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## Off

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#### I value morality. The standard is maximizing expected wellbeing. Prefer-

#### 1. Lexical pre-requisite- threats to life preclude the ability for moral actors to effectively utilize and act upon other moral theories

#### 2. Intuitionism- no plausible moral system could ignore the relevance of consequences in the political sphere where governments must consider tradeoffs

#### 3. Pleasure and pain are intrinsically valuable

Moen 16 [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

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 [a man] what his 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.

#### 4. Extinction outweighs under any moral framework- future gens and moral uncertainty

Pummer 15 — (Theron Pummer, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford, “Moral Agreement on Saving the World“, Practical Ethics University of Oxford, 5-18-2015, Available Online at http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/, accessed 7-2-2018, HKR-AM) \*\*we do not endorse ableist language

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

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Healthcare DA

**Healthcare systems are ready for the next pandemic BUT frontline workers are key**

**Nundy, 21** -- Accolade chief medical officer and primary care physician

[Dr. Shantanu, interview with John Henning Schumann, "How Health Care In The U.S. May Change After COVID: An Optimist's Outlook," NPR, 5-13-2021, https://www.npr.org/sections/health-shots/2021/05/13/996233365/how-health-care-in-the-u-s-may-change-after-covid-an-optimists-outlook, accessed 10-18-2021]

With more than one-third of U.S. adults now fully vaccinated against COVID-19, there's **growing optimism** on many fronts. A majority of states have either lifted health-related restrictions or have announced target dates for doing so.

Already, many clinicians and health policy experts are thinking about what the post-pandemic world will look like.

COVID-19 demonstrated that even in a behemoth industry like health care, change can come quickly when it's necessary. Patients understandably avoided hospitals and clinics because of the risk of viral exposure — leading to quick opportunities for innovation.

For example, the use of telemedicine skyrocketed, and many think it's an innovation that's here to stay. Patients like the convenience — and for many conditions, it's an effective alternative to an in-person visit.

Dr. Shantanu Nundy, for one, is optimistic about the future of health care in the U.S. He is a primary care physician practicing just outside Washington, D.C., and the chief medical officer at Accolade, a company that helps people navigate the health care system.

Nundy has bold views, based on his current roles as well as prior positions with the Human Diagnosis Project, a crowd-sourcing platform for collaboration on challenging medical cases, and as a senior health specialist for the World Bank, where his work took him to Africa, Asia and South America.

He spoke with Shots about his new book, Care After Covid: What the Pandemic Revealed Is Broken in Healthcare and How to Reinvent It.

This interview has been edited for length and clarity.

You seem pretty optimistic about changes to U.S. health care because of the pandemic. What changes or new practices do you think are most likely to stick around?

I am optimistic. Health care has changed more in the past year than during any similar period in modern U.S. history. And it changed for the better.

Doctors and other **front-line workers** finally started meeting patients where they are: in the community (e.g., at drive-through testing and mass vaccination sites), at home (e.g., with house calls and even hospital-level care at home), and on their devices. Doctors and patients connected in new ways: In my clinic, which serves low-income patients in the Washington, D.C., area, I was given an iPhone for the first time for video and audio visits and found myself messaging with patients between visits to refill medications or follow up on their symptoms.

Some of these changes will reverse as things get back to normal, but what won't change is the fundamental culture shifts. The pandemic magnified long-standing cracks in the foundation of the U.S. health care system and exposed those cracks to populations that had never witnessed them before. All of us — not just patients with chronic diseases or patients who live at the margin — have the shared experience of trying to find a test or vaccine, of navigating the byzantine healthcare system on our own.

The crisis also exposed just how inequitable the health care system is for Black and brown communities. The numbers don't lie — these populations died of COVID-19 at a rate much higher than their white counterparts. I'm hopeful these shared experiences and revelations have created the empathy and impetus to demand change.

Your book envisions a care framework that will be "distributed, digitally enabled, and decentralized." Let's take them one at a time. What do you mean by "distributed care?"

"Distributed care" refers to the notion that care should happen where health happens, at home and in the community. We need to redistribute care from clinics and hospitals to homes, pharmacies and grocery stores, barbershops and churches, workplaces and online, where patients are on-the-go. This doesn't mean we should eliminate traditional health care settings. Hospitals and clinics will continue to play a major role in health care delivery, but for most people, these will become secondary, rather than primary, sources of care.

The most obvious upside to distributed care is that it's more affordable. Without the overhead costs of expensive medical facilities, costs decrease. It also has the potential to be more effective and equitable. Our health is largely driven by our behaviors and our environment. By delivering it where we live and work, care can better address the root causes of poor health, including social isolation, poor nutrition, physical inactivity, and mental and emotional distress. Distributed care can also reach communities too far from the nearest clinic or hospital — or who are too distrustful to even step foot in one.

We already have digitally enabled care to some extent: We use apps, our medical records are electronic, and many of us have now used telemedicine to connect with clinicians. What is your vision of the future of "digitally enabled care?"

"Digitally enabled" refers to the idea that the right role of technology in health care is simply to increase the care in healthcare. ... For a glimpse of what's possible, I'll share my mom's experience during the pandemic. For 25 years, she struggled with Type 2 diabetes (and for the past 10 years, has been on insulin). But faced with all the reports of patients with diabetes having higher rates of COVID-19 complications, she signed up for a virtual diabetes service that was completely different than anything she had tried in the past two decades.

She was shipped a free glucose meter and weighing scale to send her data to her new diabetes care team. She downloaded a mobile app where she did video visits with her doctor — more frequently than she ever had in person — and 24/7 access to a health coach that she sometimes messaged with multiple times per day in the first few weeks of the program. She also was connected with another patient — a gentleman in Chicago who, like my mom, followed an Indian vegetarian diet — to exchange recipes with. The result: Within weeks, my mom lost over 10 pounds and safely got off of insulin. Nearly a year later, she still is.

How do you envision future care that is decentralized? Will U.S. health care become more of a do-it-yourself industry?

"Decentralized care" refers to a model where decisions about care are in the hands of those closest to it, including doctors and patients.

But health care is highly centralized and heavily regulated, and what doctors can do often comes down to what we can charge insurance companies for.

One example: I had a patient who was in and out of the hospital for heart failure. After one of these hospitalizations, I saw her in-clinic and learned that she didn't have a scale and couldn't afford one. Daily weigh-ins are critical for patients like her, as a few pounds gained can be an indicator of impending heart failure. So, I handed her a $20 bill from my pocket for a scale, and she was never admitted to the hospital again. If our health care system was decentralized, I would be able to get my patients the $20 piece of equipment they need instead of racking up thousands of dollars in expensive medical tests and hospitalizations.

With all of the innovation you foresee, will there be actual market-based competitive pricing reform, or will all of the whistles and bells just drive health care costs inexorably upward?

The type of innovation we need most is true "disruptive innovation." This is a term that gets thrown around liberally, but the real definition refers to products or services that dramatically lower prices and increase quality, much more so than those currently available.

I see two steps we must take to get there: First, we need to stop nibbling around the edges. Often, our solution to, say, Type 2 diabetes, is training doctors in better management or approving a drug that is 1% better (and 200 times more expensive) than what we have now. A truly disruptive innovation is what my mom used: a digitally enabled service that reversed her diabetes and got her off of insulin completely.

Second, we need to get out of our own way. Early on in the pandemic, when we finally allowed patients to test themselves for COVID-19, we still required a doctor to sign off on the test. Patients filled out a questionnaire and a doctor then needed to scan through dozens of forms an hour to approve or reject the test applications (these were almost always approved). That's crazy! Now, we've finally let doctors off the hook, and patients can walk into a CVS or Walgreens to pick up a rapid COVID-19 test over the counter.

What are some ways that your future vision could go off the rails and lead us toward a care system that is less open, less transparent or less patient-centered?

The biggest threat is the continued monopolization of health care. In many parts of the country, there are only one or two large health systems and a few options for health insurance. This drives up prices with little to no benefit for patients or doctors.

Will the **lessons of COVID**-19 make us **more prepared**, and our health care system **more adept for the next global challenge?**

**Absolutely.** The pandemic has created **medicine's greatest generation**. By shepherding this country through the crisis, an entire generation of doctors, nurses, pharmacists and administrators learned an entirely new set of skills: public communication, front-line innovation, data-driven decision-making.

An outside force — a new virus — accelerated much-needed change in health care, but **the work is just beginning**. **The future of care is now on us**.

**Strikes spur closures and collapse healthcare- empirics prove**

**Essien, 18** -- University of Uyo economics professor

[Madara, University of Uyo Department of Microbiology head & Vice Dean of Science, International Centre for Energy and Environmental Sustainability Research research fellow, "The Socio-Economic Effects of Medical Unions Strikes on the Health Sector of Akwa Ibom State of Nigeria," Asia Business Review, 8.2, May/August 2018, https://doi.org/10.18034/abr.v8i2.157, accessed 10-16-21, modified for ableist language]

The Nigerian economy has been disturbed and its economic activities disrupted from time to time due to labour union strike actions. Its first recorded labour strike was on June 21,1945 where about 150,000 clerical and nonclerical workers in the Nigerian Civil Service were demanding for better wages due to the rising cost of living brought about by the Second World War. This was possible because workers formed themselves into a labour union. The essence of the union amongst others was negotiation of wages, work rules, complaint procedures, rules governing hiring, firing and promotion of workers, workplace safety and policies to enforce strikes.

