## 1

### Arrogance---Impact---2AC

### Education---Impact---2AC

## 2

## Movements DA

### U---1AR

#### They’re toothless and NONEXISTENT.

Erik Loomis 9-1-2025, Historian of Labor who writes extensively about unions, politics and workers, "Trump Is Wiping Out Unions. Why Are They So Quiet?," https://www.nytimes.com/2025/09/01/opinion/trump-unions-labor.html

Mr. Trump and his administration have unilaterally stripped collective bargaining rights from hundreds of thousands of federal workers. At the Department of Veterans Affairs alone, 400,000 workers, or 2.8 percent of America’s unionized workers, have lost their collective bargaining rights because of an executive order that will eventually affect more than one million federal workers. Mr. Trump ushered in Labor Day weekend on Thursday by continuing his assault of federal unions, adding the Patent Office, NASA and the National Weather Service to his list of targeted agencies.

Despite this assault on their very existence, we have barely heard a peep from unions. Where is organized labor in the public fight to maintain union jobs, stop the stripping of the safety net and lead the fight for democracy? Other than some statements and angry speeches, the movement has been muted.

#### Movements cannot translate into material gains.

Hamilton Nolan 25, longtime journalist and writer on labor and politics, and a union activist, 8-10-2025, "Fragile Movements Crumble," https://www.hamiltonnolan.com/p/fragile-movements-crumble

The labor movement’s weakness is not and has never been the working people. As a labor reporter, you could spend your entire career going around the country talking to the most inspiring people you have ever seen, engaged in the most inspiring fights for their own rights. People are willing to fight. That willingness increases in proportion to the injustice they experience. So right now, the appetite for a righteous fight among working people is high.

No, the labor movement’s weakness has always been its ability to translate that latent appetite for power among workers into concerted national actions that build power for the entire working class. Our weakness is at the top. That translates to weakness at the bottom, because a failure of union leadership to take seriously their responsibility to organize every worker translates into a failure to invest enough in new organizing which translates into sub-6% private sector union density which translates into a pretty ~~fucking~~ small army when it’s time to go to war. Also, a failure of union leadership to really grasp how fucked we are right now—to understand the existential nature of today’s threat to the very concept of democratic worker power—results in the lack of urgency and street-level action that we now see.

#### Organization. It’s impossible now.

Hamilton Nolan 25, longtime journalist and writer on labor and politics, and a union activist, 8-20-2025, "Three Crises of Labor," https://www.hamiltonnolan.com/p/three-crises-of-labor

In the middle of the 20th century, one in three American workers was a union member. Last year, that portion fell to less than one in ten. The most fundamental thing holding back union power in this country is: There are just not enough union members.

In order to be strong, the labor movement must by necessity be a mass movement. “Working people,” as a category, represents the majority of adults. Organized labor is responsible for all of them. When only one in ten workers has a union, the entire function of organized labor is undermined. Unions cannot credibly claim to represent the entire working class. More importantly, the key political and economic purpose of unions—to counterbalance the power of organized capital—does not work. The investors class has been able to get so strong because the working class has gotten weak as a result of the decline of union density.

The theory of organized labor’s institutions has long been that increased political power would lead to an increase in organizing power and then the expansion of union density. The numbers tell us that that plan has been failing for 70 years. Joe Biden was the most pro-union president of my lifetime, and union density continued to decline during his administration. Expanding and scaling up union density even under the best of circumstances will require a vast new investment by unions. They have not made that investment. Nor have they given any signal, collectively, that they intend to make such an investment, or even that they understand that such an investment is necessary.

#### Politically. Trump decimates momentum.

Hamilton Nolan 25, longtime journalist and writer on labor and politics, and a union activist, 8-20-2025, "Three Crises of Labor," https://www.hamiltonnolan.com/p/three-crises-of-labor

The Trumpian version of fascism can be seen as a side effect of the rising inequality and oligarchy enabled by the crushing of working class power. It’s not that the rich wanted Trump, specifically; it’s that the rich recognized that they needed to undermine democracy in order to consolidate their own power, and Trump is the noxious gas that rushed in to fill the vacuum. It remains to be seen whether the tacit agreement of corporate America to fund and support Trump’s ego and corruption in exchange for favorable treatment for themselves is stable enough to survive the significant negative global shocks that Trump’s insanity produces. What is clear is that zero resistance to fascism, or defense of democracy, will be coming from the American business community. They have made the calculation that tax cuts, deregulation, and right wing judges are worth whastever horrific long term price the Trump era will extract on all of us.

