# 2AC---Race 3---Send

## Manufacturing

### Manufacturing Impact---2AC

## Monopsony

### AT: Circumvention---Penalties---2AC

#### 4. Sectoral bargaining standardizes labor relations eliminating firms desire to undercut workers and unions. That’s da Silva Bichara.

<<<FOR REFFRENCE>>>

Bhuller et al. (2022) and Haucap and Wey (2004) show theoretically that **top-level bargaining favours investment in innovative firms by generating lower relative production costs compared to non-innovative firms;** on the contrary, individual bargaining eliminates this relative cost advantage by setting wages according to the value added of firms (as the wage differential between firms increases, the profit of the innovative firm decreases). **In other words: ‘Industry bargaining,** in contrast, **works as a tax on the least productive units and as a subsidy on the most productive.** In this case, firms have incentives to invest more in modern technologies and in scrapping the old ones at an earlier stage’ (Bhuller et al., 2022: 40).

Brandl (2022) refers to it as a cartelizing effect, where the homogenisation of wages and working conditions prevents companies from using wage reduction or working conditions as a competitive strategy. Therefore, higher level collective agreements and coordination encourage companies to increase their competitiveness through innovation or adoption of new technologies, rather than reducing labour costs. This argument matches in part with that of duopoly models. Duopoly models generally conclude that centralization of collective bargaining favours innovation by more innovative, or more competitive, firms; as opposed to individual bargaining (Basak & Mukherjee, 2018). The innovation decision of the collectively bargained firm is related to market structure. Individual bargaining introduces higher transaction costs (Willman et al., 2004), and confirms the hypothesis of Bhuller et al. (2022). On the other hand, Haucap and Wey (2004) show that the benefits of innovation are higher for a highly productive firm when bargaining is centralised versus individual; both for process innovation and for job creation and employment.

As shown by Willman et al. (2004), following transaction cost theory (Williamson, 1981), unions reduce transaction costs in two ways, by providing an agency role for the employer, enforcing and monitoring contracts and improving information flows; by reducing the transaction costs faced by employers by assisting them in their management functions.

#### 5. Stops union busting regardless of penalties

David Madland 24, Senior Fellow at the Center for American Progress Action Fund, “Sectoral Bargaining Can Support High Union Membership”, June 6th, 2024, <https://onlabor.org/sectoral-bargaining-can-support-high-union-membership/>, DOA: 8/25/25, Rslish

Under sectoral bargaining systems, employers face similar labor costs whether their workers are unionized or not. As a result, employers have less incentive to fight their workers’ efforts to unionize, which can make organizing workers easier. The level playing field also protects unionized workers and high union standards from being undercut by low-paying companies.

### AT: Productivity DA---2AC

#### 1---Productivity isn’t surging anywhere manufacturing proves---it’s in the grave absent the plans efforts to revitalize. That’s Bonvillian

<<<FOR REFFRENCE>>>

Manufacturing is a critical sector for American economic well-being. The value chains in the American economy that rely on manufactured goods account for 25% of employment, over 40% of gross domestic product (GDP), and almost 80% of research and development (R&D) spending in the United States. Yet U.S. leadership in manufacturing is eroding. U.S. manufacturing employment plummeted by one-third—and 60,000 U.S. factories were closed—between 2000 and 2010 (Bonvillian and Singer, Advanced Manufacturing: The New American Innovation Policies, MIT Press, 2018, 52, 265.) Only some 18% of the production jobs lost in the United States during the Great Recession were recovered in the following decade, and production output only returned to its pre–Great Recession levels in 2018. This hollowing out of U.S. manufacturing has been largely driven by international competition, particularly from China. China passed the United States in 2011 as the largest global manufacturing power in both output and value added. The nations have literally traded places: China now has 31% of world manufacturing output while the U.S. has dropped to 16%. The U.S. has not just lost leadership in low-price commodity goods: As part of its massive trade deficit in 2023 of $733 billion in overall manufactured goods, the U.S. ran a deficit of $218 billion in advanced technology goods.

Declining U.S. manufacturing has sharply curtailed a key path to the middle class for those with high school educations or less, thereby exacerbating income inequality nationwide. As a country, we are increasingly leaving a large part of our working class behind an ever-advancing upper middle class. The problems plaguing the domestic manufacturing sector are multifold: American manufacturing productivity is historically low; the supporting ecosystem for small and midsized manufacturers has thinned out so they are slow to adopt process and technology innovations; manufacturing firms lack access to financing when they seek to scale up production for new innovations; manufacturing is poorly supported by our workforce-education system; and we have disconnected our innovation system from our production systems.

The United States can address many of these problems through concerted efforts in advanced manufacturing. Advanced manufacturing means introducing new production technologies and processes to significantly lower production costs and raise efficiency. This would reposition the United States to better compete internationally. Advanced manufacturing also requires that we reconnect innovation with production. A milestone in advanced manufacturing came in 2012, when the federal government established the first of 17 Advanced Manufacturing Institutes with two more planned. Each institute in this network is organized around developing new advanced technologies, from 3D printing to digital production to biofabrication. Each also represents a collaboration among industry, government, and academic institutions. Three federal agencies invest a total of approximately $200 million per year in the institutes—an amount matched by industry and states.

#### 2---Their ev does not understand stats!

Daniel Ackerman 25, “Second quarter labor productivity growth may be a ‘statistical illusion’,” Marketplace, 08/07/2025,

First thing to keep in mind about labor productivity is it tends to bounce around, said Gary Schlossberg, a global strategist for Wells Fargo Investment Institute.

“You get a lot of noise in those numbers,” he said.

Schlossberg said the Q2 increase could be the result of a one-off drop in imports last quarter, due to tariff policy. That raised GDP, which is used to calculate productivity. And so?

“The one quarter number is really more arithmetic than indicative of a trend,” he said.

One way to think about how productivity could trend in the future is to look at what employers are doing now, Schlossberg said. Which is not much.

“I would characterize business as sort of a deer in the headlights. They're so unsure about what's happening. They don't wanna let workers go, but they're reluctant to hire for the same reason,” he said.

That means workers with jobs can’t upgrade to something better, said Preston Mui, a senior economist at Employ America.

“There's not a lot of job switching. So there's probably not a lot of people moving from these low productivity to higher productivity jobs,” he said.

But Mui said something else is happening in the labor market too. The workforce is growing slowly, and could even shrink, in part due to President Trump’s immigration crackdown. And that can actually boost productivity.

Mui said to imagine going into an elementary school classroom, and measuring the height of each student. Every month, the average height grows because the children are growing. But if you take a bunch of the shortest kids out of the class and measure again? Suddenly, it looks like the average height of the children in the classroom has gone up, even if the remaining students haven’t actually grown.

Something like that happens during recessions, Mui said. When jobs go away, it tends to be the less productive ones, so overall productivity appears to rise.

“What you are gonna see if you exclude those people is in accounting terms and acceleration in productivity growth, but that's a bit of a statistical illusion,” said Guy Berger, director of economic research at the Burning Glass institute.

Berger said, whether by recession or immigration crackdown, “artificially boosting the numbers by excluding lower productivity workers does not actually benefit the U.S. economy.”

But remember: Productivity data is noisy. So Berger said it’s better to think decade by decade, rather than quarter by quarter.

#### 3---No Link---the plan is the best metric to boost productivity and innovation because centralizing bargaining favors more innovative firms. That’s da Silva Bichara.

<<<FOR REFFRENCE>>>

Despite the hold-up hypothesis, Bhuller et al. (2022) argue that firms' investment decisions may be determined by the degree of centralization of collective bargaining. Centralise bargaining processes seem to favour innovative firms by setting labour costs common to all firms, benefiting those that manage to increase productivity. On the other hand, local bargaining allows unions greater ability to negotiate wages according to the value added of firms, increasing labour costs and reducing the incentive to innovate. ‘Collective industry bargaining is expected to lead to a modernized industry with high average productivity and an egalitarian wage distribution across firms. Local bargaining should lead to a less modernized industry with a somewhat lower average productivity and with a more inegalitarian wage distribution’ (Bhuller et al., 2022: 40).

Nevertheless, this result changes if both parties behave like the McDonald and Solow (1981) ‘efficient innovation’ model and the ‘companies' strategic investment’ games models (Bond & Van Reenen, 2002), in which companies invest to maintain or gain market shares, faced with the threat of entry by new competitors and a potential loss of market power and profits (efficiency effect). These models of strategic games of company behaviour highlight the importance of the market structure in the investment decision, particularly in R&D (Menezes-Filho & Van Reenen, 2003). In these models, the effect of the unions on investment depends on its preference between employment and wages. **A risk-averse union will prefer employment to wages and, in such a situation, the effect of an increase in union power is to increase employment and, therefore, company investment. This gain in market share encourages investment, including in R&D, due to the threat of new entries.** Empirical literature has found support for this prediction (Menezes-Filho et al., 1998).

