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**CONTENTION 1: Trading Life (3:07)**

**NAFTA has traded away the lives of workers. Mexican maquila employees suffer from a fatal indifference where corporations care more about rapid production of goods, and workers are treated as insignificant cogs in the wheels of production.**

**Arriola, 7**

Elvia R., Professor of Law - NORTHERN ILLINOIS UNIVERSITY, Seattle Journal for Social Justice, Vo. 5, Issue 2, Spring/Summer

**Claudia Ivette-González might still be alive if her employers had not turned her away. The 20-year-old resident of Ciudad Juárez**-the Mexican city abutting El Paso, Texas-**arrived at her assembly plant job four minutes late one day** in October 2001. **After management refused to let her into the factory, she started home on foot. A month later, her corpse was discovered buried in a field** near a busy Juárez intersection. **Next to her lay the bodies of seven other young women. In less than a decade, a city that once had very low homicide statistics now reports that at least 300-400 women and girls were killed between 1994 and 2000. Along with an increase in murder rates, the rates of domestic violence have increased** **as the border town** of Ciudad Juarez **has experienced heavy industrialization** since the signing of the North American Free Trade Agreement (NAFTA). Some murders have fallen into a bizarre serial killer pattern while others have been suspiciously linked to illegal trafficking gangs with money. Others clearly involve abductions of young, female maquiladora workers who never made it to or from work and whose bodies were later found dumped in Lomas de Poleo, the desert that surrounds Ciudad Juárez. **Many of the murdered women have been raped, beaten, or mutilated.** In Mexico, the maquiladora worker is someone typically without much education or property and is often a migrant from an even poorer region of the country. **Thousands of workers in these factories eke out sad lives in shantytowns without water, electricity, or public lighting**. Dozens of families may stake out plots of land near public utilities or the industrial parks. There they camp out for years, pirating essential public services and building by hand or hiring itinerant laborers to build a shack out of sticks, cardboard, rags or discarded constructor's platforms. Some make home next to trash dumps. They walk on unpaved stretches of land that flood during storms. **Although news of the murders has generated much public discourse** about the injustices taking place in Ciudad Juarez, **an important factor is constantly overlooked in the discourse. What about the environment allowed the violence to take place? What about the fact that the government is in a cozy relationship with the CEOs of major corporations who come in to Mexico,** lease large plots of land, set up factories with 24/7 operating schedules, pay no taxes, **do little to make sure the workers they employ will have a roof over their head, a bed to sleep in and enough money to feed their families?** What about the fact that the very girl whose body was found mutilated and dumped had worked hard, very hard, for one of those factories trying to improve her lot and that of her family? **What of the fact that the** same **attitude about the murders - we are not responsible - is reflected in the policies of employment that encourage indifference to the workers needs** or human rights whether in or out of the factories? This paper argues that **the Juarez murders are an extreme manifestation of the systemic patterns of abuse, harassment and violence against women who work in the maquiladoras, whose treatment derives from privileges enjoyed by the investors who employ them** pursuant to the North American Free Trade Agreement. I begin by acknowledging that there is a critical relationship between women, gender violence and free trade as noted by Professor Weissman and others, but I also seek to understand how **the absence of regulation to benefit workers in standard free trade** law and policy **perpetuates the degradation of maquiladora workers and produces environments hostile to working women's lives, including discrimination, toxicity in the workplace and threats of fatal assault. The unquestioned right to exploit the mostly female working poor incites gender violence while it makes Mexico a major player in global economic politics,** even if rapid industrialization is encouraging more domestic violence and occasional incidents of female murder. I. BEAUTY AND PAIN: GLOBALIZATION AND THE WOMEN OF THE MAQUILADORAS A. Gender and Globalization at the Mexican Border: before and after NAFTA. Globalization today has its fans and its critics. To some, like Thomas Friedman, it is the happy way of the future where people of different nations and cultures will interconnect easily through the Internet, where markets and democracy will flourish and all things stodgy, inefficient and dictatorial (e.g., Communism, Sadam Hussein) will fade. Others are more cautious, calling for better regulatory insight by the International Monetary Fund (IMF) and other financial players in the politics of free trade. Still others see a deadly combination for nations that make too quick a transition to market economies and democracy. **Most contemporary discourse surrounding globalization focuses on the economic theories supporting or rejecting the trend; those who view gender and global trade as crucially related are still in the minority in academic discourse.** After observation of the relationship between gender and the operation of the maquiladoras at the Mexican border it is easy to see how **gender based attitudes, affect everything from recruitment and hiring (nearly 100% female for workers) to treatment of women in the workplace. When American** electrical, television, and stereo component **companies** such as GE, Sony, and Panasonic, **began relocating to Mexico, women were blatantly preferred for the job. Women were seen as better fits; with smaller hands and fingers, they could better assemble tiny parts of export goods** such as light bulbs, cassette tapes, and recorders. **The ideal maquiladora worker thus emerged as a hybrid of stereotyped images based on sex, race and class - she was not only more docile and passive than Mexican men, but submissive, easily trainable and unlikely to pose problems with union organizing.** B. Where the Violence Leading to Murder Begins - The Voices of Experience from Inside the Maquiladoras **Over several years I visited several border towns and began to meet privately with mostly female workers and heard about their experiences. I sometimes met workers in their homes,** which were uniformly tiny and clean but quite often without flooring, plumbing or more electricity than a single light bulb. "**Fatal indifference" is the best way to describe the totality of circumstances suffered by maquiladora workers - a systematic structural disregard by corporations and their agents for the humanity of the laborer.** **Amparo was 38 and raising two teenage boys. She was desperately trying to keep the older boy in school** so that he might avoid the destiny of the working poor - to start working at age 15 in the factories that average 10 hour workdays and little pay. **Amparo had been fired for being outspoken about** the **bad worker treatment** at Dimmit Industries, which is now defunct. **Amparo was hired** at Dimmit **to work sitting down for long hours sewing on the waistband to a minimum 1200 pairs of expensive dress slacks per day in order to receive the base weekly wage of 300 pesos and 200 pesos in bonus (about 35 dollars per week**). To have a more livable take home paycheck she pushed herself to produce at 150% of the expected quota or about 1800 slacks per day. Everyday Amparo walked out with a blackened face full of lint and dust that escaped the poor ventilation system in the plant. She remembered the terrible coughs she endured almost all of the time as a result of the fibers distinctly visible in the surrounding air that settled on her skin and in her lungs. Then she had to endure the exhaustion of the typical 10-12 hour shift with only a half hour break for lunch and a ten minute break in the morning. **Amparo** was one of five workers who filed an unfair labor practice charge after she **was fired for complaining about the piece work policy that keeps the wages so low. Amparo knew she was in for a long haul by filing a claim, but she said, it was worth it because "I've tolerated them for 8 years."** 2. Miserly Wages in Return for exposure to Toxicity. Maria Elena pointed to dark scarred tissue mostly on the upper side of her feet: old scratch marks and evidence of once-ruptured skin, from a year-long period when her feet had first developed an unexplainable fungus infection that had broken and rotted the skin so badly "that my own brothers and sisters would tell me to stay away from them because of the awful smell." The doctors concluded that the condition was so bad that if she did not find a remedy and did not stop working in the environment that had obviously contributed to the infection, she would lose her feet to gangrene. Her mother told her, "although I appreciate the help from your working I don't want you to lose your feet." Maria Elena quit the job where she had been assembling one section of seatbelts over and over for two years, during which she was exposed to fine chemical dust particles in the fabric of the seatbelt that caused a condition without a permanent cure. Maria Elena's condition is only one of a variety of illness and conditions, including back problems, carpel tunnel syndrome, asthma and disabling allergic reactions which typically accompany the privilege of working in a maquiladora. 3. NAFTA: Setting an Agenda for the Global Factories of the World The **maquiladoras thrive on the structure of a work week designed to produce the highest levels of output.** In the United States, the average work week is 38 to 40 hours. However, in the maquiladoras, the average is 5 to 10 hours longer. Maquiladora workers average 48 hours per week, sometimes 10- and 12-hour shifts, no overtime pay, and, in some factories, only one day off per week. One worker named "Angela," who had arrived from Veracruz seven years earlier, earned 750 pesos per week (about $75.00) and felt grateful not to have to work weekends. She said that her daughter was earning much more, about 950 pesos per week, (about $95.00) but to do this she had to work 12 hour shifts, 6 days per week. As one worker stated: "It's really unreasonable because we work from 7 a.m. to 5:30 p.m., Monday through Friday. To arrive on time, I have to get up at 5 a.m., and at that hour you really don't feel like eating. At 9:30 they give us 10 minutes for breakfast, and half an hour for lunch at 1 p.m." **Global employment then**, whether in Mexico or elsewhere, **falls into a familiar pattern - one where the policies of worker treatment emphasize rapid production, not worker health and safety or improved living conditions.** As some critics note, the new wealth that comes with free trade often benefits a tiny privileged minority not the general population of the poorer country. **To care about the workers would entail caring about things that don't factor well in a business driven by commitment to the bottom line**, or cost-benefit analysis. The disciplinary methods, the production quotas at any cost, the speed-ups and injuries, punishments for using the bathroom during work time, the exposure to danger instruments or chemicals, all flow directly from the signal by company owners and their agents to supervisors and managers that: Workers' lives are less important than production schedules; and Safety of the workers is another cost that disturbs the projected return from investment. Therefore, **adequate safety gear for employees who must work with toxic chemicals, lighting around the factory, security for the workers -- all of these things are not as important as making sure workers** do their tasks, supervisors **meet the production schedule**, and goods are exported and released into the stream of commerce that generates the consumption and the profits that will ultimately line the pockets of the owners and shareholders. **These are the consequences of privilege** and rights **enjoyed by employers under free trade law** and policy. **It is a policy that doesn't give a damn about workers. The workers, after all, are only an insignificant cog in the wheel of production.**