Despite the fact that the Trade Dispute Act of 1976 declared strike illegal; and the institutionalization of "no work, no pay" rule strike actions in Nigeria has no abated. The Nigerian health system has experienced exponential increase in industrial conflict. It appears that no part of public service in Nigeria has experienced more strikes than the health sector. In recent times there are many incidences of health workers strike; but the most interesting is the case of the Federal Medical Centre in Owerri. The health workers came to work every day but spend their time singing and praying on the hospital grounds, while ignoring their patients in the wards, protesting against the privatization of some of the hospital services. In many other parts of the country public sector hospitals were **closed for** about **half** of **the year** due strikes by doctors. But as soon as they returned, other health sector workers under the aegis of the Joint Health Sector Unions (JOHESU) proceeded to strike from November 2014 to February, 2015. Several patients including those in critical conditions were forced to discharge themselves following paralysis of medical and clinical services. It also made children to be abandoned in the children ward. All accident and emergency (A & E) department were under lock and key. **Wards were deserted**. This has impacted on the health care system, leading to several avoidable deaths, complication and outgoing medical tourism, as the wealthy seek health services abroad.

It can be seen so far that strikes in the health sector have assumed an astronomical proportion. This is occasioned by the inability of the government to settle her health workers duly and at the right time. Also, for harmony to exist in any productive sector of a country, there need to be an efficient interplay of both individuals (workers) and the country (employer). Perhaps, strikes are sustained because this interplay is not efficient enough and so disharmony becomes the order of the day in the sector. The impact of these different strikes on the health sector tends to place more negative values on local and national economy. Thus, this work aimed at analyzing the socio-economic dynamics of these strikes and how it impacts on the health sector of Nigeria - focusing on the health sector of Akwa Ibom State.

Statement of the Problem

Nigeria as a country has suffered from several health workers' strikes involving different categories of health workers. Frequent health workers' strikes result in the **closure** of public health care institutions preventing Nigerians access to quality health services. Health care workers are specialized in different areas; an optician does a different work from a surgeon and so on. It is the integration of all their works as well as the interrelationship that exists in these different medical services that makes the health system, as a whole function effectively. Thus, if **any** of these categories withholds services due to strikes, the health sector will **definitely not function** efficiently. This posed serious hardship to the relations of patients as they complained they had no money to go to private hospitals. Strikes **[freeze]**~~paralyze~~ **healthcare** delivery **services** at the detriment of people's lives. It has so far sent many people to their untimely graves. Incessant strikes do not only create animosity, acrimony and supremacy tussle among various units and departments in the public health institutions but it also ~~cripple~~**[destroys] the health system** economic-wise. On the account of this observation, the study aim to highlights the economic consequences of the strike actions. It set out to analyze the positive and negative socio-economic effect of medical union strike on health sector of Akwa Ibom State. In other words, the work aims to show how medical union strike impact on the State's economic indices.

**Medical strikes collapse access which spurs disease and turns the case- healthcare is a prereq to fix inequality and poverty**

**Essien, 18** -- University of Uyo economics professor

[Madara, University of Uyo Department of Microbiology head & Vice Dean of Science, International Centre for Energy and Environmental Sustainability Research research fellow, "The Socio-Economic Effects of Medical Unions Strikes on the Health Sector of Akwa Ibom State of Nigeria," Asia Business Review, 8.2, May/August 2018, https://doi.org/10.18034/abr.v8i2.157, accessed 10-16-21]

The result of this study has serious social and economic implications for the society in terms of its effects on micro-economic and macro-economic indices of the country. The impact is usually higher in developing economies. In other words, in less developed economies, medical unions' strikes further worsens already worse socioeconomic circumstances to the extent that citizens lack or have little options to turn to. From the study, 20% of the respondents reported that medical union strike worsen patients' health conditions, 14.7% reported that it leads to spreading of disease, and 6.7% indicated that medical union strike increases social inequality (Figure 1).

In Nigeria about 70% of the population is reported to live below poverty line, this means that the little money individuals and household have is used to purchase essential services such as food, shelter, clothing and healthcare. Yet, healthcare is cheaper in government-managed facilities. However, when the health workers within such facilities down tools, this **decreases the ability of many** individuals and households **to obtain healthcare** because they usually **lack the wherewithal** to finance such alternatives. This leads to worsening of the conditions of both inpatients and outpatients and also leads to **spreading of** diseases in the case of **contagious diseases**. This also means that the affected population would be less productive in terms of their involvement in pursuit of economic productive ends achieve through exerting labour. At the macro-economic level, the aggregate productivity of the national economy will be negatively affected.

From the study, it was reported that medical Union strike leads to **increased** social **inequality**. This means that during strike the gap between the poor and the rich as well as between the male and female gender becomes increasingly obvious. Many rich people could obtain medical services at private clinics during which fewer poor could do same. In the same vein, fewer female than their male counterparts could obtain medical services at private healthcare facility. The impact of worsening social inequality implies that, most of the disadvantaged group could not contribute to economic growth at per capita level. This would also have negative effects on national aggregates. 12.7% of respondents indicated that medical union strike increases mortality rate (Figure 1); particularly that of children who are known to be more vulnerable to disease (Todaro and Smith 2012).

Studies have indicated that healthier people earn higher wages. In Cote d' Ivoire it was reported that unhealthy people, that is people who were likely to lose a day of work per month due to illness earned 19% lower than healthy people (Todaro and Smith 2012).This further means that, a healthy population is a **prereq**uisite for successful economic development. This study indicates that medical unions' strike worsens outpatients' health and reduces the opportunity of the population to obtain healthcare services (Figure 1). Good health standard in a population is unimportant to achieve goals of poverty reduction. As Todaro and Smith (2012) note, "if parents are two weak, unhealthy, and unskilled to be productive enough to support their family, the children have to work. But if the children work, they cannot get the education they need, so when they grow up, they will have to send their own children to work "(p.403). Thus, the **cycle of poverty** and low productivity extend across generations. Health and education are pivotal to economic development (Todaro and Smith 2012).

Strike itself is based on microeconomic self-interest. Umo (1993) noted that "the economic world draws its dynamism from the self-interest motivation of individuals, firms and governments in response to some desirable incentives" (p.3). Umo (1993) also noted that every economic activity is a response to a reward or loss system. The existence of appropriate incentives elicits appropriate (correct) economic behavior. The level of efficiency in public institutions depends on the structure of positive and or negative incentives facing the operators (Umo 1993). People work to earn a living. Health workers also work to earn a living. Their motivation to work is the reward that they get. However, when the incentive is distorted, they are bound to react. A restoration of these incentives means restoration of efficiency to the system. We can say that strike is an economic corrective mechanism necessary for the effective functioning of the work environment in terms of protecting the reward system of the economy thereby, ensuring efficiency and productivity.

Conclusion and Recommendations

From the findings of the study, it can be concluded that strikes **interrupt the** smooth **flow of medical services** to citizens and it is slowly and irredeemably **destroying the public health system**. This is a result of incompatible demand of the employers and her employees. Also, the study also reveal that denial of salary review and accumulated salary arrears were identified as major causes of medical union strikes. It is noteworthy that the impact of industrial conflict is felt in the productive sector of the economy, both at microeconomic and macroeconomic levels. When people's health conditions get worsened or there is high mortality rate due to strikes, they become unable to shoulder their responsibilities effectively and hence cannot make progress that will contribute to the growth of the society. This will also reduce labour force drastically both currently and in the future and will in turn affect aggregate production and income negatively. Poor health and negative economic growth are inextricably linked. Improving the health of a nation's citizens can directly result in economic growth. When human capital is deteriorated, economic productivity is at stake. Health workers have been seen as valuable assets to the society. Their intrinsic value, in terms of human capital, should be respected rather than focusing on economic productivity that may be derived from it. Whenever that is ignored, labour unions utilize the threat of strike (Owoye, 1994).