Moreover, considering that (i) innovative companies are those showing higher productivity and (ii) **collective bargaining could increase productivity and investment in new technology** (Brandl & Braakmann, 2021; Cahuc et al., 2014), by promoting voice and participation, unions can also stimulate companies to invest in TI- and firm-specific human capital (Bryson et al., 2005; Freeman & Medoff, 1984). Unions can also play an essential role in the effects of the introduction of innovative practices in companies. This effect will depend on the bargaining capacity of the unions and also on their ability to negotiate. Following the analysis taken by Bryson et al. (2005), a strong union can bargain the nature of investment and innovation in the workplace, blocking those attempts that may have the most negative effects for its members or may even make them more acceptable to both the company and its affiliates. **They can bargain, for example initiatives like job security guarantors and high wages in return for productivity-enhancing innovation** (Freeman & Medoff, 1984).

In this way, Freeman and Medoff (1984) show that the search for benefits for workers by unions also benefits companies and, therefore, stimulates their growth, investment and competitiveness. In the process of generating benefits for workers, they favour job retention, reducing search and training costs. On the contrary, they also provide incentives for employers to invest in the company and in the workers (company-specific human capital).

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#### 4---Sectoral bargaining stops current race to the bottom trends forcing better innovation.

Oren Cass 21, founder and chief economist of American Compass and holds a J.D. from Harvard Law, “A Better Bargain: Worker Power in the Labor Market”, September 2021, <https://americancompass.org/a-better-bargain-worker-power-in-the-labor-market/>, DOA: 6/9/25, Rslish

Basis of Competition. By encompassing all competitors in negotiations, broad-based agreements take some areas of potential differentiation off the table and thus channel competitive energies in other directions. If labor relations are standardized, no one can seek to outperform everyone else by squeezing workers harder on wages or skimping on safety, potentially triggering a “race to the bottom.” Conversely, investing in productivity gains, innovation, customer retention, and so forth becomes that much more important.

#### 5---Doesn’t cause divestment or closures

John DiNardo 9, PhD, Former Professor of Public Policy and Economics at the University of Michigan, “Still Open for Business: Unionization Has No Causal Effect on Firm Closures”, 03/20/09, https://files.epi.org/page/-/pdf/bp230.pdf, Accessed: 07/27/25, mcc

Nonetheless, in very recent work, Lee and Mas (2008) extend the analysis in DiNardo and Lee back to the year 1961. Their conclusions from the regression discontinuity design evidence are exactly the same as for the later period analyzed in DiNardo and Lee (as well as the evidence in Freeman and Kleiner (1999).2

Therefore, our results demonstrating that **firms that become unionized are not more likely to fail than firms that remained nonunion** are not an artifact of that particular time period.

Conclusion

John L. Lewis, president of the United Mine Workers of America (UMWA), who challenged Gompers for leader- ship of the AFL in 1921 made the following remarks after his union signed its first industry-wide contract:

“...[with this contract] the industry can apply it- self —both management and labor, to the prob- lem of producing coal in quantity...at the lowest cost possible by modern techniques. The Mine Workers stand for the investors in the industry and for a return on capital. They stand for the public to have coal at the lowest possible price consistent with the Mine Workers having a decent life...”

There is a growing body of economic evidence that suggests Lewis’ remarks have more than a grain of truth in them, at least as a depiction of U.S. unionism in the post- World War II era. The **obvious fact that unions have no stake in driving employers out of business** is reinforced by this evidence. It seems clear that American **employers** as a group **need not fear firm insolvency as a result of granting workers rights to collective bargaining.**

#### 7---Unions boost innovation and R&D.

Berton et al. 21, Fabio Berton, Quantitative Policy Analyst on Impact Evaluation at the Joint Research Center of the European Commission and Associate Professor of Economic Policy at the Department of Economic and Statistics, University of Torino, Stefano Dughera, Research Fellow at the Department of Economics and Statistics, University of Turin, Andrea Ricci, Phd in Economics, National Institute for Public Policy Analysis, IZA, “Are Unions Detrimental to Innovation? Theory and Evidence”, 2021, https://www.econstor.eu/bitstream/10419/232854/1/dp14102.pdf, Accessed: 07/24/25, mcc

In a second line of research that traces back to Freeman and Medoff (1984), **unions** are seen as collective voice institutions that **boost labor productivity** (and by extension, innovation) **through a variety of different channels.** First, by reducing worker grievances, they may have a positive and direct effect on the supply of labor effort. Second, by encouraging workers to voice their ideas, **they** may **increase the flow of intuitions from production to R&D** departments and thus facilitate the codification of new organizational and technical knowledge. Third, **by lowering labor turnover**, **they** may prom**ote the accumulation of firm-specific human capital.** Fourth, by easing the introduction of organizational innovations, **they may increase job satisfaction and improve learning** achievements**, with positive spillovers** on labor productivity and innovation.

A third strand of research studies the effect of unions on innovation in oligopolistic markets (Beath et al., 1989; Ulph and Ulph, 1994). In this framework, **when unions bargain higher employment levels, firms are incentivized to invest in R&D to protect their market shares.** 5 Along similar lines, Haucap and Wey (2005) develop a Cournot duopoly model that studies how different unionization regimes (centralized, coordinated and decentralized) lead to different innovation incentives. Their key results is that the relationship between unions and innovation is non-monotonic in the degree of wage centralization, as innovation incentives are large under “centralization” – when an industry union bargains a single wage for the entire industry – intermediate under “decentralization” – where firm-level unions set their wages uncooperatively – and low under “coordination” – where a single union maximizes the industry wage bill by adjusting firm-level wages to the firms' relative competitiveness. Under some circumstances, they also show that “centralization” is the only regime that may perform better than a market where wage determination is competitive when it comes to innovation incentives. However, this result follows from the assumption that unions have no effect on productivity. The model developed in section 3 relaxes this assumption and shows that, under some circumstances, innovation incentives are lager also under “coordination”

#### 8---Germany proves unions and sectoral bargaining doesn’t hurt productivity. That’s Chowdhury

<<<FOR REFFRENCE>>>

Mr. Willox’s claim that the sector-wide wage bargaining would destroy jobs and Australia’s competitiveness has no basis. A powerful example is provided by Germany, Europe’s strongest economy. In Germany, wages, hours, and other aspects of working conditions are decided by unions, work councils (organisations complementing unions by representing workers at the firm level in negotiations), and employers’ associations. Collective wage bargaining takes place not at the company or enterprise level but at the industry and regional levels, between unions and employers’ associations. If a company recognises the trade union, all of its workers are effectively covered by the union contract.

Yet, Germany’s competitiveness did not decline. On the contrary, Germany experiences both strong productivity growth and strong wage growth. Despite ongoing real wage improvements, unit labour costs are stable or even declining – further enhancing Germany’s competitiveness.

How is this possible? The answer was given by more than half a century ago by two leading Australian academics – WEG Salter and Eric Russel. By de-linking productivity-based wage increases at the enterprise level and adhering to the industry-wide average productivity-based wage increases, an industry bargaining system raises relative unit labour costs of firms with below-industry-average productivity, thereby forcing them to improve their productivity or else exit the industry. At the same time, firms with above-industry-average productivity enjoy lower unit labour costs, hence higher profit rates for reinvestment. Singapore also used this approach to restructure its industry in the 1980s towards higher value-added activities, with great success.

Trying to compete on the basis of low wages is a recipe for failure. As a matter of fact, low-wage countries typically demonstrate lower productivity; and research by a leading French economist, Edmond Malinvaud, showed that a reduction in the wage rates has a depressing effect on capital intensity. Salter’s research implies that the availability of a growing pool of low paid workers makes firms complacent with regard to innovation and technological or skill upgrading. Other researchers show that under-paid labour provides a way for inefficient producers and obsolete technologies to survive. Firms become caught in a low-level productivity trap from which they have little incentive to escape – a form of Gresham’s Law’ whereby bad labour standards drive out good. The discipline imposed on all firms as a result of negotiated industry-wide wage increases forces all of them to innovate and become more efficient.

#### 9---Wage-price spirals are self-dampening.

Weinberg ’23 [Carl B; March 13; Founder and chief economist of High Frequency Economics; Barron’s, “All That Talk About a Wage-Price Spiral? It’s Wrong.” https://www.barrons.com/articles/wage-price-spiral-is-a-thing-of-the-past-heres-why-dba05bdd]

Yet, any wage-price spiral that Federal Reserve Chairman Jerome Powell and other central bankers might fear today would be a very different thing than the one Arthur Burns presided over in the early 1970s. Institutions have changed. Any impulse to prices from a jump in wages would be stable, self-dampening, and short-lived. In fact, it has been stable and self-dampening, and so we predict it will be short-lived.