**The gendered violence of NAFTA is unconscionable. NAFTA’s current structure cares more about investors than workers. NAFTA is trading away life and the quality of living on the altar of free trade.**

**Arriola, 7**

Elvia R., Professor of Law - NORTHERN ILLINOIS UNIVERSITY, Seattle Journal for Social Justice, Vo. 5, Issue 2, Spring/Summer

**The fact that a** third-world **country is pressed by major economic institutions to open its doors to foreign investors** in exchange for new jobs and wealth, **but must also abandon concern for basic human rights and safety for its citizens, is unconscionable.** Yet it is modern reality. **Globalization** of a poor nation's economy **exacts a heavy price in guaranteeing the production and reproduction of gender-based violence and femicide.** I have introduced some of the stories and testimony gathered on many visits to the border as a supportive ally of women working in the maquiladoras and more recently as a committed educator trying to introduce students to the human face of free trade. What I have hoped people would witness is how **a combined host of variables, including typical corporate decisions about discipline for workers as well as the clear bias that favors investors in free trade law and policy, produces a hostile work environment with a discriminatory effect on women and female children. What happened to Claudia** Ivette **Gonzalez and other maquiladora workers, is inseparable from the employer's attitude about workers inside the factories**. **If he doesn't care about the injuries and the toxicity in the factory why would he care about the safety of a young girl who sets out on foot in the early hours,** headed for parts of the city known to lack adequate street lighting, public security services, much less public traffic that would make her trip home more secure? The year **2006 was a difficult one for immigrants of Mexican descent** in the United States. **A Republic majority in Congress pushed the anti-immigrant agenda by exploiting the rhetoric of anti-terrorism. The unarticulated racism of the proposals was frightening**. Undocumented workers of all backgrounds live in the U.S., but the **targeting of the most hostile policies is always directed at the Southern border and at Mexicans,** **while the elephant in the** living **room is ignored - the role NAFTA has played in luring rural families north to the maquiladoras only to discover nonliving wages, no place to make home, and frightening social conditions** that threaten the safety of their health and their families. Because of the historic presence of women in the maquiladoras, **gender discrimination once in place turned into gender violence with the push for** trade liberalization and **NAFTA. Ciudad Juarez is still Mexico's shining star as a major center for commercial activity** as an export processing zone. **But it is also a haven for violence against women,** enough of whom were factory workers that **one cannot deny the subtle but real effects of the global corporation, with the acquiescence of the government, in producing the environment suitable for the rise of the maquiladora murders.** Sadly Claudia Ivette Gonzalez is a martyr for justice in the maquiladoras, a place where workers have no expectation of safety in or out of the workplace and settings where supervisors can take actions against workers that become the structure of fatal indifference. **Claudia's abduction, and that of so many of the victims of Juarez who were maquiladora workers, is the ultimate act in the name of free trade and globalization. She is the sacrificial female body that has been dedicated to the gods of production and profit.** **Her body may have been abducted and grossly violated** by whomever found an easy target that morning **but the life preceding her brutal killing already had already been defined as insignificant: a fleck in the fabric of global production.**

**The rapid post-NAFTA expansion of maquilas and the simultaneous production of worker disposability are intimately tied to the suppression of labor movements – enforcement of union weakness in the name of free trade is the lifeblood of corporate oppression.**

**Chacon 2007**

Justin, professor of U.S. History and Chicano Studies in San Diego, California, “Migrant workers: Casualties of neoliberalism”, ISR Issue 54, July–August 2007