**Strikes collapse healthcare worker morale even if they succeed- spurs brain drain and severe healthcare disruption**

**Chima, 13** -- University of Kwazulu-Natal public health professor

[Sylvester, Programme of Bio & Research Ethics and Medical Law head, former Professor of Pathology and Medical Law at the International American Medical University, "Global medicine: Is it ethical or morally justifiable for doctors and other healthcare workers to go on strike?," BMC Medical Ethics, 12-19-2013, https://bmcmedethics.biomedcentral.com/articles/10.1186/1472-6939-14-S1-S5, accessed 10-16-2021]

*NOTE: HCWs = health care workers*

Impact of strikes on doctors and HCWs

It would appear that strikes may have a **disproportionate deleterious impact** on doctors and other HCWs when compared to patients. Striking HCWs frequently face a loss of income, job insecurity, and emotional distress, plus long hours of work for those who choose not to participate in the strike action. Further, there could be derangement of working relationships as well as loss of established leadership [11, 41]. **Whether or not** their **demands are** eventually **met**, doctors who have been involved in strikes usually end up **disillusioned** and **demotivated** and many end-up emigrating overseas or relocating within the country thereby leading to either internal or external **brain drain**. For example, striking doctors in Timaru, New Zealand reported an "overwhelming feeling of complete lack of confidence and trust in the hospital management team" [11, 16, 25, 55, 66]. The impact of such movements could be as severe as occurred in Malta, where the Maltese medical school lost its GMC accreditation due to a prolonged doctor's strike [9]. It could also lead to a situation where close to 25% of a national doctors threatened to quit their jobs and leave the country unless they received wage increases, as reported recently from the Czech Republic [16]. The brain drain which occurred in Malta, New Zealand and Israel following doctors strikes led to **major disruptions in healthcare** service **delivery** in the centers and regions affected [9, 14].

**Next pandemic causes extinction- strong public health is key to solve**

**Bhadelia, 21** -- Center for Emerging Infectious Diseases Policy & Research founding director

[Nahid, MD, MALD, "What do we need to build resilience against the next pandemic?," Center for Emerging Infectious Diseases Policy & Research, 5-18-2021, https://www.bu.edu/ceid/2021/05/18/placeholder-blog-post/, accessed 10-18-2021]

What do we need to build **resilience** against the **next pandemic**?

We have lost close to 3.4 million souls to COVID-19 globally over the last year. By some estimates, the real number may be much higher than that because the excess deaths this year are closer to between 7 and 13 million, after accounting for those who died without a diagnosis and those who died because they could not receive timely care for another medical condition. And the pandemic, despite the receding cases in high-resource countries, is nowhere near its end.

Lives lost are the tip of iceberg. We cannot quantify the pain felt by family members remaining behind. Livelihoods and businesses have been devastated. The pandemic’s impact reaches into all recesses of our personal and public lives. It has and will continue to undo decades of work globally on reducing poverty, improving education and health, and empowering women. An IMF study last year showed how, in the five years after major epidemics, incomeinequality continues to increase in affected countries. Similar trends are already being seen in five countries with the heaviest death tolls from COVID-19. As communities around the world deal with the wreckage of their economies, 95 million more people have been pushed into extreme poverty, with another 200 million predicted to be at risk between now and the year 2030. And this does not even cover the multidimensional impact of poverty. How long will it take for us to recover from this pandemic? How do we take stock and pandemic-proof our communities?

More urgently, COVID-19 may not be the last pandemic we face in our lifetimes. The **existential threat** of pandemics doesn’t decrease because we are already facing one. In fact, this pandemic worsens the risk for new threats because our effort and resources are depleted, and our surveillance and healthcare systems are overstretched. And because the risk of new infectious diseases seeping into the human population from **animal reservoirs** is going to continue to grow as we see grow in numbers, require more land, raise more animals, put down more roads, use up more wetlands, and close the gap between us and natural habitats where yet **undiscovered viruses** lurk. How can we ensure that economically devastated communities coming out of this pandemic recover without worsening the tenuous balance we have with the world around us?

Within our own lifetimes, we have seen the impact of climate change, another existential crisis, transition from something we heard about in news reports to something we experience in our personal lives in the form of changing weather patterns, health effects, increased risk of natural disasters, and rising sea levels. Over the next decades, these factors will exponentially increase the incidence of many infections and change the distribution of others.

And as we tackle these complex problems, new challenges are arising: despite becoming ever more globally connected, our perceptions of reality continue to be disparate. In the deluge of digital data, many among us are falling prey to misinformation and disinformation. The urgency of outbreaks, the shifting scientific knowledge base that comes from tackling emerging pathogens, and political interference have all contributed to the signal getting lost in the noise. The role of disinformation is only going to expand in future emergencies. How do we share timely information in crisis? How do we, in government, science, and public health, earn and build the trust of our communities so ours is the voice they listen to during the fray? How do we listen more carefully to them? How do we involve them in making us all safer?

We can no longer ignore infectious threats on the other side of the world, and we can no longer practice isolationist policies. Because COVID-19 painfully instructed us that outbreaks aren’t just something that happen on the news in distant communities, but instead, they can reach into our homes and rip away our loved ones.

There are moments in history when our actions require collective metacognition and urgency. This has to be one of those moments.

The Center for Emerging Infectious Diseases (CEID) Policy & Research was founded because the time is now for collective transdisciplinary research and response. Every step of the way in this pandemic, the questions haven’t been just scientific, they have also been legal, economic, cultural, and ethical. CEID’s mission is to tug at the threads of all the complex systems that leave us vulnerable to new epidemics and help us answer some of the questions posed above. Through research, collaborative action, community engagement, and training, we hope to find ways to secure us against future global threats. I hope you will reach out with ideas, collaborate with us, and check back often to see where our work is taking us.

We are not rudderless as we head into this future. The COVID-19 pandemic, like recent Ebola virus disease outbreaks and other recent emergencies, has shown that investment in sciences, global collaboration, **public health**, and health-systems readiness can decrease our vulnerability. We need not only to invest in diagnostics, vaccines, and therapeutics but also find a new way of approaching the problems. My own experience serving as an outbreak responder in multiple emergencies has underscored for me again and again that epidemics fracture us along lines of existing weakness. Because at the terminus of all international surveillance for outbreaks are many communities that do not have access to care. When families can’t access care, we can’t stop cases from becoming clusters, which then become outbreaks. When communities can’t equitably access vaccines, it makes it harder for them to recover, and we continue to suffer collectively from the global economic impact and through the appearance of new variants. When structural racism keeps parts of our communities from being protected, diagnosed, and cared for, all of us are at risk. When it comes to infectious diseases outbreaks, health inequity is a threat to all our survival.

At the launch of our center, we asked public health experts and scientists, “What do we need to do to build resilience against the next pandemic?” Over the next few months, we will continue asking this question to different disciplines, covering those working on health and economic equity, lawmakers, the business community, artists and musicians, and those in media and journalism. Because the solutions, like the questions, require all of us.

**3**

Healthcare PIC

**Counterplan: A just government ought to recognize the fundamental right of workers to strike except only in healthcare.**

**Fundamental rights are highly enforceable and challenges will be struck down- but they’re distinct from unconditional rights which are absolute and can’t be restricted by conditions- any perm severs “unconditional”**

**Sharma, 18** – iPleaders author

[Deepanshi, "Are Fundamental Rights Unconditional?," iPleaders, 1-8-18, https://blog.ipleaders.in/are-fundamental-rights-unconditional/, accessed 11-3-21]

What are Fundamental rights?

Fundamental rights are the basic human rights that are guaranteed to the citizens of India (to all people in case of article 14) by the Indian Constitution. They act as a limitation to the power of the State. These rights are **highly revered** and **any law** that is found to be **in contravention of them can be challenged** in the Supreme Court by the virtue of article 32 of the Constitution, **and** subsequently **struck down** to the extent of the inconsistency. The Supreme court can also pass any appropriate order, direction, or writ for the enforcement of these rights. Similar powers are present with the High Courts under article 226 as well.

In case of violation of the fundamental rights, the Courts can be approached not only by the aggrieved person but by any public-spirited person or social action group, acting in good faith, for the socially and economically disadvantaged people who otherwise cannot approach the Court (Subhash Kumar v state of Bihar). This can be done through a simple letter as well (State Of Himachal Pradesh vs A Parent Of A Student Of Medical College). Therefore these rights can be **enforced** relatively **easily**. Moreover, a fundamental right cannot be given up by individuals through their own consent. In Behram Singh v State of Bombay, it was held that they are provided not only for benefit of the citizens but on the grounds of public policy as well.

However, can fundamental rights be amended/changed by the legislature?

The Basic Structure Doctrine

A thirteen-judge bench in Keshwananada Bharti v State of Kerala, overturning the landmark judgment of Golak Nath, I.C. v State of Punjab, held that any part of the constitution can be amended, abrogated or abridged without changing the basic foundational values and structure of the constitution. However, a definitive list of what constituted the basic structure was not declared.

The Court in Indira Nehru Gandhi, Smt. v Rajnarain noted that whether any particular part of the constitution forms a part of the basic structure, or not, has to be judged individually as it comes before the court. Post this, several features have been declared as a part of it in different cases. For instance, the Minerva Mills Case declared a constitutional amendment which removed the limitation imposed on the power of the legislature as unconstitutional. It held that limited amending power is part of the basic structure of the constitution and thus, cannot be altered.