For working people, the direct damage of Trump’s second term will be immense. Immigrant workers will be abused, imprisoned, and deported; women and minorities in the workplace will find themselves marginalized and subjected to forms of institutionalized racism not allowed to flourish so freely since the civil rights era; unions will find the legal structure protecting their existence stripped away; employers will feel empowered to act even more lawlessly against their workers; the wealthy will be enriched at the expense of everyone else, who will be saddled with fewer legal protections, worse health care, and less economic security.

I am not even touching on the troops in the streets, and how far that might go.

In an ideal world, strong unions would mobilize and form the front line of the resistance to Trump’s entire political project. In the real world… weakened, shaky unions will still have to mobilize on the front lines of this resistance, because failing to do so is going to mean their own destruction. With the exception of some notable pockets of heroism, the response of the leading institutions of organized labor thus far has been dispiriting. The longer they take to wake up to the precarity of their own position, the harder the fight they will have.

All three of these crises feed into one another. The lack of union organizing made the power of the working class weaker, which enabled the right wing to grow strong enough to produce the political crisis, and to arrange the legal chessboard in their favor to produce the legal crisis. None of these crises are new—what distinguishes the moment we are living through is that all of them are coming to a head at the same time. After 50 years of basking in the comfortable illusion that their decline was not terminal, labor unions are now faced with doom converging on them from three directions at once. As with all consequential illusions, you can only hope that it dissipates before it causes you to unwittingly destroy yourself.

#### They’re afraid.

John Logan 25, Ph.D., U.S. labor history, University of California, Davis, is an expert on the anti-union industry and anti-union legislation in the U.S, 1-28-2025, "Corporate union busting in plain sight: How Amazon, Starbucks, and Trader Joe’s crushed dynamic grassroots worker organizing campaigns," https://www.epi.org/publication/corporate-union-busting/

These tactics create a climate of fear and intimidation around worker organizing

Workplace organizers at Starbucks, Amazon, and Trader Joe’s report that union busting has had a devastating impact: Workers have been scared out of supporting unions; elections have been lost that otherwise would have been won; workers have stopped organizing after witnessing anti-union discrimination at other stores; and unlawful union busting has created a powerful chilling atmosphere when it comes to support for unionization (Logan 2021a; Greenhouse 2023; Brisack 2025). Corporations want workers to believe that the real choice they are facing is not between a union or no union, but between a union or their job (Logan 2022d; Brisack 2025) and that they will suffer negative consequences, individually and collectively, should they vote to unionize (Logan 2012).

In addition to intimidating and coercing workers, corporations manipulate the election process, forcing delays by filing frivolous, unnecessary litigation to disrupt the momentum of organizing campaigns. Campaigns cannot stop and start while the legal process plays out—a process that often takes years to resolve. When it comes to worker organizing at mega-corporations, time is on the side of the lawbreaking corporations. The last few years have shown that corporations with the resources and the stomach for a fight—i.e., the willingness to break the law to break the union—will prevail over worker organizing in most cases (Logan 2021a; Bahat and Kochan 2023). Were it not for this corporate lawlessness, we would likely have unions at thousands of Starbucks cafés, scores of Trader Joe’s stores, and dozens of Amazon facilities (Greenhouse 2023). Not content with breaking the law with virtual impunity, Amazon, SpaceX, and other major corporations are currently challenging the constitutionality of the 90-year-old National Labor Relations Board (NLRB)—an extreme legal position that would have been almost unimaginable just a few years ago—and both Starbucks and Trader Joe’s have used these constitutional arguments when opposing NLRB complaints (Greenhouse 2024a).