Most of the growth in the export sector has been concentrated in the maquiladora sector: foreign-owned manufacturing and agricultural complexes set up within Mexico to assemble and manufacture finished goods, which receive a third of all foreign investment.25 What began as a trickle turned into a flood (after the passage of NAFTA) of corporations moving in to take advantage of Mexican labor in Mexico; 80 percent of maquiladoras are U.S. owned, and 80 percent of all components imported are from U.S. companies (about 26,000 U.S.-based companies supply raw materials).26 The maquiladoras declined in the early years of the new century as investment flowed into new areas of cheap labor, primarily China, but this proved a temporary decline. As of 2007, there are more than 2,800 maquiladoras throughout Mexico, with a workforce of 1.2 million workers, producing goods primarily for U.S. markets.27 By 2012, the number of exporting plants is expected to rise to more than 3,000, with maquiladora employment growing to more than 1.44 million from today’s 1.23 million, according to projections from Global Insight. The value of goods produced are projected to reach $128 billion per year by 2008.28 According to Foreign Direct Investment magazine, which charts capital exports from the maquiladoras, “Manufacturing exports virtually quadrupled between the first five years of the 1990s and the first three years of the new decade to top $113 billion [of goods produced per year]. With such explosive growth, this sector’s share in the total exports of the largest exporting firms grew from 42 percent in the early 1990s to 56 percent in the first few years of the new millennium.”29 Underpinning corporate profitability in the maquiladora zones are the low wages of Mexican workers, which range from between $37 and $60 for every forty-eight-hour workweek.30 According to one study, low-wage production in Mexico adds as much as 25 percent of the value added to the finished goods sold back to U.S. markets.31 **This is due to the role that the Mexican government plays in keeping the industry union free.** As Ojeda and Hennessy observe, Among the incentives the Mexican Government offers foreign investors is “**labor peace,”** and unions controlled by companies and the government play a key role here. Companies often buy union protection through collective agreements that shield them against workers’ attempts to establish authentic collective contracts.32 The abysmal wages in the maquiladoras have lowered the wage threshold across the whole manufacturing sector in Mexico. According to a recent study by Oxfam, “some studies show that the real wages in 2004 were less than in 1994.”33 Meanwhile, the minimum wage ($5–$6 per day) in 2003 was the same as it was in 1973.34 This on top of the already 67 percent decrease in real wages experienced by Mexican workers between 1982 and 1991, as neoliberal reforms were phased into the Mexican economy, and stable, manufacturing jobs and sustainable wages evaporated.35 Mexico’s wages are the most eroded of all Latin American countries over the last two decades, with half of all workers (and 90 percent of agricultural workers) making less than the minimum wage.36 This helps explain why over 90 percent of maquiladora products return to the United States—Mexican workers cannot afford the products that they make.37

**Corporate rule at the expense of ordinary working people paying the price is the logic that creates poverty, misery and environmental exploitation**

**Lendman, 7**

(Stephen L, *The Racist War on Immigrants*, 3/29)

**No welcome sign is out for the unwanted poor and desperate. At best, they're ignored to subsist on their own. At worst, they're scorned and abused, exploited and discarded like trash** or labeled "terrorists" in a post-9/11 world of mass witch-hunt roundups aimed at Muslims because of their faith or country of origin and Latinos coming north to survive the fallout from NAFTA's destructive effects on their lives. Immigrants of color, the wrong faith or from the wrong parts of the world are never greeted warmly in "America the Beautiful" that's only for the privileged and no one else. They're not wanted except to harvest our crops or do the hard, low-pay, no-benefit labor few others will do. The ground rules to come were set straight away in our original Nationalization Act of 1790 establishing the first path to citizenship. It wasn't friendly to the wrong types as permanent status was limited to foreign-born "free white persons" of "good moral character," meaning people like most of us - our culture, countries of origin, religion and skin color. Left out were indentured servants, slaves, free blacks, native Americans being exterminated, and later Asians and Latinos whose "appearance" wasn't as acceptable as the whiteness of English-speaking European Christian settlers and the mix of others from Western European countries like Holland, Germany and Scandinavia. The law scarcely changed for 162 years until the 1870 15th amendment loosened it enough to include blacks by 1875, no longer slaves but hardly free and in 1940 gave Latin Americans the same right. After the war in 1945 it extended it further to Filipinos and Asian Indians. Original native Americans, whose land this was for thousands of years, only were enfranchised and given the right of citizenship in their own land when Congress passed the Indian Citizenship Act in 1924 after most of them were exterminated in a genocidal process still ongoing, never mentioned in the mainstream, and for which no redress was ever made or likely will be. The 1952 Immigration and Nationality (McCarran-Walter) Act (INA) only grudgingly did what no law before it allowed. For the first time it made individuals of all races eligible for citizenship but imposed strict quotas for those from the Eastern Hemisphere with different standards for Caucasians from the West. But nothing is ever simple and straightforward in "America the Beautiful." In the early Cold War atmosphere of Joe McCarthy's communist witch-hunts, anyone accused of leftist sympathies could be targeted, and any alien so-tagged could be deported, and like today no evidence was needed. From the INA to the present, immigration laws kept changing for better or worse, but one thing was constant. White Christian Western Europeans are welcomed. Others, especially people of color or the wrong religion, get in grudgingly in lesser numbers and receive unequal or harsh treatment when they arrive. The 1996 Immigrant Responsibility Act (IIRAIRA) and Anti-Terrorism and Effective Death Penalty Act (AEDPA)proved it showing Democrat presidents can be as mean and nasty as Republicans, especially with help from a Republican-controlled Congress. The 1996 acts were ugly and repressive ignoring the rights of due process and judicial fairness. They allowed Immigration and Naturalization Service (INS) agents to detain legal immigrants without bond, deport them without discretionary relief, restrict their access to counsel, bar them from appealing to the courts, and can be applied for even minor offenses little more than youthful indiscretions. These laws under a Democrat president "feel(ing) our pain" showed no more compassion or equity than later ones under George Bush in force today. They allow no second chances and deny targeted legal immigrants their day in court. Their harshness tears apart families unjustly made to suffer by a nation hardening its stance to the wrong kinds of immigrants. They're sent an unwelcome message now much worse in the age of George Bush with his permanent wars on the world and homeland "terrorists" meaning anyone called that on his say alone. It started post-9/11 with the 2001 USA Patriot Act even harsher in its updated Patriot Act II version. Enacted to combat "terrorism," it's done on the border with more guards to spot, detain, arrest and incarcerate Latinos entering the country for a way to survive. For being undocumented and on the pretext of being suspected "terrorists," they may be indefinitely detained or deported the way it works under any despotic national security police state. It's even worse for Muslims, 5000 of whom were rounded up and held early on with only three of them ever being charged with an offense. And it got far worse for them after that still ongoing. Today, federal immigration courts can hold secret hearings for anyone here illegally or charged with a law violation, no matter how minor. Those convicted can then be incarcerated or deported to their country of origin often to face arrest and torture. It's now open season on anyone targeted with legal protection no longer shielding innocent victims Justice Department (DOJ) or Department of Homeland Security (DHS) go after. They includes poor and desperate mostly undocumented Latinos from Mexico and Central America coming el norte because NAFTA, CAFTA and other neoliberal unfair trade agreements called "free" destroyed their ability to earn a living at home leaving them no other choice but come north or perish. It shouldn't be that way, and **promises were made early on that "free trade" lifted all boats** with higher wages and more jobs. **Instead millions of jobs were lost while real wages fell** **under the effects of a globalized market system crafted for investor elites to profit at the expense of ordinary working people** paying the price. They've been devastated since by a sustained massive wealth transfer to the top of the economic pyramid that in the US alone has been a generational process of well over $1 trillion annually to corporations and the richest 1%. **For the past 13 years, NAFTA** and the rest of globalized trade **provided cover for imperialism on the march for power and profit. It prospers from economic and shooting wars of conquest with an engineered race to the bottom driven by giant predatory corporations allied with friendly governments in their service at the expense of ordinary working people paying the price. The result - mass and growing poverty, human misery, and ecological destruction great enough to threaten the ability of the planet to sustain life.**

**PLAN:**

**The United States federal government should condition an increase in economic engagement through NAFTA contingent upon the renegotiation of binding workers’ protections for Mexico, including: mechanisms for improving basic labor standards based on the International Labor Organization’s recommendations, assistance for local organizing education centers, and full public participation in all parts of the dispute settlement process.**

**CONTENTION 2: Impact Framing**

#### This form of exploitation enslaves women and constitutes a coercive evil.

Gordon & Gordon, 95

(Haim & Rivca, Department of Education, Ben Gurion University, Beer Sheva, Israel, Sartre & Evil: Guidelines for a Struggle, Questia)