Fundamental Rights as Basic Structure

A nine-judge bench in I R Coelho v Union of India recalled the importance given to the articles 14, 19 and 21 in various precedents, including by Justice Chandrachud in Minerva Mills Case. It noted that these three articles have been considered as the part of the basic structure in the Indian Constitutional History. Since the inclusion of a law in the 9th schedule resulted in the abrogation of article 32 of the constitution, it effectively removed such a law from being tested against article 14, 19 and 21 and thus were held to be in contravention of the basic structure doctrine.

Along with enlarging the idea of the basic structure doctrine to include these three Fundamental right, the Court held that any law has to satisfy the direct impact and effect test which judges the effects of such law on the basic structure of the Constitution.

Therefore, the essence of these Fundamental Rights **cannot** amended, **abrogated** or abridged. **However**, are these rights themselves absolute?

Fundamental rights are **not absolute**

Right to Equality

It is incorrect to say that all laws have to be made applicable to everyone uniformly owing to the right to equality. The concept of equality envisioned in the Constitution necessitates giving consideration to the social and economic inequalities present in the society (para 100, St. Stephen College v University of Delhi). To elevate these, the State, through legislation, are entitled to make reasonable classification to treat differently placed people differently (State of Bombay v Balsara).

Doctrine of Reasonable Classification

While article 14 prohibits class legislation, it does not prohibit classification for the purpose of ensuring equality to those who, by virtue of nature, attainment or circumstances, are differently positioned. For this purpose, differential law based on reasonable classification is permitted. A classification to be considered reasonable has to satisfy two tests-

Intelligible Differentia: The classification must be made on an intelligible differentiating factor which distinguishes persons or things that are included in a group from those who are left out.

Reasonable nexus with the object: The classification must have a reasonable nexus with the object that such a statute aims to achieve. Such an aim, needless to mention, should be lawful in nature (Das J. in State of W.B. v Anwar Ali Sarkar)

Ps. Article 14 is a general provision and therefore, has to be read with all other provisions in Part III of the Constitution.

Special Law for Women and Children

Article 15(3) provides an exception to the rule against discrimination in article 15(1) and 15(2) (Dattaraya Mootiram v State of Bombay). This sub-section carves a place for special laws to be made for the benefit of women and children. For instance, an act mandating provision of maternity leave to women, or one for reservations for women in public employment [Government of A.P. v P.B. Vijaykumar; even beyond 50% (Taguru Sudhakar Reddy v govt of A. P.] would not be a contravention of the prohibition against discrimination.

Special Law made for Social and Economically Backward Classes, Scheduled Castes, and Scheduled Tribes

Aiming to correct the historic discrimination that some classes/groups of people have had experienced or still experience, the Constitution allows positive discrimination for their benefit in Article 15(4).

Added in the First Amendment, this subsection is another exception to the rule against discrimination. It provides the State with the power to make special laws for the Backward classes, Scheduled Castes and Scheduled Tribes. It is also an exception to Article 29(2) that prohibits denial of admission into any public educational institution based on religion, race, caste or language (M. R. Balaji and Ors. v State of Mysore). However, it must be ensured that policies undertaken under this section, if compensatory and protective discriminatory in nature, are reasonable and consistent with the public interest (Preeti Shrivastava Dr. v State of M.P.).

Furthermore, article 16 (4), (4A), and (4B) make it possible for the state to make reservations in appointments in the public sector for those “backward classes” [emphasis] which are not adequately represented in such services.

While the case of Indra Sawhney mentioned that reservations cannot be made in respect of promotions, it held that short of reservations, special provisions could be made to facilitate promotions of members of such backward classes.

Right to Freedom

Article 19 grants the right to speech and expression, to assemble peacefully without arms, to form unions and association, to move freely throughout India, to reside and settle in anyplace such, and to practice any profession, occupation, trade or business. However, these rights given under Article 19(1) can be restricted by law made by the state under respective conditions mentioned in the clause 2 of the same article.

Reasonable Restrictions

Owing to the addition of word “reasonable” by the first amendment, such restrictions have to be within reasonable limits. These restrictions should be reasonable in substance as well as in the procedure laid in such a law. For instance, the procedure for carrying out such law should be in consonance with principles of natural justice. Moreover, the reasonability of the restriction should be judged from the aspect of the general public’s interest (Mohd. Hanif Quershi v State of Bihar)

Grounds for restriction in article 19(2)

Reasonable restrictions on freedom can be placed for the following purposes:

Sovereignty and Integrity of India (added in the sixteenth amendment): To guard against attack on the territorial sovereignty and integrity of India (not the constituent states, as per Romesh Thapar v State of Madras)

Security of the State: To guard against the use of freedom to overthrow, wage, or rebel against the government. This includes restriction of indirect actions towards these aims, for instance, incitement.

Friendly relations with foreign nations (first amendment): To restrict the speech of individuals that can hamper friendly relations of India with a foreign state.

Public order (first amendment): To preserve public order or “public peace, safety and tranquility” (Central Prison v Ram Manohar Lohia). Restriction on indirect acts, which have a tendency to lead to disorder is also within the scope of this restriction as long as there is a reasonable and direct nexus of the restricted act with the objective of maintaining public peace.

Decency and morality: To protect and promote public decency and morality.

Contempt of Court: To prevent contempt of court as defined in section 2 of the Contempt of Court Act. Such contempt of court has to be manifest, malicious, and substantial in nature (E.M.S. Namboodiripad v T.N. Nambiar).

Defamation: To prevent defamation as it results in hatred or ridicule of another citizen.

Incitement of an offence: To prevent speech that results in incitement to commit a crime and violate another person’s rights.

Sedition: To prevent all those actions that lead to disturbance to the tranquillity of the state. However, criticism of the existing system and expression of a desire for a different system of state does not amount to sedition. The expression has to be judged based on the intention and likelihood of inciting disorder. (Nihrindu v.Empror the; Kedar Nath v State of Bihar)

Right to Life

Limited by the “procedure established by law”

Article 21 ensures right to life and personal liberty. However, it is immediately followed by the words “except according to procedure established by law”. This creates the possibility of limitations on various rights that come under the right to life and liberty. For example, punitive detention is a limitation that can be placed on the right to liberty. However, this right cannot be limited in any way except by following the procedure that is laid down by the act that prescribes such detention.

The limitation can only be placed by a law that has been enacted by any competent legislature and such procedure has to be “just, fair, and reasonable”. Also, the validity of the procedure established has to be judged against Article 14 (therefore, reasonability is requisite) as well as Article 19 as these rights are not exclusive of each other (Golden triangle rule) (Maneka Gandhi v. Union of India).

It is also important to note that while the right to life includes several other rights, it does not include the right to die (Aruna Ramchandra Shanbaug v Union Of India).

Religious Freedom

On the grounds of Public order, Morality, and Health

While Article 25 provides for equal right to profess, practice, and propagate any religion, such freedom cannot be used to do acts which are harmful to public order, health, and morality (Ramjilal Modi v. State of UP). For instance, creation of hatred among groups while practising religion, which can have possible ramifications over public order as well as health, was held to be outside the scope of freedom of religion (Subhash Desai v Sharad J. Rao)

While converting is permissible and within the scope of this freedom, conversion for the purpose of taking the benefit of polygamy that was allowed in another religion, while a marriage in the previous one subsisted, was not held to be valid in the case of Lily Thomas v Union of India.

Similar conditions restrict the freedom to manage religious affairs under Article 26 as well.

Limited by other Fundamental Rights

Presence of this phrase in Article 25 (only) results in positioning the Freedom to Religion on a lower niche than other Fundamental Rights. To exemplify, playing of loud preachings was considered to promote noise pollutions and conflict with other people’s liberty to not hear such preachings (Church of God v. KKR Magestic Colony Welfare Ass.).

Conclusion

While the Fundamental Rights are an integral part of the Constitution, it would be **incorrect to term them as unconditional**. These rights, by the Constitution itself, are **restricted by conditions** which aim to balance the individual freedom and rights to the necessity of public good and welfare.