#### Movements are shot.

Hamilton Nolan 25, longtime journalist and writer on labor and politics, and a union activist, 1-31-2025, "Dark Times Are Coming," https://www.hamiltonnolan.com/p/dark-times-are-coming

The Labor Movement’s Own Weakness

All of these political and legal realities raise the related question: Are unions ready for this? The answer is “no.” An unfortunate but probably inevitable truth is that big unions that have operated in the framework of the NLRA and the NLRB for 90 years are built from top to bottom to work in that framework. There is no reason to believe that the majority of unions will nimbly adapt to a world in which they cannot file ULPs and they cannot get the NLRB to schedule union elections and they cannot get their contracts enforced in a timely manner. Most unions today simply are not built for these harsh realities. They are like astronauts who have been in space for 90 years and are now about to be subjected to earth’s gravity once again. You can bet that they will be crawling on their knees for a while.

Consider, for example, public sector unions. Government workers. In one sense, the public sector is the heart of American union power, since about a third of public sector workers are union members and less than 6% of private sector workers are. But are these public sector unions prepared for what is coming? I would love to say “yes,” but I see little evidence of that. These unions are legalistic, bureaucratic, political entities. (Some much more than others; teachers, for example, have a much stronger track record of street fighting than, say, unionized employees of federal government agencies. I am not trying to smear anyone here, but rather to just lay out the general reality of the landscape in broad strokes.) They primarily exercise power by aligning themselves with friendly politicians, pushing legislation, filing lawsuits, and bargaining and enforcing contracts. You will notice that none of those tactics are going to be very effective in the current moment—the friendly politicians are out of power, the regulatory agencies are being dismantled, and the courts are captured by the right wing. You are about to watch the unions that represent federal government employees be steamrolled because they have built themselves to center their power in the law, rather than in the power to strike. When the law disappears, and you have allowed your strike muscles to atrophy, you have no real weapons left.

It is illegal for many public sector workers to strike. This part of the law, which hobbles labor power, will continue to be strenuously enforced, at the same time that the parts of the law that enable labor power will be dismantled. The only question is whether unions and workers continue to follow the law that does nothing but hold them back, or not.

Besides being legalistic machines in a newly lawless environment, the other problem is that unions have failed to maintain their membership. They have not taken the need to organize new workers seriously enough. After WW2 one in three American workers was a union member, and today fewer than one in ten workers is a union member. This is the result of concerted oppression by business and government, but it is also the result of major unions that have not invested in turning those numbers around, because they imagined that they would be okay tending to their shrinking walled gardens. Now, that bill is coming due. Unions have gotten small enough to fit under the oligarchy’s thumb. That’s what happens when you don’t get all the people. Your army is too small. This was a problem decades in the making. We are moving towards the bitter consequences.

Just days ago we found out that union density in America has fallen into the single digits. This is a situation that has never existed in the lifetime of anyone reading this. It is a profoundly ominous milestone for anyone who cares about inequality or the state of the American class war. And, as far as I could tell, it passed completely unremarked upon by labor unions. When the union density statistics are released every year, unions prefer to either highlight the raw number gains and ignore the declines in overall union density, or to decry the fact that labor laws are bad, like delusional wretches in a dungeon asking to file formal complaints against their torturers. What they need to do is spend every last cent trying to organize enough new workers to give themselves a proper army. The best time for them to have done that would have been 50 years ago, but the second best time is today.

Everything I have said here is familiar to the leaders of organized labor’s institutions. None of it is meant to disparage the thousands—millions!—of brave workers and activists who continue to work hard and take great risks to build the labor movement every day. But to the extent that any of you are concerned about the way that this country’s long-running class war is flowering into full, grotesque oligarchy before our eyes, it is important to understand that the conditions for labor for the foreseeable future are very, very grim. We need to understand and accept this as a first step to remaking our unions into fighting machines that can operate in an environment that will, I’m confident to say, soon be more hostile to our rights than it has been in at least a century.

### No Link---1AR

### IL---1AR

### Imp---1AR

## States

### AT: Worker Board

### AT: Protect Religious Teachers

### Solvency---Preemption

#### Prefer RFRA specific evidence.

Charlotte Garden 16, Associate Professor of Law at Seattle University School of Law, 2016, “Religious Employers and Labor Law: Bargaining in Good Faith,” Boston University Law Review, vol. 96, no. 3, pp. 142, https://www.bu.edu/bulawreview/files/2016/03/GARDEN.pdf.