How do we define Evil? If asked, Sartre would probably say that Evil is any attempt to purposely destroy the freedom of a person; attaining this goal often requires oppressing, exploiting, enslaving, or killing him or her. Implied in this definition is that the evildoer intentionally makes persons into objects whose freedom is disregarded **or not respected.** Note that both statements include the possibility of doing Evil to oneself. We accept both statements as working definitions that we shall use throughout this book. Indeed, this book may be viewed as a limited discussion of Sartre's definition of Evil by persons who wish to learn how to perceive and to fight Evil. **Underlying this definition of Evil is our acceptance of Sartre's tenet that human beings are condemned to be free, hence human existence means the assuming of responsibility for every situation in which one finds oneself.**

#### The judge must reject all instances of evil

**Gordon & Gordon, 95** (Haim & Rivca, Department of Education, Ben Gurion University, Beer Sheva, Israel, Sartre & Evil: Guidelines for a Struggle, Questia)

With our regained lucidity, we clearly perceived the prevalence of the noble Evil that Sartre described and fought against. It often lives and thrives even in what seem to be the most noble institutions.

One conclusion is immediately evident. Intuitively grasping noble Evil is possible, but not that simple. Despite the clues that one can often discern in the noble evildoer, his or her assumed nobility is good camouflage. Sartre has shown how difficult it can be to grasp the Evil concealed by noble intentions in the personal development of Hugo in Dirty Hands. Only when threatened with death and with the fact that Hoerderer's memory will be effaced or distorted forever, only after he hears the word "salvageable," does he begin to see the despicable noble Evil of Olga and Louis. Thus, it seems that almost every person has to learn how to intuitively grasp and struggle against noble Evil from one's own dismal experiences with evildoers. This learning process can benefit from the valuable insights provided by Sartre. But to learn most from these insights, it seems that one must first commit oneself to the struggle against Evil.

Another conclusion is that coming to see the truth of the matter in relation to many of the atrocious evil deeds performed daily can also help one to unmask noble evildoers. This is especially important in the political realm. But many of the noble evildoers have the backing of the media and of a host of academic institutions. Hence we have found the political writings of Noam Chomsky to be invaluable in helping us to unmask many of the Evils performed by so-called noble, enlightened Western societies and helping us to point to the specific persons who decided to do these specific Evils.

At this point someone may ask, By concentrating on noble Evil have we not dealt with a hybrid of "pure" Evil? Have we not thus ignored the evildoer who knows that he or she is doing Evil, who does Evil intentionally and willingly, the evildoer who is bewitching and fascinating, who deliberately lures the good into the realm of the demonic? (Think of Shakespeare's King Richard III.) This bewitching Evil is often evident and clear; still it fascinates, it entices. On the other hand, at times this luring evil is difficult to apprehend. Sartre dealt with this "pure" Evil. But presenting his insights on how to grasp this Evil intuitively requires a new beginning.

#### Utilitarianism can be manipulated to justify any atrocity – their framework condones mass slaughter.

Holt, commentator for the BBC, writes frequently about politics and philosophy 1995

(Jim, New York Times, “Morality, Reduced To Arithmetic,” August 5, p. Lexis)

Can the deliberate massacre of innocent people ever be condoned? The atomic bombs dropped on Hiroshima and Nagasaki on Aug. 6 and 9, 1945, resulted in the deaths of 120,000 to 250,000 Japanese by incineration and radiation poisoning. Although a small fraction of the victims were soldiers, the great majority were noncombatants -- women, children, the aged. Among the justifications that have been put forward for President Harry Truman’s decision to use the bomb, only one is worth taking seriously -- that it saved lives. The alternative, the reasoning goes, was to launch an invasion. Truman claimed in his memoirs that this would have cost another half a million American lives. Winston Churchill put the figure at a million. Revisionist historians have cast doubt on such numbers. Wartime documents suggest that military planners expected around 50,000 American combat deaths in an invasion. Still, when Japanese casualties, military and civilian, are taken into account, the overall invasion death toll on both sides would surely have ended up surpassing that from Hiroshima and Nagasaki. Scholars will continue to argue over whether there were other, less catastrophic ways to force Tokyo to surrender. But given the fierce obstinacy of the Japanese militarists, Truman and his advisers had some grounds for believing that nothing short of a full-scale invasion or the annihilation of a big city with an apocalyptic new weapon would have succeeded. Suppose they were right. Would this prospect have justified the intentional mass killing of the people of Hiroshima and Nagasaki? In the debate over the question, participants on both sides have been playing the numbers game. Estimate the hypothetical number of lives saved by the bombings, then add up the actual lives lost. If the first number exceeds the second, then Truman did the right thing; if the reverse, it was wrong to have dropped the bombs. That is one approach to the matter -- the utilitarian approach. According to utilitarianism, a form of moral reasoning that arose in the 19th century, the goodness or evil of an action is determined solely by its consequences. If somehow you can save 10 lives by boiling a baby, go ahead and boil that baby. There is, however, an older ethical tradition, one rooted in Judeo-Christian theology, that takes a quite different view. The gist of it is expressed by St. Paul’s condemnation of those who say, “Let us do evil, that good may come.” Some actions, this tradition holds, can never be justified by their consequences; they are absolutely forbidden. It is always wrong to boil a baby even if lives are saved thereby. Applying this absolutist morality to war can be tricky. When enemy soldiers are trying to enslave or kill us, the principle of self-defense permits us to kill them (though not to slaughter them once they are taken prisoner). But what of those who back them? During World War II, propagandists made much of the “indivisibility” of modern warfare: the idea was that since the enemy nation’s entire economic and social strength was deployed behind its military forces, the whole population was a legitimate target for obliteration. “There are no civilians in Japan,” declared an intelligence officer of the Fifth Air Force shortly before the Hiroshima bombing, a time when the Japanese were popularly depicted as vermin worthy of extermination. The boundary between combatant and noncombatant can be fuzzy, but the distinction is not meaningless, as the case of small children makes clear. Yet is wartime killing of those who are not trying to harm us always tantamount to murder? When naval dockyards, munitions factories and supply lines are bombed, civilian carnage is inevitable. The absolutist moral tradition acknowledges this by a principle known as double effect: although it is always wrong to kill innocents deliberately, it is sometimes permissible to attack a military target knowing some noncombatants will die as a side effect. The doctrine of double effect might even justify bombing a hospital where Hitler is lying ill. It does not, however, apply to Hiroshima and Nagasaki. Transformed into hostages by the technology of aerial bombardment, the people of those cities were intentionally executed en masse to send a message of terror to the rulers of Japan. The practice of ordering the massacre of civilians to bring the enemy to heel scarcely began with Truman. Nor did the bomb result in casualties of a new order of magnitude. The earlier bombing of Tokyo by incendiary weapons killed some 100,000 people. What Hiroshima and Nagasaki did mark, by the unprecedented need for rationalization they presented, was the triumph of utilitarian thinking in the conduct of war. The conventional code of noncombatant immunity -- a product of several centuries of ethical progress among nations, which had been formalized by an international commission in the 1920’s in the Hague -- was swept away. A simpler axiom took its place: since war is hell, any means necessary may be used to end, in Churchill’s words, “the vast indefinite butchery.” It is a moral calculus that, for all its logical consistency, offends our deep-seated intuitions about the sanctity of life -- our conviction that a person is always to be treated as an end, never as a means. Left up to the warmakers, moreover, utilitarian calculations are susceptible to bad-faith reasoning: tinker with the numbers enough and virtually any atrocity can be excused in the national interest. In January, the world commemorated the 50th anniversary of the liberation of Auschwitz, where mass slaughter was committed as an end in itself -- the ultimate evil. The moral nature of Hiroshima is ambiguous by contrast. Yet in the postwar era, when governments do not hesitate to treat the massacre of civilians as just another strategic option, the bomb’s sinister legacy is plain: it has inured us to the idea of reducing innocents to instruments and morality to arithmetic.