## Case

### Framework

#### 1. Equality collapses to util- only consequentialism treats agents equally since it values their well-being the same- public officials have special obligations by virtue of their role to benefit its people in an equal manner

#### 2. Tradeoffs DA- their framework cannot explain how to resolve inevitable rights disputes- how do you determine if someone is being treated fairly? Util solves- you subject it to cost benefit analysis

#### 3. Ideal theory DA- focus on abstract questions of equality or rights allows agents to elide responsibility for complicity in material suffering- prioritize consequentialist frameworks that focus on action in the real world

### AT Public Defense Attorneys

#### Now, the public defense attorneys subpoint-

#### 1. They have no “strikes key” warrant here, it just says that they are underpaid, but they have zero ev that says strikes solve- litany of alt causes here like underfunding public defense, low job applications, and an overloaded CJS

#### 2. TURN- they cause court clog

Elias, 95 -- LA Times reporter

[Paul Elias, "Defenders' Strike Brings Disorder in the Courts : Labor: Bulk of criminal proceedings are continued until next week. One-day walkout is tied to salary dispute.," Los Angeles Times, 12-2-95, https://www.latimes.com/archives/la-xpm-1995-12-02-me-9548-story.html, accessed 12-1-21]

A one-day strike by Ventura County’s public defenders Friday brought the criminal justice system to a halt. It took Municipal and Superior court judges hours longer than normal to work through their crowded calendars as they waited for harried administrators and emergency fill-ins to appear in their courtrooms. No action was taken on the bulk of the approximately 500 cases scheduled for Friday as most were continued until next week. “Monday will be hell,” Public Defender Kenneth Clayman said. All but three of the 38 trial lawyers in the office did not report to work Friday. The three attorneys were in the middle of jury trials and did not want to disrupt the proceedings. All three refused to take pay for the day as part of the protest, Clayman said. The public defenders were reacting to a labor contract dispute they and county prosecutors have with county officials. Prosecutors stayed on the job, although several called in sick or took vacation days. Chief Deputy Dist. Atty. Ron Janes said he did not know how many prosecutors missed work Friday but “we did not notice any difference in our ability to man the courtrooms.” Cases with private defense attorneys were not disrupted Friday, but the public defender’s office handles about 65% of the county’s criminal cases. Most defendants ordered to court Friday waited up to seven hours for their cases to be called--only to be told to come back later in the month. “They knew they were only going to make me come back, so I don’t know why I had to wait the whole day to be told that,” said Daniel K. Bockman, who appeared in the courtroom of Superior Court Judge Charles W. Campbell Jr. Bockman, who faces two felony drug charges, arrived in court at 8:30 a.m. and had his case called at 3:30 p.m. Judges could take no action with unrepresented defendants until a lawyer from the public defender’s office appeared in the courtroom, which made for a long day for Clayman and his two top deputies. Clayman handled a misdemeanor caseload for the first time in decades while his No. 2 lawyer, Duane Dammeyer, covered five felony courtrooms and a misdemeanor arraignment calendar during the day. “This wasn’t the first time I’ve been in a courtroom,” Dammeyer said. “But it is the first time I have been in six courtrooms handling the entire calendar.”

**3. Squo solves through lawsuits – their own card states it**

**Weiss 2017**  (“Louisiana's public defender system is understaffed by about 1,400 lawyers, ABA study finds”, *ABA Journal* Debra Cassens Weiss, a senior writer for the web **worked as a news researcher for** WMAQ-TV in ChicagoWeiss has a JD from DePaul University College of Law and a BA in English from University of Illinois. [**https://www.abajournal.com/news/article/louisianas\_public\_defender\_system\_is\_understaffed\_by\_about\_1400\_lawyers\_aba**](https://www.abajournal.com/news/article/louisianas_public_defender_system_is_understaffed_by_about_1400_lawyers_aba)**)**

Currently, the state has the capacity to handle 21 percent of the workload to provide indigent defense that complies with prevailing professional norms, the study concludes. The study was conducted by the ABA Standing Committee on Legal Aid and Indigent Defendants and the consulting firm Postlethwaite & Netterville. Cuts in public defender budgets in Louisiana have led to [lawsuits over inadequate funding](https://www.abajournal.com/magazine/article/the_gideon_revolution), including [a February class action](https://www.abajournal.com/news/article/class_action_lawsuit_alleges_louisiana_public_defender_funding_system_denie) that contends that the cash-starved system is violating the right to counsel of indigent defendants. The new study uses the “Delphi method” to determine acceptable case levels. The method [uses expert panels](https://www.abajournal.com/news/article/study_is_evidence_of_crisis_in_public_defense_systems_aba_president_says/) of public defenders and private defense lawyers to arrive at a consensus estimate of the time that should be spent on different types of cases. ABA President Linda A. Klein of Atlanta commented on the study in the press release. “This study demonstrates beyond question that Louisiana public defenders are daily put in grave jeopardy of violating their professional responsibility to provide competent counsel,” Klein said. “When this occurs, ABA policy and well-established legal principles support public defenders in assertively seeking relief from excessive workloads. Courts, in turn, should provide relief when excessive caseloads threaten to lead to representation lacking in quality or to the breach of professional obligations. To do otherwise not only harms individual defendants but our entire justice system,” she said.

### AT Police

#### Now, the police subpoint-

#### 1. Again, no “strikes key” warrant- their ev is about the importance of police reform generally, not why strikes are key to it. For example, the Roche evidence is literally a cop telling protestors to stop protesting police violence and to join the force instead which is unethical, but not a strikes key arg. They can also strike now, and they don’t have an “unconditional key” warrant

#### 2. TURN- empirically, police strikes hamstring police reform, undermine labor movements, and increase violence

DiSalvo, 20 -- professor of political science at the City College of New York

[Daniel, senior fellow at the Manhattan Institute, "The Trouble with Police Unions," National Affairs, Fall 2020, https://www.nationalaffairs.com/publications/detail/the-trouble-with-police-unions, accessed 11-29-21]

This past spring, the killing of George Floyd sparked protests and riots in cities nationwide. State and local governments responded by banning choke holds and other police tactics. Some are now seeking to reduce police funding.

Floyd's death also put police unions under a microscope. A consensus quickly emerged, asserting that unions protect officers who behave poorly and impede reform that would improve policing and police-community relations. The central idea animating the new consensus is that police-union power has translated into too many officer job protections, enabling a few bad officers to act with impunity. The inability to hold officers accountable poisons public relations and puts American lives at risk. Rolling back protections enshrined in union contracts and state statutes, many now argue, will reduce the use of force by police and increase community trust in law enforcement.

This increasingly widespread view cuts across some of the usual lines of our polarized politics. The left may champion labor unions in general, but even before the spring's unrest, Democrats' relationship with police unions was fraught with distrust. Part of the issue is a lack of cultural affinity, as police unions and many officers tend to be temperamentally conservative. Indeed, law enforcement is often seen as the lumpenproletariat — the slice of the working class that lacks class consciousness and aligns with the reactionary forces of order. Police unions are also politically unreliable. Unlike teachers' unions, which are closely allied with the Democratic Party, police unions, while still favoring the Democrats, come closer to splitting their contributions between the two major parties. In short, for many on the left, police unions are the redheaded stepchildren in an otherwise beneficent labor movement.

Conservatives, on the other hand, disapprove of labor unions generally but have given police unions a pass as part of their support of law enforcement. In short, they worry that criticism of police unions will be mistaken for criticism of the police. Republican officeholders have also enjoyed ties with police unions. For instance, in 2011, when Republican Governor Scott Walker of Wisconsin and a Republican state legislature passed Act 10 to limit public-employee collective bargaining, they exempted police from the legislation. Iowa Republicans similarly carved out exemptions for public-safety workers in their 2017 reform of public-sector labor law.

Today, the left appears willing to excommunicate police unions, while conservatives are disposed to incorporate them into their critique of public-sector unions overall. This means that both sides will have to concede that the problems posed by police unions in particular are similar to those that plague public-sector unions in general. Such an admission is exactly what many leaders of organized labor want to avoid — they fear criticisms of police unions will be used to tar other public-sector unions.

Generally speaking, opponents of public-sector unions offer two main criticisms. One is that unions drive up the costs of government by increasing the wages and benefits for public servants. The other is that unionization and collective bargaining induce bureaucratic sclerosis, making it nearly impossible to re-organize public agencies to improve their performance. Government is thus forced to do less while spending more, which is a recipe for public frustration and mistrust.

Concerns regarding police unions in the wake of Floyd's death and the ensuing political unrest are less about the former and more about the latter. Critics on both the left and right argue that the work rules ensconced in both union contracts and state labor laws shield abusive officers. Many argue that reducing the power of police unions will empower police chiefs to modernize their organizational cultures, weed out bad officers, and thereby reduce police violence against civilians — especially black Americans.

While there is much to be said for this argument, it must be admitted that we know less than we should about the role police unions play in protecting abusive officers and undermining police-community relations. Although the small body of scholarly literature on police unions is nearly unanimous in finding negative effects, police unions have been a neglected topic of study in the social sciences and have only recently begun to attract the attention of law professors. This suggests, at the very least, that we do not have a good grasp on what reducing job protections for officers in isolation could achieve or what unintended consequences it might have. In light of this reality, reformers' hopes should be modest. They should proceed with caution — but proceed nonetheless.

THE RISE OF POLICE UNIONS

Beginning in the 19th century, associations of police emerged to represent officers' interests publicly and offer solidarity privately. New York City's Patrolmen's Benevolent Association was formed in 1892 with the aim of raising money for widows of officers killed in the line of duty. Such benevolent associations and fraternal orders did not enjoy collective-bargaining rights, but they did seek to inform elected officials of officers' concerns. Compared to recent decades, however, their lobbying and electioneering activities were modest.

As labor unions began to emerge toward the beginning of the 20th century, many recognized that public-sector unions — especially groups representing police — posed challenges that differed from private-sector unions. The first prominent arguments that public-employee associations should be treated differently than those in the private sector came in 1895, when the postmaster general issued an order barring U.S. postal workers from visiting Washington for "the purposes of influencing legislation before Congress." Then in 1902, President Theodore Roosevelt issued a "gag rule" banning all federal employees from lobbying Congress on their own behalf. These moves set the tone for state and local governments.