A broad range of arguably religious beliefs might form the basis of RFRA claims for exemption from labor law. To take an easy example, as early as the early 1930s, Anabaptist and Mennonite leaders both condemned membership in labor unions and sought to discourage labor unions from forming in businesses owned by co-religionists.181 Seventh Day Adventists have long taken a similar position.182 It is a straightforward matter to categorize such beliefs, when held by modern-day adherents of those faiths, as religious.183 Thus, when a hospital managed by the Seventh Day Adventist Church argued that it should be exempt from the NLRA under RFRA, the NLRB had no difficulty in categorizing the objection as religious in nature, even though it ultimately rejected the employer’s RFRA claim.184

#### Preemption is certain. AND, it can’t solve doctrinal stability.

Charlotte Garden 18, JD, Associate Professor, Law, Seattle University School of Law, "Religious Accommodation at Work: Lessons from Labor Law," Connecticut Law Review, Vol. 50, No. 4, pg. 855-876, December 2018, HeinOnline. [italics in original]

Cases about religious accommodations for employers could be recharacterized as cases about the scope of employer control.47 When employers successfully press religious liberty claims, the effect is deregulatory 48 ---certain employers are freed to exert control over or impose conditions on their employees in ways that would otherwise be unlawful. 49 Looking at these cases through this lens, readers can group religious freedom cases involving employers with cases arising in other areas of law (including labor law) that reflect explicit or implicit assumptions about enterprises' managerial prerogatives. ° Indeed, others have convincingly pointed out that many aspects of labor law reflect courts' assumptions about the scope of legitimate employer control; 51 religious accommodation cases seem to reflect the same judicial impulse, at least in part.

For example, as described in the previous section, deference to employer control is reflected in the way the *Catholic Bishop* Court articulated its reasoning, including in its observation that collective bargaining would "encroach[] upon the former autonomous position of management."52 That same impulse is also reflected in the handful of later Supreme Court cases in which religious employers have successfully claimed statutory or constitutional exemptions from certain minimum labor standards based on their religious beliefs. (The primary exception, in which an employer seeking a religious accommodation lost at the Supreme Court, involved a religious employer seeking an exemption from the minimum wage. 53) In contrast, the Court's cases involving religious accommodations for employees have had far more mixed results.

Post-*Catholic Bishop* cases in which employers won their religious exemption claims include *Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints v. Amos*, 54 and *Hosanna-Tabor Evangelical Lutheran Church & School v. EEOC*,55 in addition to *Hobby Lobby*. The issue in *Amos* was whether Title VlI's exemption for religious organizations violated the Establishment Clause, particularly as applied to employment decisions involving employees who had secular duties-in *Amos*, a building engineer employed at a gymnasium that was open to the public.56 The Court held that Congress could reasonably have decided to draw the exemption broadly in order to remove from religious organizations the "significant burden" of "predict[ing] which of its activities a secular court will consider religious."57 In other words, the Court upheld Congress's decision to extend Title VII's statutory exemption to cover secular employees of religious organizations because a narrower exemption might result in litigation and therefore chill religious employers in their choice of co-religionists for some jobs.

In *Hosanna-Tabor*, the Court held that the "ministerial exception" was an affirmative defense to a ministerial employee's discrimination lawsuit, because churches had the right under both religion clauses to choose whom to employ as their ministers.58 In that decision, the Court equated managerial rights with the core of religious freedom, contrasting "outward physical acts" such as religiously motivated peyote use, with employment decisions that would "affect[] the faith and mission of the church itself."59 Thus, while the Court recognized that both peyote use and hiring or firing a ministerial employee could be motivated by religion, only the latter gives rise to an exemption from generally applicable law, a distinction that has been criticized by some commentators. 60 Additionally, the *Hosanna-Tabor* Court suggested the decision may not extend to employment eligibility cases-as Christopher Lund puts it, cases implicating the relationship between the employer and the government. 61 Thus, whereas it is easy to imagine a church arguing that its ability to hire a minister without work authorization in the United States was an employment decision that implicated its "faith and mission," the ministerial exemption likely does not apply.62 In other words, employment law is different: whereas many sorts of generally applicable laws may apply equally to churches as to other institutions, employment law does not.