The fear among policy makers and others is that accelerating wages must push up prices. The worry is that these price increases will encourage demand for even bigger wage increases, and so on. We think not. Let’s take that process apart.

Suppose wages were to rise 5% over a year. It doesn’t follow that prices will rise by the same 5%, either right away or ever. For starters, the supply price of goods and services is determined by the cost of all inputs to the production process: Unit prices at equilibrium are simply the sum of unit costs. Unit labor costs are the rate of increase of wages adjusted for increases in productivity. So, if productivity were to rise by 2% in our example, unit labor costs would be up by only 3%.

Labor isn’t the only input to the production process, though. Labor costs average only 80% of the total cost of producing goods and services across the economy, on average. So, a 5% wage increase leads to a 3% increase in unit labor costs, which contributes 2.4 percentage points to the price of goods across the economy.

The consumer price index, or CPI, everyone’s favorite inflation metric, is the cost of a specific basket of goods and services. However, all the goods and services in the CPI aren’t the same as all the goods in the economy. Some are made without much or even any labor. CPI, in fact, is mainly a services price index these days, with a few goods thrown in.

Housing services are the biggest component of CPI, accounting for about a third of the index. No labor is required to produce housing services for owner-occupied units. Neither is there much labor needed to produce most of the energy we use. That is about 6% of the index. So, only 60% or so of the CPI basket consists of goods that labor costs will affect much. That reduces the impact of any wage increase on CPI to 1.4 percentage points.

Thus, a wage-price spiral is easily seen as self-dampening: A 5% increase in wages will trigger just a 1.4% increase in prices, fueling demands for wage increases that are smaller than the rise in prices. As we look around the world today, this is exactly what we are seeing in the data: Wage increases everywhere aren’t keeping up with increases in prices. Adjusted for inflation, real wages and incomes are falling. Declines in worker spending as real wages fall are one of the most widely cited reasons that central banks are fearful of recessions this year, along with higher interest rates.

Today’s wage-price linkage isn’t the unstable beast of the 1970s. In those days “cost of living adjustments,” or COLAs, guaranteed pay increases several percentage points above the rate of CPI increases each year. These days, COLAs are thing of the past in the job market. Most workers are hired on an “at will” basis with no union support or COLA guarantees.

This yada-yada-yada in the markets about a wage-cost spiral is much ado about nothing. If prices are rising, it must be because demand is exceeding supply, not because wages are pushing up the CPI.

### AT: Inequality Low---2AC

#### 1. STUDIES. Newest studies prove inequality is on the rise---it’s a direct result from reduced bargaining power. That’s Zwysen

<<<FOR REFFRENCE>>>

There is growing evidence of workers being in an increasingly vulnerable position relative to their employers. This is evident in different ways such as a decline in the share of income going to labour (Berlingieri et al. 2017; Paternesi Meloni and Stirati 2022; Lombardi et al. 2023) but also in greater inequality between workers. Across many countries, rising wage inequality increasingly reflects differences in pay setting between firms for otherwise similar workers (see e.g. Criscuolo et al. 2020; Tomaskovic-Devey et al. 2020; Zwysen 2022). Workers also face rising uncertainty in the labour market, for different reasons, heightening workers’ dependence and reducing their power to affect or negotiate their working conditions (Flecker 2010; Weil 2014; Rubery 2015). These trends all indicate an increase in employers’ power over workers. While there are several important factors contributing, such as the weakening of labour market institutions protecting workers (see e.g. Tomaskovic-Devey et al. 2020; Zwysen 2024a), and macro-trends such as globalisation and digitalisation, increasing attention is also given to the issue of labour market monopsony power.

#### 2. SURGING. Inequality is rising---Newest data proves and prefer it Neg evidence miss the full scope.

Bivens et al 25, Josh Bivens, chief economist at the Economic Policy Institute, PhD in Economics from New School for Social Research, and BA in Economics from University of Maryland; Elise Gould, Senior economist at EPI, PhD in Economics from University of Wisconsin, MPA from University of Texas at Austin, and BA in Sociology from Wesleyan University; Hilary Wething, Economist at EPI, Ph.D. in public policy and management from University of Washington, Undergrad in Mathematics and economics from Creighton University; Ben Zipperer, Senior economist at EPI, PhD in Economics from University of Massachusetts, and BS in Mathematics from University of Georgia, “Deliberate policy decisions have disempowered workers and increased labor market inequality”, March 17th, 2025, <https://www.briefingbook.info/p/deliberate-policy-decisions-have>, DOA: 7/15/25, Rslish

However, this wage compression was highly unusual in historical context. As Gould et al (forthcoming) show, the wage compression between 2019 and 2024 was preceded by four decades of widening inequality from 1979 to 2019. Moreover, even after accounting for inflation, annual wage growth at the bottom and middle of the wage distribution was much faster in absolute terms over the last four years than it was in the preceding four decades. Annual real median wage growth in particular was twice as fast between 2019 and 2024 as it was between 1979 and 2019.

The Current Population Survey (CPS) data which lies behind Figure A—which can be accessed from 1973 to 2024 here— is useful for all sorts of purposes, but its main drawback is that “top-coding” of high incomes means it misses the full scope of how much income is made at the very top, and so it blunts presentations of just how unequal the U.S. economy has become and why that matters for typical workers and their families. Figure B takes another tack, charting the growth of workers’ compensation (wages and benefits) for production-nonsupervisory workers in the private sector and net labor productivity between 1948 and 2024. We choose to display average compensation trends for production/nonsupervisory workers rather than all workers because this group, which makes up around 80% of the workforce, excludes well-paid managerial roles like corporate executives, who have seen astronomical pay increases in recent decades. In our view production/nonsupervisory workers represent the “typical worker” more faithfully than an overall average.

We use economy-wide labor productivity, inclusive of output from farms, government agencies and nonprofits, net of depreciation, in order to capture the potential growth in living standards for the entire economy. To ensure the growth of compensation and productivity is an apples-to-apples comparison, we use the same mixed-CPI series to deflate both measures, rather than a pay-specific one for compensation.1

[Figure Omitted]

Between 1948 and the late 1970s, pay for the typical worker climbed together with productivity. However, since the late 1970s, workers have experienced a sharp divergence between the growth in their pay and that of labor productivity of the entire economy. In effect, a good share of the potential growth in compensation, as measured by productivity, ended up in pockets that were not the typical worker.

While there has been some criticism that using average compensation for all workers instead of compensation for production/nonsupervisory workers would better capture “economy-wide” compensation, in our view this misses the point. Incorporating the pay of managers and CEOS would lead to rising growth in compensation, likely close to on par with the growth in productivity, yet the fact that we see a wedge when they’re excluded shows that that growth was uneven, with managers, CEOs, and highly-privileged professional workers (think specialty doctors and corporate attorneys) taking the lion’s share of the potential pay generated by rising productivity.

It’s possible then, that voter dissatisfaction with the economy in 2024 was pent-up frustration that built while inequality rose for decades. Why this frustration boiled over and became seemingly decisive in 2024 is a question for others, but profound dissatisfaction with how the U.S. economy delivers for the vast majority would not have been unreasonable in 2024 or any other year since the late 1970s.

Who benefited from productivity growth if typical workers mostly didn’t?

A natural question that arises from these data is just where did the “excess” productivity go if not to the paychecks of typical workers? A significant portion of it went to higher corporate profits and increased income accruing to capital and business owners. But most of it went to those at the very top of the wage distribution. As shown in Figure C, earnings for those at the top grew much faster than the average of the bottom 90% of earners. In fact, when the very top 0.1% of the earnings distribution is on the graph, the bottom looks incredibly flat: growth for the bottom 90 percent was 44% over this period, but growth for the top 0.1% was 354%.2

[Figure Omitted]

### AT: Doesn’t Hurt Growth

### No Monopsony---2AC

### AT: No Impact---Inequality

### AT: No Civil war

### AT: No Extinction Diseaase

### Growth war

#### Their defense is wrong---Walt concludes war is possible

Dr. Stephen M. Walt 20, Robert and Renée Belfer Professor of International Relations at Harvard University, PhD in International Relations (with Distinction) from Stanford University, MA in Political Science from the University of California, Berkeley, “Will a Global Depression Trigger Another World War?”, Foreign Policy, 5/13/2020, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/

For these reasons, the pandemic itself may be conducive to peace. But what about the relationship between broader economic conditions and the likelihood of war? Might a few leaders still convince themselves that provoking a crisis and going to war could still advance either long-term national interests or their own political fortunes? Are the other paths by which a deep and sustained economic downturn might make serious global conflict more likely?

One familiar argument is the so-called diversionary (or “scapegoat”) theory of war. It suggests that leaders who are worried about their popularity at home will try to divert attention from their failures by provoking a crisis with a foreign power and maybe even using force against it. Drawing on this logic, some Americans now worry that President Donald Trump will decide to attack a country like Iran or Venezuela in the run-up to the presidential election and especially if he thinks he’s likely to lose.