#### Low probability should be no probability – try or die logic promotes serial policy failure

Sunstein, 2

(Cass, Karl N. Llewellyn Distinguished Service Professor, University of Chicago, Law School and Department of Political Science, Probability Neglect: Emotions, Worst Cases, and Law, [http://www.yalelawjournal.org/pdf/112-1/SunsteinFINAL.pdf](http://www.yalelawjournal.org/pdf/112-1/SunsteinFINAL.pdf" \t "_blank))

If someone is predisposed to be worried, degrees of unlikeliness seem to provide no comfort, unless one can prove that harm is absolutely impossible, which itself is not possible.1 [A]ffect-rich outcomes yield pronounced overweighting of small probabilities . . . .2 On Sept. 11, Americans entered a new and frightening geography, where thecontinents of safety and danger seemed forever shifted. Is it safe to fly? Will terrorists wage germ warfare? Where is the line between reasonable precaution and panic?Jittery, uncertain and assuming the worst, many people have answered these questions by forswearing air travel, purchasing gas masks and radiation detectors, placing frantic calls to pediatricians demanding vaccinations against exotic diseases or rushing out to fill prescriptions for Cipro, an antibiotic most experts consider an unnecessary defense against anthrax.3 I. RISKS, NUMBERS, AND REGULATION Consider the following problems: • People live in a community near an abandoned hazardous waste site. The community appears to suffer from an unusually high number of deaths and illnesses. Many members of the community fear that the hazardous waste site is responsible for the problem. Administrative officials attempt to offer reassurance that the likelihood of adverse health effects, as a result of the site, is extremely low.4 The reassurance is met with skepticism and distrust. • An airplane, carrying people from New York to California, has recently crashed. Although the source of the problem is unknown, many people suspect terrorism. In the following weeks, many people who would otherwise fly are taking trains or staying home. Some of those same people acknowledge that the statistical risk is exceedingly small. Nonetheless, they refuse to fly, in part because they do not want to experience the anxiety that would come from flying. • An administrative agency is deciding whether to require labels on genetically modified food. According to experts within the agency, genetically modified food, as such, poses insignificant risks to the environment and to human health. But many consumers disagree. Knowledge of genetic modification triggers strong emotions, and the labeling requirement is thought likely to have large effects on consumer choice, notwithstanding expert claims that the danger is trivial. How should we understand human behavior in cases of this sort? My principal answer, the thesis of this Essay, is that when intense emotions are engaged, people tend to focus on the adverse outcome, not on its likelihood. That is, they are not closely attuned to the probability that harm will occur. At the individual level, this phenomenon, which I shall call “probability neglect,” produces serious difficulties of various sorts, including excessive worry and unjustified behavioral changes. When people neglect probability, they may also treat somerisks as if they were nonexistent, even though thelikelihood of harm, over a lifetime,is far from trivial. Probability neglect can produce significant problems for law and regulation. As we shall see, regulatory agencies, no less than individuals, may neglect the issue of probability, in a way that can lead to either indifference to real risks orcostly expenditures for little or no gain. If agencies are falling victim to probability neglect, they might well be violating relevant law.5 Indeed, we shall see that the idea of probability neglect helps illuminate a number of judicial decisions, which seem implicitly attuned to that idea, and which reveal an implicit behavioral rationality in important pockets of federal administrative law. As we shall also see, an understanding of probability neglect helps show how government can heighten, or dampen, public concern about hazards. Public-spirited political actors, no less than self-interested ones, can exploit probability neglect so as to promote attention to problems that may or may not deserve public concern. It will be helpful to begin, however, with some general background on individual and social judgments about risks. A. Cognition On the conventional view of rationality, probabilities matter a great deal to reactions to risks. But emotions, as such, are not assessed independently; they are not taken to play a distinctive role.6 Of course, people might be risk-averse or risk-inclined. For example, it is possible that people will be willing to pay $100 to eliminate a 1/1000 risk of losing $900. But analysts usually believe that variations in probability should matter, so that there would be a serious problem if people were willing to pay both $100 to eliminate a 1/1000 risk of losing $900 and $100 to eliminatea 1/100,000 risk of losing $900. Analysts do not generally ask, or care, whether risk-related dispositions are a product of emotions or something else. Of course, it is now generally agreed that in thinking about risks, people rely on certain heuristics and show identifiable biases.7 Those who emphasize heuristics and biases are often seen as attacking the conventional view of rationality.8 In a way they are doing just that, but the heuristicsand- biases literature has a highly cognitive focus, designed to establish how people proceed under conditions of uncertainty. The central question is this: When people do not know about the probability associated with some risk, how do they think? It is clear that when people lack statistical information, they rely on certain heuristics, or rules of thumb, which serve to simplify their inquiry.9 Of these rules of thumb, the “availability heuristic” is probably the most important for purposes of understanding risk-related law.10 Thus, for example, “a class whose instances are easily retrieved will appear more numerous than a class of equal frequency whose instances are less retrievable.”11 The point very much bears on private and public responses to risks, suggesting, for example, that people will be especially responsive to the dangers of AIDS, crime, earthquakes, and nuclear power plant accidents if examples of these risks are easy to recall.12 This is a point about how familiarity can affect the availability of instances. But salience is important as well. “The impact of seeing a house burning on the subjective probability of such accidents is probably greater than the impact of reading about a fire in the local paper.”13 So, too, recent events will have a greater impact than earlier ones. The point helps explain much risk-related behavior. For example, whether people will buy insurance for natural disasters is greatly affected by recent experiences.14 If floods have not occurred in the immediate past, people who live on flood plains are far less likely to purchase insurance.15 In the aftermath of an earthquake, the proportion of people carrying earthquake insurance rises sharply—but it declines steadily from that point, as vivid memories recede.16 For purposes of law and regulation, the problem is that the availability heuristic can lead to serious errors of fact, in terms of both excessive controls on small risks that are cognitively available and insufficient controls on large risks that are not.17 The cognitive emphasis of the heuristics-and-biases literature can be found as well in prospect theory, a departure from expected utility theory that explains decision under risk.18 For present purposes, what is most important is that prospect theory offers an explanation for simultaneous gambling and insurance.19 When given the choice, most people will reject a certain gain of X in favor of a gamble with an expected value below X, if the gamble involves a small probability of riches. At the same time, most people prefer a certain loss of X to a gamble with an expected value less than X, if the gamble involves a small probability of catastrophe.20 If expected utility theory is taken as normative, then