The exemptions in *Catholic Bishop* and *Hosanna-Tabor* have at least two important similarities. First, neither the *Catholic Bishop* nor the *Hosanna-Tabor* standard demands that employers attempting to qualify for protection under either case actually state that an accommodation was necessary because of a conflict between their religious beliefs and secular law.6 3 Thus, a parochial school can avoid NLRB jurisdiction even if its leadership does not believe there is a conflict between collective bargaining and their religious commitments, and it can fire a ministerial employee for no reason other than a desire not to pay the costs involved in providing a reasonable accommodation that would otherwise be required under the Americans with Disabilities Act. Second, in neither case did the Court consider whether there was a way to compensate employees in part for their lost statutory rights and protections-instead, the only choices for employees who have lost statutory protections under either of these cases are to grin and bear it or to quit.64

For another indication that ideas about the importance of employer prerogative play at least an implicit role in religious accommodation disputes, we might look to cases involving the religious exercise rights of employees. That is, if norms about employer control influence congressional or court decisions about the scope of religious accommodations, then we would expect religious accommodations for employees to be narrower than accommodations for employers. And indeed, this is the case. Title VII of the federal Civil Rights Act contains protections for religious employees, including those who need an accommodation because their religious practices are inconsistent with employer work rules.65 However, Title VII's religious accommodation provision applies only if the desired accommodation does not cause "undue hardship on the conduct of the employer's business," 66 and the Supreme Court has held that an undue hardship includes anything that qualifies as "more than a de minimis cost."6' 7 As others have observed, this is a major limitation that sharply diminishes the usefulness of Title VII for religious employees, in contrast to its broadly protective approach to religious employers, as seen in *Amos*.

Moreover, the Supreme Court has held that there are limits to states' abilities to compel employers to accommodate religious employees. In *Estate of Thornton v. Caldor*, the Court struck down on Establishment Clause grounds a Connecticut statute that gave every employee an absolute right to refuse to work on his or her Sabbath.6 8 The Court's reasoning focused mainly on the burdens imposed on employers when employees exercised their rights under the statute. For example, the Court wrote that:

There is no exception under the statute for special circumstances, such as the Friday Sabbath observer employed in an occupation with a Monday through Friday schedule-a school teacher, for example; the statute provides for no special consideration if a high percentage of an employer's work force asserts rights to the same Sabbath. Moreover, there is no exception when honoring the dictates of Sabbath observers would cause the employer substantial economic burdens or when the employer's compliance would require the imposition of significant burdens on other employees required to work in place of the Sabbath observers. Finally, the statute allows for no consideration as to whether the employer has made reasonable accommodation proposals. 69

In that passage (and elsewhere in the opinion), the Court mentions both employers and nonadherent employees, seemingly expressing concern about the statute's effect on both groups. But closer inspection reveals that the Court's primary concern was the statute's infringement on employers' managerial prerogatives. First, there is the purpose of the statute itself, which was concerned with limiting employers' authority to fire workers at will for a single reason: refusing to work on the Sabbath. It did not, however, require employers to respond to that limitation by forcing existing employees to cover for their Sabbath-observing coworkers; instead, employers could have adjusted their opening hours or hired more employees who were willing to work weekends. Second, each of the burdens in the paragraph above is phrased in terms of restrictions or inconveniences that befall employers, not employees; even where employees are mentioned, it is in terms of the employer having to "impose" significant burdens on them-a construction that brings to mind an autocratic employer that adjusts to life under the statute by forcing unwilling (but nonreligious) employees to work on their coworkers' Sabbaths instead of taking any of the other available paths.

Taking these cases together, a picture emerges: where employers' rights are concerned, Congress and the Supreme Court have been willing to grant exemptions even at the cost of fundamental statutory protections for employees. Conversely, where employees' religious liberty rights are at stake, the Court has interpreted narrowly or even struck down the relevant statutes-again preserving employer control.70