This outcome strikes me as unlikely, even if one ignores the logical and empirical flaws in the theory itself. War is always a gamble, and should things go badly—even a little bit—it would hammer the last nail in the coffin of Trump’s declining fortunes. Moreover, none of the countries Trump might consider going after pose an imminent threat to U.S. security, and even his staunchest supporters may wonder why he is wasting time and money going after Iran or Venezuela at a moment when thousands of Americans are dying preventable deaths at home. Even a successful military action won’t put Americans back to work, create the sort of testing-and-tracing regime that competent governments around the world have been able to implement already, or hasten the development of a vaccine. The same logic is likely to guide the decisions of other world leaders too.

Another familiar folk theory is “military Keynesianism.” War generates a lot of economic demand, and it can sometimes lift depressed economies out of the doldrums and back toward prosperity and full employment. The obvious case in point here is World War II, which did help the U.S economy finally escape the quicksand of the Great Depression. Those who are convinced that great powers go to war primarily to keep Big Business (or the arms industry) happy are naturally drawn to this sort of argument, and they might worry that governments looking at bleak economic forecasts will try to restart their economies through some sort of military adventure.

I doubt it. It takes a really big war to generate a significant stimulus, and it is hard to imagine any country launching a large-scale war—with all its attendant risks—at a moment when debt levels are already soaring. More importantly, there are lots of easier and more direct ways to stimulate the economy—infrastructure spending, unemployment insurance, even “helicopter payments”—and launching a war has to be one of the least efficient methods available. The threat of war usually spooks investors too, which any politician with their eye on the stock market would be loath to do.

Economic downturns can encourage war in some special circumstances, especially when a war would enable a country facing severe hardships to capture something of immediate and significant value. Saddam Hussein’s decision to seize Kuwait in 1990 fits this model perfectly: The Iraqi economy was in terrible shape after its long war with Iran; unemployment was threatening Saddam’s domestic position; Kuwait’s vast oil riches were a considerable prize; and seizing the lightly armed emirate was exceedingly easy to do. Iraq also owed Kuwait a lot of money, and a hostile takeover by Baghdad would wipe those debts off the books overnight. In this case, Iraq’s parlous economic condition clearly made war more likely.

Yet I cannot think of any country in similar circumstances today. Now is hardly the time for Russia to try to grab more of Ukraine—if it even wanted to—or for China to make a play for Taiwan, because the costs of doing so would clearly outweigh the economic benefits. Even conquering an oil-rich country—the sort of greedy acquisitiveness that Trump occasionally hints at—doesn’t look attractive when there’s a vast glut on the market. I might be worried if some weak and defenseless country somehow came to possess the entire global stock of a successful coronavirus vaccine, but that scenario is not even remotely possible.

If one takes a longer-term perspective, however, a sustained economic depression could make war more likely by strengthening fascist or xenophobic political movements, fueling protectionism and hypernationalism, and making it more difficult for countries to reach mutually acceptable bargains with each other. The history of the 1930s shows where such trends can lead, although the economic effects of the Depression are hardly the only reason world politics took such a deadly turn in the 1930s. Nationalism, xenophobia, and authoritarian rule were making a comeback well before COVID-19 struck, but the economic misery now occurring in every corner of the world could intensify these trends and leave us in a more war-prone condition when fear of the virus has diminished.

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

[THEIR CARD ENDS]

To be sure, I can’t rule out another powerful cause of war—stupidity—especially when it is so much in evidence in some quarters these days. So there is no guarantee that we won’t see misguided leaders stumbling into another foolish bloodletting. But given that it’s hard to find any rays of sunshine at this particular moment in history, I’m going to hope I’m right about this one.

[END OF ARTICLE]

#### Walt is rehashing Posen

[don’t read, but for proof—this is early/mid article, setting up the premise]

Dr. Stephen M. Walt 20, Robert and Renée Belfer Professor of International Relations at Harvard University, PhD in International Relations (with Distinction) from Stanford University, MA in Political Science from the University of California, Berkeley, “Will a Global Depression Trigger Another World War?”, Foreign Policy, 5/13/2020, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/

But war could still be much less likely. The Massachusetts Institute of Technology’s Barry Posen has already considered the likely impact of the current pandemic on the probability of war, and he believes COVID-19 is more likely to promote peace instead. He argues that the current pandemic is affecting all the major powers adversely, which means it isn’t creating tempting windows of opportunity for unaffected states while leaving others weaker and therefore vulnerable. Instead, it is making all governments more pessimistic about their short- to medium-term prospects. Because states often go to war out of sense of overconfidence (however misplaced it sometimes turns out to be), pandemic-induced pessimism should be conducive to peace.

Moreover, by its very nature war requires states to assemble lots of people in close proximity—at training camps, military bases, mobilization areas, ships at sea, etc.—and that’s not something you want to do in the middle of a pandemic. For the moment at least, beleaguered governments of all types are focusing on convincing their citizens they are doing everything in their power to protect the public from the disease. Taken together, these considerations might explain why even an impulsive and headstrong warmaker like Saudi Arabia’s Mohammed bin Salman has gotten more interested in winding down his brutal and unsuccessful military campaign in Yemen.

Posen adds that COVID-19 is also likely to reduce international trade in the short to medium term. Those who believe economic interdependence is a powerful barrier to war might be alarmed by this development, but he points out that trade issues have been a source of considerable friction in recent years—especially between the United States and China—and a degree of decoupling might reduce tensions somewhat and cause the odds of war to recede.

For these reasons, the pandemic itself may be conducive to peace. But what about the relationship between broader economic conditions and the likelihood of war? Might a few leaders still convince themselves that provoking a crisis and going to war could still advance either long-term national interests or their own political fortunes? Are the other paths by which a deep and sustained economic downturn might make serious global conflict more likely?

#### He's wrong

Rachel Brown 20, Founder and Executive Director of Over Zero, Heather Hurlburt, Director of the New Models of Policy Change project at New America's Political Reform Program, and Alexandra Stark, Senior Researcher at New America’s Political Reform Program, “How the Coronavirus Sows Civil Conflict”, Foreign Affairs, 6/6/2020, https://www.foreignaffairs.com/articles/world/2020-06-06/how-coronavirus-sows-civil-conflict

It would be wonderful if there were such a thing as a coronavirus peace dividend—if people and governments everywhere, who have been battered by pandemic disease and economic collapse, could at least look forward to reduced violence and instability. In these pages, Barry Posen recently argued that good news was at hand: “For the duration of the pandemic, at least, and probably for years afterward, the odds of a war between major powers will go down, not up.”

While Posen may be right that COVID-19, the disease caused by the novel coronavirus, will reduce the risk of a conventional war between major global powers, the broader notion that pandemics promote peace—as the title of Posen’s piece suggests—is not just mistaken but badly misguided, the remnant of outdated thinking about what constitutes conflict and from where threats to state stability and human well-being arise. That’s because the opposite of peace is violence and instability, not just interstate military conflict. As the United States has witnessed over the past ten days, a public health crisis can highlight inequalities and contribute to domestic unrest. In fact, UN Secretary-General António Guterres recently warned the Security Council that the pandemic poses a significant threat to international peace and security.

Peace, for states and peoples alike, means not only the absence of war between countries but the absence of conflict that threatens lives, communities, and the stability of institutions and regimes. Already, more deaths—and more instability—are attributable to violent crime, state repression, terrorism, and individual incidents of politically motivated violence than to wars involving conventional militaries. If peace consists of stable governments resolving conflict without violence and providing security and other basic functions, then COVID-19 has already begun to erode peace around the world.

## OFF

### AT: Asepc---2AC

### States CP---2AC

#### A) Preemption---NLRA preemption is strict, running afoul to clear lines of division---ensuring strike-down. That’s Rolf.

<<<FOR REFERENCE>>>

This path has some limits – it seems unlikely that without a federally-enacted framework the resulting “bargains” could be incredibly prescriptive over some employment terms without running afoul of NLRA preemption. It also seems more likely to succeed in place-based service industries where firms don’t have a credible threat to flee across state lines seeking less stringent labor standards. But this path has already shown promise with state and local wage boards, some based in statute and others politically constructed. And in many cities and states, existing laws for awarding public construction contracts help create de-facto sectoral bargaining in the commercial construction industry (an industry also notable for high levels of labor-management partnership around apprenticeship and training programs, retirement plans, and health insurance).