In the first two decades of the 20th century, the question of whether police associations belonged in the labor movement at all was also debated. Some in the movement were concerned about the "divided loyalty" of police officers in situations where they were tasked with handling strikes by other unionists. Consequently, Samuel Gompers of the American Federation of Labor claimed to have "held off" on chartering police unions for years despite receiving numerous applications, beginning with a group of Cleveland police in 1897.

The ability of police to exercise political power in their own right came to national attention with the Boston police strike of 1919. After World War I, Boston police officers — complaining of low pay, lousy working conditions, and autocratic bosses — sought to organize a union and affiliate themselves with the AFL. The city's commissioner denied the officers' right to unionize. In response, about 80% of Boston's police force went on strike. Over the following three days, lawlessness reigned, resulting in many injured persons and much property damage. Calvin Coolidge, the Massachusetts governor at the time, took a firm stand, declaring, "There is no right to strike against the public safety by anybody, anywhere, anytime." He sent in 7,000 state militiamen to restore order. To disperse rioters, the state guards shot directly into crowds, killing nine and wounding 23. When order was finally restored, all 1,147 striking officers were fired and replaced.

As Joseph Slater of the University of Toledo College of Law has shown, the strike proved disastrous for police unions and public-sector unions more generally. President Woodrow Wilson called the strike "a crime against civilization." From the 1920s through the 1940s, bipartisan opposition to the unionization of public employees was widespread. State- and local-government workers were not even considered for inclusion in the National Labor Relations Act of 1935 (often called the "Wagner Act"). In a 1937 letter to the leader of the National Federation of Federal Employees, President Franklin Roosevelt bluntly stated that "the process of collective bargaining, as usually understood, cannot be transplanted into the public service" and that strikes by public employees were "unthinkable and intolerable."

It was not until a wave of state legislation in the 1960s and 1970s — which granted state- and local-government employees collective-bargaining rights — that most police officers gained them as well. The transformation was swift and dramatic. Collective-bargaining rights were extended from 2% of the state- and local-government workforce in 1960 to 63% in 2010. The changes in state laws were spurred by President John Kennedy's 1962 Executive Order 10988, which gave federal employees "the right...to form, join and assist any employee organization or to refrain from any such activity."

The new state laws facilitated the conversion of police-officer associations, lodges, and orders into unions. "Hard pressed to defend the invidious distinction between police officers and other public employees on either ideological or political grounds," wrote professor of labor relations Marvin Levine in his history of police unions, "many elected officials realized that it was pointless to resist the rank-and-file demands any longer." The result was the formal recognition of police unions and the extension of collective-bargaining rights to law enforcement in many jurisdictions.

In the 1960s, police associations became more politically active, especially since they were gaining labor rights during a period of urban unrest and public hostility to the police. In a 1977 book, Stanford University political scientist Margaret Levi described police unions as a "bureaucratic insurgency" that overcame police-commissioner opposition in several major cities. In some instances, the unions even served as platforms for launching the political careers of former officers and officials.

POLICE UNIONS AND THE LABOR MOVEMENT

Today, police enjoy collective-bargaining rights in 41 states and the District of Columbia, and union locals are dispersed across the roughly 18,000 police departments nationwide. Only Georgia, North Carolina, South Carolina, Tennessee, and Virginia prohibit bargaining for public employees, while Alabama, Colorado, Mississippi, and Wyoming lack statutes to either advance or oppose police unions. Even where collective bargaining is prohibited, police associations provide members with legal services, political advocacy, and insurance policies.

In terms of raw numbers, the Bureau of Labor Statistics' Current Population Survey found that in 2019, 57.5% of the nation's 712,336 police officers were covered by collective-bargaining contracts, and 55% of officers were union members. In addition, there were 80,802 police supervisors and detectives, 40.6% of whom were union members and 43.3% of whom were covered by union contracts.

Police unions are present throughout the labor movement, but their relationship with it remains tense. Ronald DeLord, a Texas attorney and leading expert on police unions, describes the police labor movement as "a maze of different affiliations." Indeed, police unions are notorious for switching affiliations and shifting back and forth from independent status to affiliation with a larger labor federation. The largest police organization, the Fraternal Order of Police (FOP), boasts some 354,000 members, though it does not affiliate with any of the major labor federations. The second largest is the National Association of Police Organizations, with some 236,000 members. Though independent, it maintains ties to the International Brotherhood of Police Officers, which is chartered by the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), to work on federal legislation.

When it comes to organized labor as traditionally understood, only 15% to 20% of law-enforcement employee organizations affiliate with the AFL-CIO. One estimate is that between 100,000 and 150,000 law-enforcement officers belong to locals that affiliate with the AFL-CIO. This helps explain why many police officers don't think of themselves as members of a labor union but instead as part of a lodge or association.

Other major union federations also count police locals among their affiliates. These include the American Federation of State, County and Municipal Employees (AFSCME), which has between 10,000 and 15,000 police members; the Service Employees International Union (over 10,000 police members); the Communications Workers of America (26,000 police members); and the International Brotherhood of Teamsters (15,000 police members).

Bizarrely, if one counts the total number of police-union members reported by the major labor federations, one finds that there are more members than there are police officers in the country. Moreover, not all officers are members of a union. The reason for the discrepancy is that many officers and local unions affiliate with multiple union federations, which is illegal in the private-sector union context. Police unions are also known for inflating their membership figures. A complete picture of police-union membership and their affiliations, therefore, remains elusive.

Today, tensions between police unions and the labor movement are at an all-time high. A threat of expulsion hangs over police unions, as the labor movement has previously excommunicated unions deemed reprobate. (Excluded unions have included those with links to the Communist Party and organized crime, as well as locals that were racially segregated.)

Progressive unionists want police reform — and to distance themselves from unions that oppose such efforts. In fact, after the events of this past spring, several unions sought to excise police from their ranks. The Association of Flight Attendants, for instance, passed a resolution calling on police unions to support reform "or be removed from the Labor movement." A union representing 100,000 workers in Seattle voted to expel the Seattle Police Officers Guild.

Other labor leaders, especially at the national level, are concerned that ousting police unions could set a bad precedent. Patrick Lynch, president of the Police Benevolent Association of New York City, offered the clearest statement of the underlying reasoning for keeping police unions within the house of labor: "The rhetoric that [opponents of police unions] are using now is the same rhetoric that has been used to strip union protections from teachers, bus drivers, nurses and other civil servants across this country." The concern is that if collective-bargaining rights for police unions are constricted, similar arguments could be applied to other public-sector unions.

It is unsurprising, then, that the leaders of several major federations have come out strongly in favor of police unions. AFL-CIO president Richard Trumka favors keeping police unions in the fold. In his view, it is better to keep police unions in the tent and work with them than to push them out and potentially work against them. Instead, he has called for congressional action to prohibit choke holds, expand the use of body cameras, limit no-knock warrants, and prevent the transfer of military-grade equipment to law enforcement.

AFSCME president Lee Saunders, meanwhile, has flatly denied that police-union contracts provide a "shield for misconduct or criminal behavior." He has gone so far as to analogize police unions today to the striking African-American sanitation workers in Memphis with whom Martin Luther King, Jr., was marching when he was shot. As Saunders put it, "just as it was wrong when racists went out of their way to exclude black people from unions, it is wrong to deny this freedom to police officers today."

COLLECTIVE BARGAINING AND POLICE CONTRACT

Like other public-sector unions, police unions influence the structure and operations of police departments in two ways: from the bottom up, through collective bargaining, and from the top down, through political activity.

Collective bargaining concerns the power and interests of workers and management. It gives police unions a hand in shaping the departments in which their members work. By circumscribing the rights of management, police unions partially determine the structure and operation of police bureaucracies.

Labor unions are largely in the business of protecting members' job security and winning members better salaries and benefits. Collective-bargaining statutes applying to state- and local-government employees thus stipulate that agency managers (and elected officials behind them) must negotiate with unions representing those employees over pay, benefits, and conditions of employment. These statutes, along with union organizational incentives like leadership elections, force union leaders to prioritize such issues at both the bargaining table and in political advocacy. And in fact, research finds that collective bargaining tends to increase the pay, benefits, and job protections of public employees who enjoy such rights.

Pay and benefits are not the subject of today's controversies, however. Rather, current concerns focus on the rules inscribed in collective-bargaining contracts negotiated under the rubric of "conditions of employment." In many jurisdictions, these conditions establish disciplinary, grievance, and arbitration procedures for officers accused of misconduct. Such job protections are said to shield incompetent or abusive officers, as union leaders have a legal duty to defend all members equally.

To be sure, many of the protections police unions demand reflect the unique challenges of policing. Given the nature of law enforcement, police necessarily develop a somewhat adversarial relationship with the communities they serve. Officers are sometimes faced with unpleasant, high-tension, and even dangerous situations on the job, and are granted considerable discretion in determining when the use of force is necessary to address them. False or exaggerated citizen complaints are unavoidable. Therefore, labor representatives often prioritize protecting their members against these threats.