people depart from the normative theory of rationality in giving excessive weight to lowprobability outcomes when the stakes are high. Indeed, we might easily see prospect theory as emphasizing a form of probability neglect. But in making these descriptive claims, prospect theory does not specify a special role for emotions. This is not a puzzling oversight, if it counts as an oversight at all. For many purposes, what matters is what people choose, and it is unimportant to know whether their choices depend on cognition or emotion, whatever may be the difference between these two terms. B. Emotion No one doubts, however, that in many domains,people do not think much about variations in probability and that emotions have a large effect on judgment and decisionmaking.21 Would a group of randomly selected people pay more to reduce a 1/100,000 risk of getting a gruesome form of cancer than a similar group would pay to reduce a 1/200,000 risk of getting that form of cancer? Would the former group pay twice as much? With some low-probability events, anticipated and actual emotions, triggered by the best-case or worst-case outcome, help to determine choice. Those who buy lottery tickets, for example, often fantasize about the goods associated with a lucky outcome.22 With respect to risks of harm, many of our ordinary ways of speaking suggest strong emotions: panic,hysteria, terror. People might refuse to fly, for example, not because they are currently frightened, but because they anticipate their own anxiety, and they want to avoid it. It has been suggested that people often decide as they do because they anticipate their own regret.23 The same is true for fear. Knowing that they will be afraid, people may refuse to travel to Israel or South Africa, even if they would much enjoy seeing those nations and even if they believe, on reflection, that their fear is not entirely rational. Recent evidence is quite specific.24 It suggests that people greatly neglect significant differences in probability when the outcome is “affect rich”—when it involves not simply a serious loss, but one that produces strong emotions, including fear.25 To be sure, the distinction between cognition and emotion is complex and contested.26 In the domain of risks, and most other places, emotional reactions are usually based on thinking; they are hardly cognition-free. When a negative emotion is associated with a certain risk—pesticides or nuclear power, for example—cognition plays a central role.27 For purposes of the analysis here, it is not necessary to say anything especially controversial about the nature of the emotion of fear. The only suggestion is that when emotions are intense, calculation is less likely to occur, or at least that form of calculation that involves assessment of risks in terms of not only the magnitude but also the probability of the outcome. Drawing on and expanding the relevant evidence, I will emphasize a general phenomenon here: In political and market domains, people often focus on the desirability of the outcome in question and pay (too) little attention to theprobability that a good or bad outcome will, in fact, occur. It is in such cases that people fall prey to probability neglect, which is properly treated as a form of quasi-rationality.28 Probability neglect is especially large when people focus on the worst possible case or otherwise are subject to strong emotions. When such emotions are at work, people do not give sufficient consideration to the likelihood that the worst case will actually occur. This is quasi-rational because, from the normative point of view, it is not fully rational to treat a 1% chance of X as equivalent, or nearly equivalent, to a 99% chance of X, or even a 10% chance of X. Because people suffer from probability neglect, and because neglecting probability is not fully rational, the phenomenon I identify raises new questions about the widespread idea that ordinary people have a kind of rival rationality superior to that of experts.29 Most of the time, experts are concerned principally with the number of lives at stake,30 and for that reason they will be closely attuned, as ordinary people are not, to the issue of probability. By drawing attention to probability neglect, I do not mean to suggest that most people, most of the time, are indifferent to large variations in the probability that a risk will come to fruition. Large variations can, and often do, make a difference—but when emotions are engaged, the difference is far less than the standard theory predicts. Nor do I suggest that probability neglect is impervious to circumstances. If the costs of neglecting probability are placed “on screen,” then people will be more likely to attend to the question of probability.31 In this light it is both mildly counterintuitive and reasonable, for example, to predict that people would be willing to pay less, in terms of dollars and waiting time, to reduce lowprobability risks of an airplane disaster if they are frequent travelers. An intriguing study finds exactly that effect.32 For similar reasons, market pressures are likely to dampen the impact of probability neglect, ensuring that, say, risks of 1/10,000 are treated differently from risks of 1/1,000,000, even if individuals, in surveys, show relative insensitivity to such differences. Acknowledging all this, I emphasize three central points. First, differences in probability will often affect behavior far less than they should or than conventional theory would predict. Second, private behavior, even when real dollars are involved,33 can display insensitivity to the issue of probability, especially when emotions are intensely engaged. Third, and most important, the demand for legal intervention can be greatly affected by probability neglect, so that government may end up engaging in extensive regulation precisely because intense emotional reactions are making people relatively insensitive to the (low) probability that the relevant dangers will ever come to fruition. C. Law It is not at all clear how the law should respond to probability neglect. But at a minimum, the phenomenon raises serious legal issues in administrative law, at least under statutes banning agencies from acting unless they can show a “significant risk”34 or can establish that the benefits of regulation outweigh the costs.35 If agencies are neglecting the issue of probability (perhaps because the public is doing so as well), they may well be acting unlawfully. Indeed, the law of judicial review shows an inchoate understanding of probability neglect, treating it as a problem for which judicial invalidation is a solution.36 The only qualification is that the relevant law remains in an embryonic state. There is much to be done, especially at the agency level, to ensure that government is alert to the probability that harm will actually occur. Outside of the context of administrative law, an understanding of probability neglect will help us to make better predictions about the public “demand” for law. When a bad outcome is highly salient and triggers strong emotions, government will be asked to do something about it, even if the probability that the bad outcome will occur is low. Political participants of various stripes, focusing on the worst case, are entirely willing to exploit probability neglect. Those who encourage people to purchase lottery tickets, focusing on the best case, do the same. An understanding of probability neglect simultaneously helps show why jurors, and ordinary officials, are not likely to be moved much by a showing that before the fact, the harm was not likely to occur. For many people, what matters is that the harm did occur, not that it was unlikely to do so before the fact. For law, many of the most difficult questions are normative in character: Should government take account of variations in the probability that harms will occur? Should government respond to intense fears that involve statistically remote risks? When people suffer from probability neglect, should law and policy do the same thing? At first glance, we might think that even if people are neglecting probability, government and law at least should not—that the tort system and administrators should pay a