#### Garman and Machinist ensure it.

Charlotte Garden 19, J.D from NYU, “Beyond the Race to the Bottom: Reforming Labor Law Preemption to Allow State Experimentation,” The Cambridge Handbook of U.S. Labor Law for the Twenty-First Century, 1/1/2019, Minnesota Libraries

The Supreme Court’s labor law preemption cases are so broad that labor lawyers sometimes summarize them as standing for the proposition that states cannot regulate either any activity the Act regulates, or that it doesn’t regulate.4 The first part of that formulation – state laws covering activities regulated by the NLRA are preempted – comes from San Diego Building Trades Council v. Garmon. Garmon arose in the context of union picketing, the purpose of which was disputed. The union maintained that it was engaged in informational picketing aimed at convincing workers to join. But the employer argued the union’s true purpose was to force the employer to sign a collective bargaining agreement even though the union may not have had the support of a majority of employees – an unfair labor practice under the NLRA. The employer sought and obtained from a California court an injunction against the picketing, and also filed an election petition with the NLRB to test whether the union had majority support. But while the California courts kept the injunction in place for a period of time before ultimately awarding the employer $1,000 in damages, the Board refused to accept the election petition because the employer’s gross receipts did not meet the Board’s selfimposed jurisdictional limits.

The U.S. Supreme Court held that the state court’s intervention was improper, writing that “[w]hen an activity is arguably subject to § 7 or § 8 of the Act, the States as well as the federal courts must defer to the exclusive competence of the National Labor Relations Board if the danger of state interference with national policy is to be averted.” This meant that as a practical matter, the employer had no remedy – the NLRB would not take jurisdiction over the situation, and the state could not.

Garmon’s breadth is significant: because it reaches activity that is even “arguably” subject to regulation under the NLRA, states are precluded both from augmenting the core of labor law, and from tinkering around the edges. Further, Garmon means that states cannot increase the penalties that can be imposed on unions or employers that violate labor law – a departure from other areas of work law, including wage and hour or discrimination law. This aspect of Garmon preemption is significant because the NLRA’s circumscribed set of available remedies, which largely fail to deter employer law breaking, is one of its most significant shortcomings.5 Garmon means that states cannot pick up the slack.

The rule that the NLRA preempts state regulation of union and employer activity that is unregulated by federal law comes from Lodge 76, International Association of Machinists v. Wisconsin Employment Relations Commission, 6 another case involving a state attempt to intervene in a labor dispute. Here, the Wisconsin agency sought to regulate employees’ concerted refusal to work overtime while bargaining for a new collective agreement was ongoing. However, the Supreme Court had previously held that a similar tactic – a work slowdown during bargaining – was neither protected nor prohibited by the NLRA.7 In other words, under federal labor law, employees were free to pressure an employer during negotiations by slowing down their work, although the employer could respond by taking nondiscriminatory disciplinary action in response to the slowdown.

Again, the Court held that the state agency’s intervention was preempted by the NLRA – this time because “Congress intended that the conduct involved be unregulated,” and “controlled by the free play of economic forces.” 8 In other words, the Court concluded that employers’ and employees’ resort to unprotected economic weapons such as slowdowns should be controlled by the two sides’ leverage, rather than by law – “a zone free from all regulations, whether state or federal.” 9

#### B) Patchwork---the counterplan results in a race-to-the bottom of companies RESHORING to federal lands, preventing enforcement. That’s Rolf.

<<<For REFFRENCE>>>

Option number three is some version of sectoral bargaining. Support for this option is growing among labor leaders, but is far from universal. I doubt there is any perfect system, but from the perspective of someone who has spent his adult life and career working within the limits and contortions of the current U.S. system, this option has by far more appeal for the reasons we’ve discussed – it covers more workers, creates far-better economic outcomes, creates fewer incentives for a race-to-the-bottom, focuses conflict on periodic macro-level national or regional bargains rather than on the shop floor, and allows greater avenues for labor-management partnership.

How could this actually happen?

In a perfect world, there probably would be a 1500-page federal law scrapping most of the NLRA and instituting a broad new system of sectoral bargaining in one fell swoop, and I’m not willing to give up all hope for that in the long run. But the federal government isn’t famous for domestic policy innovations that haven’t first been prototyped by cities and states, or in specific industries. Even the Wagner framework itself can trace its roots to late 19th century railway legislation, the 1912-15 U.S. Commission on Industrial Relations, the World War I-era War Labor Board, and the 1926 Railway Labor Act.

As you point out, there are several avenues for experimentation, learning, and progress short of a comprehensive federal reform. Your three examples are all apt.

States (or in some cases home-rule cities) could experiment with bi- or tri-partite industrial standard setting. One state might create a sectoral bargaining framework for a specific industry with persistently low wages or dangerous work that lawmakers believe needs addressing. The existing union(s) or alternative worker groups that meet a threshold of legitimacy and the employer-representatives (probably a trade association) might negotiate directly, with a public representative or arbitrator empowered as a “tie-breaker,” and the resulting agreement could be binding at least as a set of minimum standards on the industry.

This path has some limits – it seems unlikely that without a federally-enacted framework the resulting “bargains” could be incredibly prescriptive over some employment terms without running afoul of NLRA preemption. It also seems more likely to succeed in place-based service industries where firms don’t have a credible threat to flee across state lines seeking less stringent labor standards. But this path has already shown promise with state and local wage boards, some based in statute and others politically constructed. And in many cities and states, existing laws for awarding public construction contracts help create de-facto sectoral bargaining in the commercial construction industry (an industry also notable for high levels of labor-management partnership around apprenticeship and training programs, retirement plans, and health insurance).

#### That zeroes solvency of both manufacturing AND monopsony. That’s Lind and King.

<<<LIND---FOR REFRENCE>>>

Notwithstanding the importance of grassroots labor activism, in mid-twentieth-century America unionization flourished chiefly as a side effect of top-down national industrial policy pursued for other means, including war and recovery from the Great Depression. Tri­partite labor-business-government collaboration during World War I and World War II made possible the massive expansion of organized labor and collective bargaining in the mid-twentieth century and the subsequent social peace and widespread prosperity. If working-class Americans are ever again to enjoy the benefits of mass membership labor organizations of some kind, it will probably not be as a re­sponse to grassroots mobilization from below, employer by employer, state by state. More likely, any revival of worker empowerment in the United States will result from a much larger and more comprehensive program of national development carried out by the federal government in the service of military strength and economic growth, a national industrial policy of which institutionalized employer-worker bargaining would be only one of several elements.

<<<KING---FOR REFFRENCE>>>

Given the obvious limitations of the American enterprise-based system, some reformers and labor leaders are considering the potential for collective bargaining at the sectoral, regional, and even national level – so-called “broad-based bargaining.” Labor market centralization is strongly correlated with higher union organization, and sectoral bargaining is the most conducive to union growth. The OECD reports that coverage by collective bargaining is only stable and high where some form of broad-based, multi-employer bargaining exists.

Broad-based bargaining improves the performance of unionized industries and firms along a number of different dimensions. It has been shown to reduce employee turnover and to establish better, and also more flexible, safety standards for particular industries. By including all employers within a given industry, it creates new incentives and collaborative forums for worker training; industries covered by sector-level agreements are more likely to invest in workforce development and devote greater resources to firm-sponsored training.

Broad-based bargaining’s benefits also spill over into the broader economy, improving both labor-market and social outcomes. It increases national employment by both reducing unemployment and increasing labor force participation, and also boosts productivity rates for covered industries. Meanwhile, it compresses wage distributions across entire industries, much as enterprise-based bargaining does within unionized firms, reducing economic inequality.

In countries with broad-based bargaining – particularly those were agreements are national in scope – unions are responsive to macroeconomic issues like wage-driven inflation and international competitiveness. They tend to strike a balance that accepts relatively lower wages but promotes healthier firms and rising productivity, which supports higher wage growth in the long run. In Germany, for instance, trade unions have agreed to set wages below marginal productivity in order to increase the competitiveness of export sectors.

#### 8. Pressure is too costly.

Heather Gerken 17, J. Skelly Wright Professor of Law at Yale Law School, JD from the University of Michigan Law School, AB from Princeton University, “We’re About To See States’ Rights Used Defensively Against Trump”, Vox, 1/20/2017, https://www.vox.com/the-big-idea/2016/12/12/13915990/federalism-trump-progressive-uncooperative

Progressive federalism isn’t a cure-all, of course. The president is more than capable of causing harm with a stroke of the executive pen. Heavily indebted states and cities may find resisting the federal government too expensive. And cities and state governments have other important business to address.