These safeguards are especially important to officers insofar as the skills they develop on the job are not easily transferrable to other employment, which makes dismissal especially costly. A recent study of police misconduct by Ben Grunwald of the Duke University School of Law and John Rappaport of the University of Chicago Law School found that in Florida, officers fired from their preceding job find new law-enforcement work at about half the rate of officers who voluntarily leave their preceding job. Moreover, fired officers take longer to find new jobs than those who leave voluntarily, and they tend to go to smaller departments with fewer resources.

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.

POLITICAL ACTIVITY

Given the stakes, police unions have also sought to advance their members' occupational interests from the top down through political activity. Like other public-sector unions, they spend tens of millions of dollars annually on lobbying and electioneering. According to an investigation by the Guardian, police unions in Los Angeles, New York, and Chicago alone spent a combined $87 million over the last decade on state and local politics.

Police unions are politically unique in two respects. First, their political activity differentiates them from police unions or federations in other countries — such as Canada, Australia, and England — where police unions are limited or barred from involvement in election campaigns.

Second, police-union political spending tends to be more bipartisan than that of other public-sector unions. Their behavior is more akin to that of craft unions than teachers' unions — the latter of which, according to the Center for Responsive Politics, typically give over 90% of their campaign contributions to Democratic candidates for federal office. By contrast, the National Institute on Money in State Politics found that police unions and associations gave $10.2 million to candidates and parties at all levels of government in 2018, of which 61% went to Democrats and 39% went to Republicans.

Democrats enjoy a slight edge in police-union campaign contributions because they are generally friendlier to organized labor than are Republicans. Democrats are also the dominant party in most of America's largest cities with the largest police forces. Baltimore, Chicago, Minneapolis, Oakland, San Francisco, and many other cities have not elected a Republican mayor in decades. Bearing in mind that political appointees negotiate, and mayors sign off on, every collective-bargaining agreement, it is one of the great political Houdini acts that Democrats have largely escaped blame for being unable or unwilling to bring their police departments to heel.

Bestowing or withholding endorsement of political candidates is another way police unions wield political influence. Few candidates want to be labeled "soft on crime," and a police-local endorsement is often helpful in shoring up a candidate's law-and-order bona fides. Not only does the endorsement carry signaling value to voters, it can also serve as a seal of approval in the eyes of other potential endorsers or donors. As with campaign contributions, police endorsements tend to be more bipartisan than, say, the endorsements of the teachers' unions. The FOP, for instance, refused to endorse Mitt Romney for president in 2012 but endorsed Donald Trump in 2016. Michael Zoorob of Harvard University found that FOP support "contributed to a significant swing in vote share from Romney to Trump" in key states.

Playing political hardball at election time is fairly standard for police unions. The Houston police union bought ads warning about rising crime and pressing for more officers to be hired. To pressure city councils and state legislators, other unions have stretched the limits of propriety and legality. The Costa Mesa Police Association hired a law firm and private investigator to conduct opposition research and pressure city-council members in the run up to the 2012 elections. Extensive harassment of city counselors ensued, such that the union and the law firm later settled out of court charges of assault, intimidation, and defamation for some $600,000.

When it comes to disciplinary procedures, some police unions have used their political muscle to place some of these job protections on firmer legal footing than collectively bargained contracts. Sixteen states have enacted law-enforcement officers' bills of rights (LEOBRs), which lay down internal investigatory and disciplinary procedural protections for officers greater than those afforded to other government employees through civil-service laws.

Many existing and proposed LEOBR provisions are reasonable, such as the prohibition against threats, harassment, or promised rewards to induce answering of questions, as well as the right to a hearing with the assistance of counsel. But other provisions are less so. University of Nebraska law-enforcement expert Samuel Walker and Kevin Keenan of the Vera Institute found that some LEOBRs delay interrogation of those involved in alleged misconduct. In Delaware, officers have access to evidence related to the investigation, giving them the opportunity to get their story straight. Rhode Island's LEOBR entitles officers to a hearing by a three-member panel of active officers, one of whom is selected by the charged officer.

Police unions have also shaped policies regarding citizen oversight of the police. Until George Floyd's murder, police unions in New York successfully blocked efforts to repeal the state law that shielded police-misconduct records from the public. Police unions have also challenged the legitimacy of transparency measures such as civilian review boards and police auditors, all while advising officers not to cooperate with them and seeking legislative repeals. In Newark, New Jersey, the local FOP lodge challenged the legitimacy of a newly-established citizen review board in court, arguing that any officer oversight should be conducted within the police department. In 2019, FOP Lodge No. 7 sued the city of Chicago, alleging that a civilian review board violated Illinois's Police and Community Relations Improvement Act by failing to use state-certified homicide investigators to investigate police shootings.

POLICY CONSEQUENCES

What have been the policy consequences of police-union power at the bargaining table and in the political arena? The truth is that we don't know as much as we should. Scholarship on police unions is in short supply and varies in quality. A 2004 National Academy of Sciences report on American policing contains nary a mention of them. By one count, there were only 33 scholarly publications on police unions between 1975 and 2008. By my own tally, since 2014, there have been 25 scholarly articles, mostly in law reviews, on the topic. More research is needed on the effects of police unions on many outcomes, including police use of force, police-community relations, and more.

That said, the small body of literature on the impact of police unions is unequivocal in finding that they negatively affect a host of outcomes, including organizational modernization, accountability, officer use of force, and police-community relations. Yet strong police unions don't always correlate with bad outcomes. The New York City Police Department is represented by a strong union, but it is among the least violent police departments in the country's hundred largest cities.

Broadly speaking, the deleterious effects of police unions are said to be threefold. The first is that they facilitate a culture that harms police work and community relations while frustrating reform efforts. Union culture, it is said, encourages good officers to defend bad officers by maintaining the "blue wall of silence." In Chicago, a task force appointed by then-Mayor Rahm Emmanuel concluded that "the police unions and the City have essentially turned the code of silence into official policy." In addition, the vigorous public defense of officers accused of misconduct by police-union leaders — a task central to their job — can foster the perception that leaders are uninterested in better policing and indifferent to victims of police abuse.

Second, state laws and union contracts themselves are believed to make it very difficult to fire officers accused of misconduct. Loyola University of Chicago law professor Stephen Rushin found that most police departments afford multiple levels of disciplinary appeal — some departments have six or more appeals levels in addition to external arbitration.

Such policies explain why so many officers dismissed for misconduct are re-instated. A 2017 Washington Post investigation found that in Washington, D.C., "[forty-five] percent of the officers fired for misconduct from 2006 to 2017 were rehired on appeal. In Philadelphia, the share is 62 percent. In San Antonio, it's 70 percent." Mind-bending stories of cops abusing citizens and retaining their jobs through arbitration are legion. Among the most notorious is the case of Hector Jimenez, an officer in Oakland, California, who killed two unarmed men in a seven-month period — shooting one of them in the back three times. The city of Oakland fired Jimenez and paid a $650,000 settlement to one victim's family. However, Jimenez appealed to an arbitrator through his union and was re-instated with back pay.

Such contractual rules hamstring police chiefs' ability to supervise and manage their forces effectively, as it is difficult to discipline officers who are the subject of many complaints. According to the Post, a 2006 Bureau of Justice Statistics report found that "officers in unionized police forces are more likely to be the subjects of an excessive-force complaint, but more likely to beat the allegations in disciplinary hearings." A few bad officers can wreak havoc on police-community relations. Even if police chiefs know who the bad apples are, they find themselves powerless to do anything about them until something horrible happens. Firing an officer after a tragic incident is cold comfort.

Furthermore, police chiefs cannot effectively manage their workforce if disciplinary records are regularly destroyed. Without records, new police chiefs have little idea who they are dealing with. This is especially true for job seekers who come from other police departments.

Third, union protections are believed to allow officers to act with greater impunity. In a 2018 article, Dhammika Dharmapala, Richard McAdams, and John Rappaport of the University of Chicago Law School found that, in Florida, "violent misconduct among sheriff's officers increased about 40 percent after a state supreme court ruling allowed the offices to unionize." A working paper by economists Rob Gillezeau, Jamein Cunningham, and Donna Feir, which attracted much press attention but is not publicly available, reportedly found that "after officers gained access to collective bargaining rights...there was a substantial increase in killings of civilians." When abusive officers remain on the job, the likelihood that citizens will have negative interactions with them increases — at times leading to disastrous consequences.

#### 3. TURN- the police strike against vaccination mandates and against firing bad police officers

Olla, 21 -- contributing opinion writer at the Guardian

[Akin, "Why are so many NYPD officers fighting vaccination?," 11-4-21, https://www.theguardian.com/commentisfree/2021/nov/04/why-are-so-many-nypd-officers-fighting-vaccination, accessed 11-30-21]

In New York City, the Police Benevolent Association of the City of New York (PBA) tried and failed to block the city’s vaccine mandate for all city workers. New York City police officers have been on the wrong side of public health for most of the pandemic. Like other American police unions, the PBA uses its political clout and large coffers to push regressive policies and fight any move towards an even slightly more humane justice system.