great deal of attention to probability in designing institutions. If government wants to insulate itself from probability neglect, it will create institutions designed to ensure that genuine risks, rather than tiny ones, receive the most concern. Such institutions will not necessarily require agencies to discuss the worst-case scenario.37 And if government is attempting to increase public concern about a genuine danger, it should not emphasize statistics and probabilities, but should instead draw attention to the worst-case scenario. If government is attempting to decrease public concern with a risk that has a tiny probability of coming to fruition, it may be ineffective if it emphasizes the issue of probability; indeed, it may do better if it changes the subject or stresses instead the affirmative social values associated with running the risk.38 On the other hand, public fear, however unwarranted, may be intractable, in the sense that it may be impervious to efforts at reassurance. And if public fear is intractable, it will cause serious problems, partly because fear is itself extremely unpleasant and partly because fear is likely to influence conduct, possibly producing wasteful and excessive private precautions. If so, a governmental response, via regulatory safeguards, would appear to be justified if the benefits, in terms of fear reduction, justify the costs. II. PROBABILITY NEGLECT: THE BASIC PHENOMENON When it comes to risk, a key question is whether people canimagine orvisualize the worst-caseoutcome.39 When the worst case produces intense fear, surprisingly little role is played by the stated probability that that outcome will occur.40 An important function of strong emotions is thus todrive out quantitative judgments, including judgments about probability,by making the best case or the worst case seem highly salient.41 But it is important to note that probability neglect can occur even when emotions are not involved. A great deal of evidence shows that whether or not emotions are involved, people are relatively insensitive to differences in probabilities, at least when the relevant probabilities are low. A. Insensitivity to Variations Among Low Probabilities Do people care about probability at all? Of course they do; a risk of 1/100,000 is significantly less troublesome than a risk of 1/1000. But many people, much of the time, show a remarkable unwillingness to attend to the question of probability. Several studies show that when people are seeking relevant information, they often do not try to learn about probability at all. One study, for example, finds that in deciding whether to purchase warranties for consumer products, people do not spontaneously point to the probability of needing repair as a reason for the purchase.42 Another study finds that those making hypothetical, risky managerial decisions rarely ask for data on probabilities.43 Or consider a study involving children and adolescents,44 in which the following question was asked: Susan and Jennifer are arguing about whether they should wear seat belts when they ride in a car. Susan says that you should. Jennifer says you shouldn’t . . . . Jennifer says that she heard of an accident where a car fell into a lake and a woman was kept from getting out in time because of wearing her seat belt . . . . What do you think about this?45 In answering that question, many subjects did not think about probability at all.46 One exchange took the following form: A: Well, in that case I don’t think you should wear a seat belt. Q (interviewer): How do you know when that’s gonna happen? A: Like, just hope it doesn’t! Q: So, should you or shouldn’t you wear seat belts? A: Well, tell-you-the-truth we should wear seat belts. Q: How come? A: Just in case of an accident. You won’t get hurt as much as you will if you didn’t wear a seat belt. Q: Ok, well what about these kinds of things, when people get trapped? A: I don’t think you should, in that case.47 These answers might seem odd and idiosyncratic, but we might reasonably suppose that some of the time, both children and adults focus primarily on bad scenarios, without thinking a great deal about the question of probability. Many studies find that significant differences in low probabilities have little impact on decisions. This finding is in sharp conflict with the standard view of rationality, which suggests that people’s willingness to pay for small risk reductions ought to be nearly proportional to the size of the reduction.48 Perhaps these findings reflect people’s implicit understanding that in these settings, the relevant probability is “low, but not zero,” and that finer distinctions are unhelpful. (What does a risk of 1/100,000 really mean? How different is it, for an individual, from a risk of 1/20,000 or 1/600,000?) In an especially striking study, Kunreuther and his coauthors found that mean willingness to pay insurance premiums did not vary among risks of 1/100,000, 1/1,000,000, and 1/10,000,000.49 They also found basically the same willingness to pay for insurance premiums for risks ranging from 1/650, to 1/6300, to 1/68,000.50 The study just described involved a “between subjects” design; subjects considered only one risk, and the same people were not asked to consider the various risks at the same time. Low probabilities are not likely to be terribly meaningful to most people, but most educated people would know that a 1/100,000 risk is worse than 1/1,000,000 risk. When low-probability risks are seen in isolation and are not assessed together, we have an example of the problem of “evaluability.”51 For most people, most of the time, it is very difficult to evaluate a low probability, and hence isolated decisions will pick up small or no variations between people’s assessments of very different risks. But several studies have a “within subjects” design, exposing people simultaneously to risks of different probabilities, and even here, the differences in probabilities have little effect on decisions. An early study examined people’s willingness to pay (WTP) to reduce various fatality risks. The central finding was that the mean WTP to reduce such risks was, for over 40% of the respondents, unaffected by a large variation in the probability of harm, even though expected utility theory would predict significant effects from such variations.52 A later study found that for serious injuries, WTP to reduce the risk by 12/100,000 was only 20% higher than WTP to reduce the same risk by 4/100,000, even though standard theory would predict a WTP three times as high.53 These results are not unusual. Lin and Milon attempted to elicit people’s willingness to pay to reduce the risk of illness from eating oysters.54 There was little sensitivity to variations in probability of illness.55 Another study found little change in WTP across probability variations involving exposure to pesticide residues on fresh produce.56 A similar anomaly was found in a study involving hazardous wastes, where WTP actually decreased as the stated fatality risk reduction increased.57 There is much to say about the general insensitivity to significant variations within the category of low-probability events. It would be difficult to produce a rational explanation for this insensitivity; recall the standard suggestion that WTP for small risk reductions should be roughly proportional to the size of the reduction.58 Why don’t people think in this way? An imaginable explanation is that in the abstract, most people simply do not know how to evaluate low probabilities. A risk of 7/100,000 seems “small”; a risk of 4/100,000 also seems “small.”59 Most people would prefer a risk of 4/100,000 to a risk of 7/100,000, and I have noted that joint evaluation improves evaluability, which would otherwise be extremely difficult.60 But even when the preference is clear, both risks seem “small,” and hence it is not at all clear that a proportional increase in WTP will follow. As suggested by the findings of Kunreuther and his coauthors, it is likely that in a between-subjects design, WTP to eliminate a risk of 4/100,000 would be about the same as WTP to eliminate a risk of 7/100,000, simply because the small difference would not matter when each risk is taken in isolation.