#### 9. Even if successful, it decks clarity. AND links to PTX.

Gil Seinfeld 19, Professor, Law, University of Michigan Law School, "Neglecting Nationalism," University of Pennsylvania Journal of Constitutional Law, Vol. 21, No. 3, pg. 701-702, 2019, HeinOnline. [italics in original]

But even if Gerken were right, and the national majority *could* typically "rein in federalism's worst excesses" by enacting whatever measures are necessary to bring a defiant state to heel, it is far from clear that it should have to. It is far from clear, that is, that we should prefer a world in which states intermittently flout federal law or disrupt national policy, and the national majority responds by expending the resources necessary to bring them in line, to one in which states are zealous in their efforts to advance federal law and policy (or at least scrupulous in their efforts not to undermine it). Most of the exercises in dissent and defiance that the new nationalists celebrate take place against the backdrop of identifiable federal law and policy (else the behavior would not qualify as "dissent");1 66 and it is difficult to see why the price of state respect for such law and policy should be federal officials' expenditure of political capital above and beyond what was necessary to bring that policy to life in the first place. It is true, as Gerken notes, that state-based dissent can "provid[e] 'the democratic churn necessary for an ossified national system to move forward," 6 7 but she fails to address the risk that such dissent will chum our democratic system to a pulp by exposing settled national norms to perpetual challenge.

### AT: Remand CP---2AC

#### 5. Congress overturns the CP

Bruhl ’20 [Aaron-Andrew; November 2020; J.D. from Yale Law School, Rita Anne Rollins Professor of Law at the William and Mary Law School; Notre Dame Law Review, “The Remand Power and The Supreme Court’s Role,” vol. 96, https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4928&context=ndlr

The Constitution gives Congress the powers to regulate the Supreme Court’s appellate jurisdiction, to create the lower federal courts, and to pre- scribe the procedures used in the federal courts.66 When it comes to the specific topic of how appellate courts dispose of cases, Congress has legislated on the subject through 28 U.S.C. § 2106. That statute provides: The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct he entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.67 On its face, § 2106 thus confers an awesomely broad discretion to vacate and remand with no limit except the standard of justice.68

#### 6. CP Fails---Legally binding approaches key

Stan De Spiegelaere 25, UNI Europa Director of Policy and Research, UNI Europa, “Policies to strengthen collective bargaining”, June 10th, 2025, <https://doi.org/10.1177/09596801251351303>, DOA: 6/22/25, Rslish

Push (stick)

More binding approaches to ensure sufficient impact and the effectiveness of collective agreements are also conceivable, for example, through better enforcement through the establishment of specialised labour courts (Martiskova, 2024; Triff and Stochita, 2024) and general improvement of enforcement (Sumichrast and Kahancova, 2024; Triff and Stochita, 2024). In addition, the role of social inspection services in monitoring compliance with collectively agreed pay and working conditions is crucial (Keune and Been, 2024), as is the provision of legal support by the Chamber of Labour in Austria.

#### 9. Reliance interests are inevitably shattered and don’t solve.

Jill Family 23, JD, Faculty Advisor of the Law and Government Institute, Widener University, JOTWELL, “Making Judicial Review of Reliance More Reliable”, 09/25/23, https://lex.jotwell.com/making-judicial-review-of-reliance-more-reliable/, Accessed: 09/23/25, mcc

In her article Administrative Reliance, Professor Damon-Feng dives into the reliance phenomenon in administrative law. **One administration develops a policy, many rely on it, and then the next** administration **changes course.** Should reliance interests matter when courts review the change of course? If so, how much, and why? Professor Damon-Feng concludes, based on her examination of the implicated values, that the Supreme Court should adopt a more purposeful and disciplined approach to considering reliance interests.

Administrative law gives regulated entities tools to challenge agency procedures. “APA,” after all, is short for “Administrative Procedure Act”. The APA is less generous, however, with opportunities for regulated parties to challenge policy choices. Courts are not well positioned to review whether a policy shift is a good idea. Instead, courts can review the procedures an agency used to decide to shift the policy. For example, the APA requires agency decisions not be arbitrary and capricious. In claiming arbitrary and capricious agency behavior, parties argue that an agency failed to think about something important or that the agency thought about something in an inappropriate way. If a court agrees, the court can send the policy change back to the agency to think about the issue differently. For example, if an agency is faced with two choices, Policy A and Policy B, and the agency calls a fortune teller to help the agency decide whether to pick Policy A or Policy B, that would be arbitrary and capricious agency action. If an agency fails to adequately consider reliance interests as a part of the deliberation to change policy, that also is arbitrary and capricious.

Professor Damon-Feng is concerned that the claim of **inadequate consideration of reliance interests** is susceptible to “weaponization and abuse” **because the** Supreme **Court has not developed a robust analysis** for courts **to apply** when parties make this argument. Professor Damon-Feng follows the Supreme Court’s reliance interest thread from State Farm onwards. She concludes that the Supreme Court activates the reliance interests/arbitrary and capricious rationale on a seemingly ad hoc basis, with no classification of which reliance interests should matter and when. According to Professor Damon-Feng, not all reliance interests are the same and not all should be the basis of proclaiming agency action to be arbitrary and capricious.

In the DACA case, the Supreme Court concluded that DACA did create legally recognizable reliance interests. The Court concluded that the Trump administration did not adequately consider these reliance interests when deciding to end the policy. As far as what would constitute adequate consideration, the Court appears to demand little. As Professor Damon-Feng explains, the “potentially sharp teeth of **reliance interests** may be **substantially filed down**” if the Court provides easily fulfillable direction to agencies on how to adequately consider reliance interests.

Because President Trump lost the 2020 election, we do not know if a second Trump administration would have succeeded in terminating DACA after complying with the Supreme Court’s direction to consider reliance interests. We have seen, however, how lower courts have used the Supreme Court’s treatment of reliance interests in the DACA case in other contexts. For example, states claimed their reliance interests were not adequately considered in challenging President Biden’s decision to end the Trump administration’s Remain in Mexico program. The Remain in Mexico program required some individuals to wait for their immigration hearings in Mexico. These states were never the subject of the policy (they did not have to wait in Mexico), but the states argued that their reliance interests should matter because the states would be affected by the change in regulation of others.

Professor Damon-Feng thinks that without a more principled framework to guide how courts review agency action that implicate reliance interests there is a risk that claims of administrative reliance will unduly stifle policy change. She identifies agency legitimacy and accountability, stability, and respecting settled expectations as the main values behind administrative reliance. If agencies acknowledge reliance interests but explain why a shift in policy is necessary, that makes the agency more democratically accountable. Consideration of reliance interests also may soften sudden swings in policy and make sure that the agency is considering the effects of upsetting settled expectations.

### AT: ADV CP---2AC

#### A) UBI.

Rachel Minogue 18, Economic Fellow. International Trade Specialist, Professional Services, International Trade Administration. BA, International Studies, Emory University MA, International Economics, Johns Hopkins University, "Five Problems with Universal Basic Income," Third Way, May 24th, 2018, <https://www.thirdway.org/memo/five-problems-with-universal-basic-income>

Many of the most ardent UBI supporters believe the policy is an answer to a world where work is vanishing. This is a popular view in Silicon Valley, where many predict widespread technological unemployment is just around the corner.4 But there is almost no evidence that work is ending. Instead, work is changing.

* The US economy employs more people today than ever, with 37 million jobs added since the introduction of Microsoft Windows in 1993 and 190,000 new jobs created per month over the last year on average.5
* As Baby Boomers retire, the US working-age population will grow more slowly than the economy as a whole. For that reason, the US is just as likely to experience a shortage of labor to fill growing jobs as it is to have a labor market oversaturated with workers.6
* Many professions are rising in demand today, including those in health care, advanced manufacturing, skilled construction, education, technology, hospitality, and business management.
* At this very moment, there are 6 million job openings across the country, more than half of which are middle-class jobs or better.7

While we may see a net gain in jobs over the coming years, disruption will still be rampant. These jobs will be in different locations, require different skills, and offer different benefits. That’s why we need policies that help workers adjust to these new realities—not surrender. Reinventing postsecondary education to create more options outside of a four-year college degree, as well as redesigning worker pay and benefits, would do far more for the next generation of workers.

Economic growth would suffer

With a foundational, albeit limited, income under UBI, some Americans may choose to work part-time instead of full-time. Others may leave the labor force for years when they would have otherwise worked. Eduardo Porter writes that, as almost one quarter of US households make less than $25,000 a year, a $10,000 check each for two parents could change their decisions on how to balance work, child care, and other obligations, resulting in less full-time participation in the labor force.8

If people transition away from full-time work, the US economy would suffer. Macroeconomic theory holds that economic growth is dependent on three factors: increases in capital, advances in technology, and growth of the labor force. UBI has the potential to directly decrease the growth of the US economy, namely GDP growth, through reductions to labor force participation. With GDP shrinking, tax revenues would fall. This would in turn mean fewer resources to help the disadvantaged or to invest in the future, resulting in lower overall prosperity.

