# Cards---Kentucky RR---Round 7

## Topicality

### Plain Meaning Outweighs

#### It’s fundamental to semantic interpretation.

Antonin Scalia & Bryan Garner 12. Former Supreme Court justice. American lawyer, lexicographer, and teacher. "Ordinary-Meaning Canon." *Reading Law: The Interpretation of Legal Texts*, ch. 6.

Words are to be understood in their ordinary, everyday meanings—unless the context indicates that they bear a technical sense.

“The enlightened patriots who framed our constitution, and the people who adopted it, must be understood to have employed words in their natural sense, and to have intended what they have said.”

Chief Justice John Marshall,

Gibbons v. Ogden, 22 U.S. (9 Wheat.) 1, 71 (1824).

The ordinary-meaning rule is the most fundamental semantic rule of interpretation.1 It governs constitutions, statutes, rules, and private instruments. Interpreters should not be required to divine arcane nuances or to discover hidden meanings. Justice Joseph Story’s words are as true today as they were when written in the middle of the 19th century, and they are true not just of constitutions but of all other legal instruments:

[E]very word employed in the constitution is to be expounded in its plain, obvious, and common sense, unless the context furnishes some ground to control, qualify, or enlarge it. Constitutions are not designed for metaphysical or logical subtleties, for niceties of expression, for critical propriety, for elaborate shades of meaning, or for the exercise of philosophical acuteness or judicial research. They are instruments of a practical nature, founded on the common business of human life, adapted to common wants, designed for common use, and fitted for common understandings.2

### Definitions

#### Predictability. ‘Strengthen collective bargaining’ can mean to create.

Kota Kitagawa & Arata Uemura 13. M.A. Candidate at Kyoto University. J.D. Candidate at Kyoto University. “General statutory minimum wage debate in Germany: Degrees of political intervention in collective bargaining autonomy.” *The Kyoto Economic Review*, Vol. 82, No. 1/2, pp. 59-91. https://www.jstor.org/stable/24898512

Moreover, outside the focus of this article—namely, the process of con flict and compromise, until the 2013 coalitional agreement—the legislative bill containing general minimum-wage law was considered an act that would "strengthen the collective bargaining autonomy." Concrete definitions of the term "strengthen" mainly connote the creation of a framework of collective bargaining that would set the general minimum wage and abolish the requirement of "50%" of AVE in TVG.15 In this act that would strengthen collective bargaining autonomy, the state should not be seen as a "decision-making entity" that would prejudice autonomy (Yamamoto, 2014, p. 37),36 but rather a "capacitating framework" that would enable employers and employees to revamp a loose-bottomed system of industrial relations. Therefore, we consider the act a revamped legal foundation with respect to autonomy.

#### ‘Collective bargaining rights’ require good faith bargaining to the point of impasse. This is the ‘universally recognized’ definition.

Harry Edwards 85. Circuit Judge for the District of Columbia Circuit. Amalgamated Transit Union Int'l v. Donovan, 1985 U.S. App. 1985. Lexis.

[\*950] In sum, Congress struck a delicate balance in section 13(c). The statute provides that state law should govern the labor relations of public transit authorities and their employees, but it conditions federal transit aid, in part, on the continuation of collective bargaining rights. In setting out those rights, Congress chose not to incorporate the entire structure and requirements of the NLRA into section 13(c), for to do so would force states to choose between federal transit aid and their exclusion from the coverage of the NLRA. On the other hand, Congress made it clear that federal labor policy would dictate the substantive meaning of collective bargaining for purposes of section 13(c). "Good faith" bargaining, to a point of impasse if necessary, over wages, hours and other terms and conditions of employment has always been the essence of federally-defined collective bargaining rights; indeed, excluding the federal sector, it is the almost universally recognized definition of collective bargaining in the United States.

#### ‘Strengthen’ means to make stronger.

Merriam Webster 25, 5-16-2025, "Definition of STRENGTHEN", No Publication, https://www.merriam-webster.com/dictionary/strengthen

: to make stronger

intransitive verb

: to become stronger