In an effort to prevent another rise in Covid-19 cases, New York’s mayor, Bill de Blasio, introduced a mandate requiring all city employees to have received at least one dose of a vaccine by 29 October. Seventy-one per cent of all city officials are already vaccinated but, according to the PBA, roughly a third of uniformed police officers are not. Even optimistic assessments of the department’s vaccination rates as a whole lag behind the rates of city residents. Despite the fact that Covid-19 is the leading cause of death among US police officers, the PBA launched a lawsuit against the city to halt the mandate. A judge struck down the suit, but the PBA plans to appeal the decision.

The police union loves to play the victim card and paint even its worst officers as heroes – like when it called for a slowdown strike after an officer was fired for his role in the 2014 death of Eric Garner. Yet when faced with a real threat to the lives of their members, and to the public those officers ostensibly serve, the unions’ leaders have chosen to oppose public health recommendations. While the police commissioner has at least urged officers to get vaccinated, the department and its individual officers haven’t exactly had a stellar record of behavior from earlier phases of the pandemic.

### AT Strikes Key

#### Now, contention 2-

#### TURN- they allow strikes on racist grounds- employees can literally strike against racial integration or any other unjust cause

#### Alternatives like arbitration solve- they just say “advocacy is good” but have no specific “strikes key” warrants

#### The NLRB card isn’t an aff card- they list a laundry list of conditions like illegal strikes that clearly prove it’s not unconditional

**Strikes fail because of public backlash and replacement- that turns the case- a failed strike leaves workers worse off and unions decimated**

**Houlihan, 21** – University of Wyoming master’s student

[Glenn, "The Legacy of the Crushed 1981 PATCO Strike; Forty years ago today, 13,000 air traffic controllers went on strike. President Ronald Reagan would soon crush that strike — leading to **devastating consequences** for organized labor and all workers that we’re still dealing with today.," Jacobin, 8-3-2021, https://www.jacobinmag.com/2021/08/reagan-patco-1981-strike-legacy-air-traffic-controllers-union-public-sector-strikebreaking, accessed 10-14-2021]

Following the failed strike, PATCO was **decertified as a union**. As an organization, it was **annihilated**. Many of the former controllers suffered **immense hardships**, including struggles to replace their income and the subsequent breakdown of relationships and marriages, after losing their highly specialized job. Some fired members and their partners even killed themselves.

Roots of a Failed Strike

The PATCO leadership were blindsided by the firings — especially since the union had, unwisely, endorsed Reagan’s 1980 presidential campaign over Carter’s. PATCO president Poli was persuaded by a letter he received from Reagan in October 1980 that stated:

You can rest assured that if I am elected President, I will take whatever steps are necessary to provide our air traffic controllers with the most modern equipment available and to adjust staff levels and work days so that they are commensurate with achieving a maximum degree of public safety.

Once Reagan took office, however, it soon became apparent that whatever ally PATCO thought they had in the White House was in fact a pro-business zealot who savored the opportunity to crush organized labor. Andrew Tillett-Saks underlines PATCO’s political misjudgment: “Unions that give their imprimatur to an anti-union president will soon find that president destroying them and the rest of the labor movement anyway.”

Another factor that pushed the PATCO strike toward catastrophe was public opinion. As research from the Pew Research Center shows, the fired controllers won little sympathy from the public. A Gallup poll conducted a few days after the firings showed that 59 percent of Americans approved of the way Reagan was handling the issue, compared to just 30 percent who disapproved. The Gallup poll also found that a whopping 68 percent of the public thought that air traffic controllers shouldn’t be allowed to strike. As David Macaray states, “The PATCO strike of 1981 will undoubtedly go down in history as a monument to overplaying one’s hand.”

This lack of popularity **isn’t inherent to illegal strikes**. If strikers demonstrate they are using their militancy to fight not just for themselves but for the entire working class, they can build a broad coalition of sustained community support. Teachers have done this in recent years, waging strikes both legal and illegal in cities like Chicago and red states like West Virginia that have proven widely popular. Unfortunately, PATCO strikers failed to frame their demands in ways that appealed to the public, and Reagan’s narrative that the union was greedy — “the union demands are seventeen times what had [previously] been agreed to,” the president insisted publicly — gained traction, portraying the strikers as selfish and unreasonable.

In addition, the strikers drastically underestimated Reagan’s willingness to replace them. It isn’t illegal for US companies or the government to hire **strikebreakers**. A notorious 1936 Supreme Court ruling, NLRB v. Mackay Radio & Telegraph Co., described by Paul C. Weiler as “the worst contribution that the U.S. Supreme Court has made to the current shape of labor law in this country,” legally defends the act of strikebreaking. Reagan’s intervention during the PATCO strike, however, “normalized the aggressive strike-breaking and union-busting agenda that had already become common in the private sector” and accelerated the use of strikebreaking as an anti-union tactic.

Seth Ackerman points out that permanent replacement became a “critical weapon” that allowed employers to go on the offensive against organized workers, and **management** even “**actively sought to provoke strikes**, with the intention of keeping production running and permanently **replacing the workers**, thereby **getting rid of a union** once and for all.” Indeed, “the probability of a union activist being illegally fired during a union organizing campaign rose from about 10 percent in the 1970s to 27 percent over the first half of the 1980s.” The strike rate collapsed soon after.

In the case of PATCO, two thousand non-striking controllers **crossed the picket line** to join roughly three thousand supervisors and nine hundred military controllers to **effectively circumvent** the firings. In the long-term, the cost of training new replacements far exceeded PATCO’s contract demands. Yet in the short-term, the government was able to quickly restore 80 percent of flights to normal operations — **crushing the strikers’ leverage** in the process.

**Even if they used to work, in the current moment they’ll fail and leave labor worse off**

**Medearis, 20** – UC Riverside political science professor

[John, "On the Strike and Democratic Protest," in Protest and Dissent, ed. by Melissa Schwartzberg, 2020, University Press Scholarship Online, accessed 11-3-21]

First, organized labor is rightly seen as having been “the core equalization institution” in the United States in the middle of the twentieth century, at exactly the time when strike activity was (p.240) most robust.4 Effective unions can improve the earnings of their own members, as well as those of non-members in sectors of the economy that have strong union representation. The equalizing power of unions and union activity can thus be seen in wage benefits to unionized workers, and in the effect that a higher degree of union organization has on wages across an industry, even for the sector’s non-unionized workers.5 The precise role of strikes in raising wages is a complicated question, and one whose answer has probably changed over time. In the golden age of organized labor in the United States, workers often won considerable wage benefits through striking. But **since the** 19**80s**, many **strikes** have **ended badly for labor**. This is likely because of **broad forces** that have weakened the position of workers and **reduced the effectiveness** and incidence **of strikes**. The decline of the strike may represent in part a calculation by workers and unions that the potency of this form of action has diminished.6

**The right to strike isn’t sufficient- the largest labor union already has it but chooses not to strike anyway**

**Schuhrke, 20** -- University of Illinois at Chicago labor historian

[Jeff, "Why Won’t the US’s Largest Labor Federation Talk About a General Strike?," Jacobin, 9-18-2020, https://www.jacobinmag.com/2020/09/general-strike-afl-cio, accessed 10-14-2021]

Why Won’t the US’s Largest Labor Federation Talk About a General Strike?

The barriers to organizing a general strike in the United States in response to the myriad miseries American workers are facing are massive. But we can’t move toward such a strike without at least putting the possibility on the table and discussing it — something the AFL-CIO has shown **no interest** in doing.

Every so often over the past few years, the hashtag #GeneralStrike goes viral, with everyone from obscure Twitter users to celebrities like Cher and Britney Spears calling for a nationwide work stoppage to demand systemic change. It’s much easier to get a hashtag to take off than to actually pull off a general strike, of course. But since the pandemic began, calls for a general strike have become louder and more frequent, with even the New York Times getting on board.

US union density is at its lowest point in a century, and workers’ power is incredibly low. Still, the number of US workers going on strike is at a thirty-year high. Workers like teachers have pulled off successful work stoppages in the last few years, and the pandemic has shown that strikes or strike threats can be essential tools for defending workers’ health and safety. Such successes have no doubt helped grow the popularity of the idea that the most powerful and effective way workers can fight back against the domination of capital and the willful indifference of neoliberal institutions is by collectively withholding our labor.

It seems like everyone is talking about a general strike these days. Everyone, that is, except the one organization best positioned to not just raise the issue of a general strike, but to go beyond mere talk to actually organize one: the AFL-CIO.

Representing 12.5 million workers from fifty-five affiliated unions linked together not only through the national federation, but also through a robust network of statewide federations and local labor councils all over the country, the AFL-CIO is the single largest workers’ organization in the United States. If any entity has the requisite infrastructure and relationships in place to realize a national, cross-industry strike, it is the AFL-CIO.

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