UBI is incredibly expensive

The numbers speak for themselves: UBI is either very expensive or very stingy. The progressive version of UBI is expensive to the point of impossibility, while the conservative version is penny-pinching and punitive. Looking first at the former, consider an annual grant of $12,000 for all American adults aged 18 to 64, like Stern proposes. Stern estimates his plan would cost between $1.75 trillion and $2.5 trillion. The high end of this range seems realistic. Almost two-thirds of the population, or 200 million people, would receive a monthly UBI check for $1,000, with a cost of approximately $2.4 trillion every year, or one-eighth of GDP.9 Social Security beneficiaries currently receiving less than $1,000 a month would also get a supplement, adding an estimated $52 billion a year.10 By comparison, our entire existing social safety net costs $2.6 trillion. That includes Social Security, Medicare, Medicaid, Unemployment Insurance, and veterans’ benefits.11

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Unless these critically important programs are eliminated, a UBI program would need to be paid for with higher taxes. It’s not clear whether it’s even possible to raise enough revenue for this initiative. The federal government took in approximately $3.3 trillion in 2017, so a taxes-only approach to funding Stern’s UBI would require an unheard-of 73% increase in federal revenue.12 Even if defense spending was slashed by one-third, for example, a 52% tax increase would still be required.13 Funneling all of a tax increase into UBI would also neglect our existing programs, like Social Security, which needs financial support to remain solvent past 2034.14

Poor families could be left more vulnerable

If significant tax hikes aren’t viable, then the question remains: what gets cut in order to fund UBI? Under this scenario, UBI becomes stingy and punitive, as a vast amount of important government programs would be on the chopping block.

Murray, the conservative UBI proponent, recommends that a $13,000 annual basic income replace all social assistance programs. Consider the value of the benefits people would lose: Medicaid, Medicare, Disability Insurance, the Children’s Health Insurance Program, Social Security, Supplemental Security Income, Unemployment Insurance, SNAP, Section 8 housing vouchers, Pell Grants, the Earned Income Tax Credit, Temporary Assistance to Needy Families. As Dylan Matthews writes, “$13,000 a year doesn’t mean much if you lose insurance that was paying $60,000 a year on chemotherapy.”15

Even a UBI that retains much of the existing social safety net could hit the disadvantaged harder, depending on which tax credits and government assistance programs get cut. Stern listed the Supplemental Nutrition Assistance Program (SNAP), the Earned Income Tax Credit (EITC), and housing assistance as potential policies to end in favor of UBI. But consider one example. In Queens, New York, a single, low-income working parent with three children can receive up to $31,100 worth of benefits annually from SNAP, the EITC, and Section 8 housing vouchers alone, and for good reason.16 Replacing those benefits with a $12,000 UBI for the parent would reduce the family’s income and benefits by $19,100.

A fundamental motivation for UBI is to eliminate poverty, but the tradeoffs necessary for funding would likely cause harm to vulnerable populations. This begs the question: If the main difference between UBI and our current safety net is that UBI gives relatively more to people who don’t need help, what would make UBI worthwhile? Some proponents have suggested UBI could be restricted to certain populations in need, but that would defy the universality at the idea’s core. At this point, what they are really proposing is an expansion of the existing safety net. That’s a worthwhile conversation to have, but it’s not about a *universal* basic income.

The idea has been scarcely tested

There are a handful of past and ongoing experiments with UBI. Unfortunately, the experiments have been flawed or are too small to effectively prove that UBI could live up to some of its proponents’ claims:

* Finland’s national social insurance institute, Kela, launched a UBI trial experiment in 2017, with 2,000 Finns aged 25 to 58 receiving approximately $645 per month. A year into its implementation, the Finnish government refused to continue its funding in April 2018, choosing instead to pursue alternative social welfare projects.17
* The Alaska Permanent Fund provides an annual cash dividend to all Alaskan residents from oil reserve royalties. The grant’s amount, in recent years roughly $2,000 per person, is far too small to be a livable income and thus has minimal effects on the labor market and is a poor comparison to popular UBI proposals.18
* An experiment in Kenya launched by Give Directly in late 2017 compares different UBI methods across 120 villages. According to Business Insider, residents of 40 villages receive $270 annually for 12 years, “effectively doubling most people’s income,” while 80 villages receive the same amount for 2 years.19 While this experiment could produce more compelling evidence than prior trials, Kenya’s economy is at a very different stage of development compared to the US which limits the study’s relevance.
* Silicon Valley startup accelerator Y Combinator in 2017 began a five-year experiment in giving 1,000 people $1,000 per month and 2,000 people $50 a month, aiming to assess changes to the labor force and quality of life.20 This evaluation could yield important results given its similarities to leading proposals but is still early in the experiment.

It will be interesting to see what comes out of future studies and experiments. But policymakers should be wary of studies that simulate the upside of UBI (a monthly income) without simulating its downsides, namely sweeping benefit cuts or tax increases.

Conclusion

The motivation behind most universal basic income proposals is admirable: reduce widespread poverty and provide lifelong income security to all. But a UBI in reality would likely fall far short of eliminating poverty while imposing large economic costs and ignoring future opportunities for work. It also ignores that American life is rooted in a civic tradition of earning. Seventy-three percent of Americans believe working hard is “very important to getting ahead in life.”21 That’s the highest among advanced economies, with the United Kingdom second at 60% and Germany (49%), Japan (42%), South Korea (34%), and France (25%) far behind.22

### AT: Shutdown DA---2AC

#### 1. Won’t pass, even with PC OR passage inevitable.

Terry Gerton 9/22, Reporter for the Federal News Network; Mitchell Miller, Capitol Hill Responder at WTOP, “There’s no Clear Path to avoid a Government Shutdown,” Federal News Network, 9/22/25, https://federalnewsnetwork.com/congress/2025/09/theres-no-clear-path-to-avoid-a-government-shutdown/

Mitchell Miller I think that the viable path to avoiding a shutdown, unlike in past showdowns where we’ve had this before, it’s really almost closed. There’s a very slight glimmer maybe that something could happen at the last minute. You never know with Congress, but I think we really are trucking right down the road toward a shutdown because there doesn’t seem to be any even alternate ramp that we usually see in these kind of showdowns. For example, the House, before they left on Friday, they said, oh, by the way, the House leadership said we are not coming back on the 29th or the 30th. Obviously, the 30th is the key deadline date. So essentially, what they are going to do is politically jam Democrats and dare them not to do something on the Senate side with Senate Republicans. And unlike what happened in March — when Senate Minority Leader Chuck Schumer got a lot of grief for, a lot of people said he caved to what Republicans want — this time, Democrats are really basically all on board with the position that they’re taking, which is they have decided to put all their chips in on saying that it’s the Republicans’ fault because they are not negotiating on these key issues related to these Affordable Care Act tax credits, along with other various issues. We’ve talked about the security issue, and they’re essentially just saying that Republicans are trying to go it out alone, and this is not the way it’s been done in the past. Now, Republicans, on the other hand, as I noted earlier, they’ve said, look, this is a clean CR. This is essentially what we always talk about, wanting to buy more time so that we can get through to November 21st, in this case, because that’s where this legislation would extend funding to, and then we can do the appropriation work that we always do in Congress. But as we’ve talked about before, the appropriations process is now really poisoned for a lot of reasons and I just don’t think that there is any reason that we are not going to have a shutdown.

Terry Gerton Has the White House weighed in at all? There’s always talk about who’s going to get blamed if there’s a shutdown, and sometimes it reverts back to the President and his team.

Mitchell Miller Right. And in this case, I think the White House feels confident that the Democrats are going to get the blame. The Democrats, of course, say, well, the Republicans are, they control all the levers of power. They control the White House. They control all of Congress. They have extra votes on the Supreme Court. But the White House basically told Republicans, stick with this clean CR and then we’re going to push the blame on the Democrats. The Democrats, it’s a big gamble for them because when you’re the party that is trying to do something in addition, as we’ve seen in these past shutdown confrontations, I think it’s easier for the White House to say, well, the Democrats always talk about how they want government agencies to be open, they’ve complained about us making cuts, and now they want to shut the government down. I can almost hear the President making these arguments as we get closer to the deadline. The Democrats, for their part, they are going to really be pushing this message on these healthcare issues.

#### 2. Compartmentalization solves.

Dr. George C. Edwards 16 III, Distinguished Professor of Political Science and Jordan Chair in Presidential Studies at Texas A&M, 2016, “The Potential of Presidential Leadership”, Study Done for the White House Transition Project

The best evidence is that presidential persuasion is effective only at the margins of congressional decision making. Presidential legislative leadership operates in an environment largely beyond the president’s control and must compete with other, more stable factors that affect voting in Congress in addition to party. These include ideology, personal views and commitments on specific policies, and the interests of constituencies. By the time a president tries to exercise influence on a vote, most members of Congress have made up their minds on the basis of these other factors.

