to hedge against ethical practices that impose psychic violence onto some debaters. That outweighs A] Pre-req- it’s an impact filter to other standards B] Performativity- you making arguments assumes your voice is included

#### 5] Real World- You will constantly be confronted by individuals with different views then your own. That outweighs on portability since debate is only pedagogically valuable if it’s skills can be exported.

#### Reducing existential risk precludes affect, constant flux of being can only be maintained by Value to Life, proves we’re a sequencing question

#### Their framework proves the value of empiricism, things are in constant flux DUE to material and empirical surroundings. For example, if you used to like ice cream but then got bored of it that would be affect but its based on a material and empirical basis.

#### Arbitrary, certain things change about us but others don’t. I.e. hair color maybe but certain units of identity such as jealousy, or overthinking don’t.

#### Non verifiable, certain aspects of our identity might change solely due to things that don’t change. If I change my hair color it doesn’t need to mean im experiencing affect, it could mean that since I was born I’ve had a need for constant change that will never go away.