#### 7. Even Republicans like the plan.

Dave Jamieson 2024, HuffPost’s labor reporter, “Is JD Vance Really A Friend Of Labor?”, July 20, https://www.huffpost.com/entry/is-jd-vance-really-a-friend-of-labor\_n\_669abc6ce4b0e970797291db, accessed 8-30-25, HMc

Vance told the New Statesman earlier this year that he endorses a form of European-style sectoral bargaining, where wages and working conditions are set through a collective bargaining agreement that covers a broader industry, as opposed to a single employer. Sector-wide bargaining is a mainstream idea embraced by many on the labor left who believe the U.S. system of enterprise bargaining under the National Labor Relations Act ― unionizing one Starbucks at a time, then spending years fighting for a contract ― is broken.

Cass acknowledged some conservative politicians might latch onto these ideas out of nothing more than political expedience. Union favorability is near a six-decade high, and unions’ approval among Republicans has risen more than 20 points since 2011, up from 26% to 47%, according to Gallup. But Cass insists something bigger is going on.

“At a more intellectual level, this is part-and-parcel of the broader rejection of market fundamentalism, and kind of taking seriously the question of what the right rules and institutions are to actually have capitalism work well at all.”

### Market DA

#### Cyberattacks don’t escalate. Empirics and wargames prove they’re de-escalatory.

Dr. Brandon Valeriano et al. 25, PhD, Lecturer, School of Social & Political Sciences, University of Glasgow. Bren Chair, Military Innovation, Marine Corps University. Senior Advisor, Cyber Solarium Commission. Senior Fellow, Cato Institute; Dr. Ryan C. Maness, PhD, Director, Information Operations for Research, US Department of Defense. Assistant Professor, Department of Defense Analysis, Naval Postgraduate School; Dr. Benjamin Jensen, PhD, Professor, Marine Corps University School of Advanced Warfighting. Scholar, School of International Service, American University. Senior Fellow, Atlantic Council. Former Senior Research Director & Lead Author, US Cyberspace Solarium Commission, "Cyber War," in What Do We Know about War?, Chapter 12, 2025, pg. 221-224.

Escalation is defined as an increase in the nature or intensity of conflict. Extending escalation theory to **cyber space** would include situations in which “the target responds with **more intense** and **costly** cyber means (cyber escalation within the domain) or through **breaching** the cyber-kinetic threshold (crossdomain escalation)” (Borghard and Lonergan 2019: 123). Libicki (2016) simplifies cyber escalation into two factors: intensity (striking deeper, lasting longer) or more extensive (striking new targets), plus adds the consideration that an attack in cyber space can escalate to an attack on physical space.

Cyber escalation is then defined as a reaction with digital tools that increases intensity or aggression or that spreads the scope of conflict after an initial move in the digital domain. Theoretically the cyber domain can contain escalation because of the uncertainty introduced by cyber weapons (Buchanan 2016). There is also the aspect of civilian punishment, attacks that hit what might be deemed off-limits civilian systems, provoking escalation due to the violation in norms between two actors.

In **practice**, however, cyber escalation is **rare**. Stuxnet (2007–2010) is **often cited** as the prime example of cyber escalation yet, put in the context of the wider dispute between the West and Iran over the development of nuclear weapons, the Stuxnet attack is actually a **de-escalatory move** because the other options on the table at the time were **conventional** strikes that would have caused death and destruction.

Talmadge (2019a: 864) makes the point that technology itself is **rarely a sufficient condition** for escalation, “cast[ing] doubt on the idea of **emerging technologies** as an **independent**, primary **driver** of otherwise avoidable escalation.” Technology became the **mask** for the processes that enable escalation, rather than the **cause** of escalation itself. It is not the domain that produces escalation, but the action in the domain that produces outcomes.

We have **ample empirical evidence** that **escalation is limited in the cyber domain**. Even in its simpler form, there is **little retaliation**, let alone escalation, in the domain or even out of the domain when cyber actions are the **triggering** events. When conflicts do escalate in cyber space, we observe **limited engagement** between the parties unless there is **already** an outright war. As Valeriano, Jensen, and Maness (2018: 18) note, “even when cyber exchanges **between rivals** escalate, they remain **limited in scope** outside of ongoing military conflict. That is, rivals may use cyber operations to probe the enemy, test their resolve, and signal the risks of significant escalation.

**Data analysis** supports these positions and is developed here from established data and taken from ongoing projects to support our background investigation into cyber escalation processes (Maness, Valeriano, and Jensen 2019). Table 12.4 shows the **response patterns** between the **U**nited **S**tates and its four major adversaries (**Russia**, **Iran**, **China**, and **No**rth **Ko**rea) in the cyber domain, as well as how each country responds to a cyber operation with a **retaliatory** cyber operation. Table 12.4 utilizes the cyber operation severity score from the DCID version 1.5 that measures the impact and national security importance of each state-initiated cyber operation between the years 2000–2016 between rival states (Maness, Valeriano, and Jensen 2019). The scale is interval and ranges from 1 to 10.

Table 12.4 shows that the United States is often on the receiving end of retaliation at a higher rate than expected. However, these responses to US cyber actions do not indicate within-domain escalation. The severity levels with a response score of 2 were retaliatory to US actions that were of a higher severity level. Of the seven actions at the severity level of 4, three represent a decrease in the initial attack severity and four represent an increase by one tick in severity. The only other country that witnesses a statistically significant level of retaliation at a greater rate than expected is Iran, which is wholly due to US or Israeli operations. China’s significant negative relationship with its severity score of 2 shows that it prefers higher levels of severity when it retaliates in the cyber domain. Many of the Chinese incidents involve entanglements with the United States, which is another great power with vast cyber capabilities. This propensity to use **more severe** attacks does **not** denote escalation, however. Escalation is **rare in digital interactions** as measured by **rival** states from 2000 to 2016.

[Figure omitted]

Table 12.5 shows how responses are related to the overall cyber strategy of the initiating states. In terms of response severity by strategic objective, disruptive efforts by initiating states are usually met with **retaliatory disruptions**, further indicating that the cyber domain is, for the most part, **non-escalatory**. Espionage campaigns are also commonly met with cyber operations that either steal or signal capabilities or displeasure for the originating action, but do not lead to a **tit-for-tat** escalatory ladder, as indicated in Table 12.2. Only occasionally do we see disruptions or espionage operations escalate to the severity level of 5, with this happening only five times over the 2000–2016 period.

Results from **war games** have demonstrated the **complicated** empirical picture of the escalation landscape in cyber space (Schneider 2017). After examining war games from 2011 to 2016, Schneider finds that government officials were **hesitant** to use damaging cyber weapons. Most games only witness the use of cyber capabilities after the onset of conventional warfare, not before. For Jensen and Banks (2018), in the context of cyber options, escalation was the **exception, not the norm**.

To explore escalation when cyber options are present within the context of integrated options of national power, Jensen and Valeriano (2019) ran a series of war games on 259 participants, including members of the military, students, and policymakers. The simulation situated participants in a typical crisis that was **highly likely** to escalate given a **rivalry** situation over an **ongoing territorial dispute** when the crisis under examination was the third in a series over a five-year period.

The results **demonstrated** that escalation is not the norm. Based on a general baseline for all international conflict situations, most options fell below the 48 percent threshold. In fact, the only instance where escalation was the dominant option was when a cyber action started the crisis and the target had no cyber response options. This suggests there are implications of attacking a state with cyber options when they do not have the ability to respond within the domain. In **most** other situations, we witness **few demands for escalation** when cyber response options are on the table.

Overall, **regardless of the situation**, cyber escalation is usually **not** the dominant response. The reality is that even under dangerous conditions cyber response options can **actually moderate** crisis response patterns. Surveys demonstrate a great amount of **fear** in the cyber domain, but this **does not motivate overreaction** (Gross, Canetti, and Vashdi 2017). Figure 12.2 shows the results from a cyber campaign–directed dyads data set. What is measured in what follows is whether the combined cyber operation, which includes diplomatic, economic, and military variables extracted from ICEWS (Boschee et al. 2018), has escalatory responses from the target from all four domains recorded in the campaigns. For a cyber response to be recorded, the target responds within one year from the start date of the original cyber operation from the initiator for disruptions and degradations, and from the date the operation becomes public for espionage operations. For a diplomatic response, the time frame is one month (thirty days) after the cyber operation’s initiation or public reporting, and for economic and military responses, the time frame is three months (ninety days) after the same criteria regarding the cyber operation. For cyber escalation, the severity score must go up at least one point regarding the cyber response. No cyber responses at the same severity score are included. For conventional responses, we use the Conflict and Mediation Event Observation (CAMEO) conflict-cooperation scores to measure escalation (Schrodt 2012). The CAMEO scale ranges from −10 to 10 where the more negative score, the more conflictual and the more positive score, the more cooperative the foreign policy action. If the conflict scores from each domain are lower (more negative) from the target state in retaliation for the cyber incident, escalation in each domain is recorded.