### CONTENTION 3: Solvency

**NAFTA renegotiation is a crucial corrective - incorporating civil society input about NAFTA’s labor failures provides needed information to move past sterile economics**

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**The mainstream press is wrong when it says the United States can't "unilaterally" call for** renegotiation**. Not only is renegotiation permitted legally -- in fact, any country can unilaterally withdraw with six months notice** -- but there have been many calls for renegotiation in Canada and Mexico. Canadians have built a strong grassroots movement to protect natural resources from predatory NAFTA clauses. Broad-based citizen groups like the Council of Canadians oppose NAFTA because of the energy proportionality clause that requires Canada to export oil to the United States even in times of scarcity, the investor-state clauses that give investors the right to sue governments contained in Chapter 11, and the clause that permits bulk-water exports. Polls in the general population show that 61% favor renegotiation. In Mexico, 100,000 people marched in the streets on two separate occasions under the banner of renegotiation to revise NAFTA's agricultural provisions. They demanded protection of basic food production by removing corn and beans from the agreement. In 2003, former President Vicente Fox requested opening up the agreement only to be rebuffed by the U.S. government. For the United States, the main issue is jobs. Senator Sherrod Brown, an Ohio Democrat, cites a loss of 200,000 manufacturing jobs due to NAFTA for his state alone. The nation has lost 3.1 million manufacturing jobs since 1994, and its trade deficit with Mexico and Canada has risen to $138.5 billion in 2007 from $9.1 billion in 1993. The opposition to NAFTA within the United States goes well beyond organized labor. While job loss and insecurity under globalization were major constituency-builders in blue-collar states during the elections, polls taken before the election revealed that a national majority opposes free trade and particularly NAFTA, and that opinion increased during the campaign. A June 2008 Rasmussen nationwide poll showed 56% in favor of renegotiating NAFTA. Many people feel that NAFTA has given companies incentives to move production to where labor is cheaper, exporting jobs and eroding working conditions. In general, U.S. opposition to the trade agreement is split between fair-trade groups that focus on jobs and the environment and a nationalist rightwing that believes NAFTA and its offspring, the Security and Prosperity Partnership, threaten U.S. sovereignty through the nefarious -- and non-existent -- creation of a North American Union. Neither of these currents could properly be called "protectionist," and both call for more transparency in the process. Among the differing priorities, citizen demands concur that the current agreement favors transnational companies and is unfair to citizens in all three nations. Broadly shared priorities for renegotiation are: -- Eliminate Chapter 11. Corporations shouldn't have the right to sue governments and supersede national laws. Trade tribunals lack adequate transparency and accountability, and consistently reflect a strong, pro-corporate bias. -- End the energy proportionality clause between the United States and Canada, and exclude bulk water as a commodity. Canadian national and provincial governments should be able to fulfill their responsibilities in long-term energy planning without restrictions under NAFTA. Get NAFTA out of food and agriculture. Countries should be able to develop national agendas to assure food quality, farm livelihoods, and consumer safety and then adapt the trade agreement to those objectives rather than the reverse. NAFTA favors corporate farms and bans certain policy tools to support small farmers and consumers, including special products protections. Renegotiating the agreement's agricultural provisions shouldn't involve surgical incisions of specific clauses, but a deep reform and reorientation toward food sovereignty. End the Security and Prosperity Partnership. This 2005 NAFTA extension into further trade and investment liberalization and national security has no public mandate in any of the three countries. Further negotiations on expanding integration should be reviewed and, where approved, be channeled into open, representative talks. The U.S. military aid package it spawned, the Merida Initiative, should be converted into a development aid package for the 2010 appropriations. -- Citizen movements also call for national governments to have more development and social policy tools, many of which are prohibited under the competition and privatization terms of NAFTA. Some of these groups together produced a document of 10 areas that should be reviewed: energy, agriculture, role of the state, financial services, foreign investment, employment, migrants, environment, intellectual property, and dispute settlement. Will He or Won't He? **Obama's campaign promise was explicit: "NAFTA's shortcomings were evident when signed and we must now amend the agreement to fix them**." The president-elect called for enforceable labor and environmental standards in the text, an end to the ability of corporations to sue governments, and emphasizing the needs of "Main Street" over "Wall Street." But some Obama-watchers claim he's waffling on his trade commitments. Although these contentions in the pro-free-trade press are mostly wishful thinking, experts and activists are following the appointments closely. So far it has been a mixed message. The initial nomination of Bill Richardson, point-person for the passage of NAFTA under the Clinton administration, didn't sit well with fair-trade groups and elicited a sigh of relief among free-trade promoters, who instantly chalked up the president-elect's anti-NAFTA statements to electoral propaganda. Obama's economic advisors, led by Larry Summers, and appointee for Treasury, Timothy Geithner, at face value would also indicate a commitment to the status quo on trade. And when Ron Kirk, a former mayor of Dallas who proclaimed his city the "capital of NAFTA," accepted the nomination for U.S. Trade Representative, it reversed satisfaction among fair-traders at the initial nomination of Xavier Becerra, who turned down the job. Pending the new Commerce designate, that leaves Hilda Solis, Obama's nominee for Secretary of Labor, as the only real bright spot for fair-traders. A NAFTA critic, she would wield real clout since jobs will be the pivotal issue for the United States in renegotiation. As a Latina, she also has an acute understanding of the need to make NAFTA fair for all partners. Pessimistically, **it's possible to imagine that the Obama presidency could end up merely adopting the Democratic platform on trade, which would stick side agreements in the text, add International Labor Organization core labor standards, and create an expanded U.S. jobs displacement program. Obama supported the U.S.-Peru Free Trade Agreement, which was modified along these lines. But the economic crisis has changed everything**. Even as the Bush administration frantically -- and incredibly -- insists that free trade isn't the problem but the solution, most other countries are taking a second look at the model. **As the crisis sets in, Europe wants more regulation and developing countries want more policy space**. And Americans want more protection from the disaster that's currently befalling them. With every appointment, Obama has insisted he'll be the one calling the shots. For the next few weeks, then, all we really have to go on for predicting trade policy is Washington's current favorite game -- the psychic exploration of Obama's inner mind. A more productive activity for fair-traders is to pull out all the stops in the tri-national campaigns to renegotiate NAFTA and impose a moratorium on new free trade agreements. This is an historic opportunity to change course in crisis. Citizens Organize for Renegotiation Citizen organizations and legislators have called for renegotiation of NAFTA in the United States, Canada, and Mexico. **The collapse of the financial sector spells the need for a reconversion strategy for the "real economy;**" that is, U.S. productive capacity in the United States. **This strategy will require a careful and critical look at NAFTA, our blind reliance on market forces, and the promotion of outsourcing as a competition strategy**. **The industrial policy that Obama outlined clashes ideologically and legally with NAFTA and other free trade agreements**. It hasn't been lost on the rest of the world that the U.S. government is adopting measures such as massive subsidies and bailouts that it has sought to deny developing countries under free-trade rules. Robert Kuttner at The American Prospect refers to this as "the sin of committing industrial policy" and warns that it's only a matter of time before a trade partner registers a suit against Obama's anti-crisis measures. This would be an excellent opportunity to expose the hypocrisy of our trade policies and chart a new course. The new fair-trade members of Congress and others outside the leadership clique will provide new allies and be far more willing to move beyond the stodgy party leadership's position on trade. Some already have. The TRADE Act, introduced into Congress in April 2008, calls for a NAFTA review and lays out fair-trade principles. Meanwhile, poor countries need maximum room for maneuver to help those who are already living on the edge. Mexico is no exception. Although the current government isn't likely to willingly change neoliberal policies and accept NAFTA renegotiation, **the citizenry opposes NAFTA two to one.** Echoing the phrase that did in John McCain's candidacy, President Felipe Calderón continues to argue that the Mexican economy will be fine even as **reports of job loss, wage declines, inflation, and capital flight pour in. In Mexico**, as in the United States, **only energetic measures can address the deepening crisis and growing social unrest.** Renegotiation can and should be good for citizens in all three countries. With such a high degree of integration, our futures are intertwined. A recent study calculated that **when Mexican real wages drop 10%, apprehensions at the border rise around 8%.** Real wages in Mexico fell 24% from December 2006 to August 2008 and are plummeting now with the crisis; **renegotiation should include a view toward job generation and retention in Mexico, and a compensation fund similar to the European Union's transition funds for less-developed countries. The current security aid in the ill-conceived Merida Initiative should be converted to this end.** Review and Redo **The first step for renegotiation must be a broad, in-depth review of NAFTA**, or rather three reviews, one per country. Review bodies must be independent, representing different orientations and expertise. These should carefully define the criteria of evaluation, including social, economic, political, and cultural indicators. The U.S. TRADE Act, which also calls for a review, lists some criteria for evaluation, but we need precision. **Also necessary are public consultations and other mechanisms for incorporating civil society input into the process. The review would** achieve several important goals. First, it **would open up a debate that in the United States had been practically dormant** between NAFTA's passage and the recent presidential campaign. **It also would provide valuable information on impacts. The apples-and-oranges debate on trade policy -- one side argues that NAFTA increased international trade and the other argues that international trade isn't all it's cracked up to be -- is sterile and abstract. We should be able to move beyond this debate with additional data and analysis.** **To convince public opinion of the case for renegotiation**, at this critical moment in a process of economic integration gone awry, **will require thinking about international trade and investment in the context of new economic arrangements. To do this we need to build both arguments and alliances**. **Renegotiation demands must be woven into comprehensive proposals for reform that have a coherent logic and go beyond NAFTA articles**. Related issues include enforcing antitrust legislation, ending commodity speculation, adopting supply management mechanisms, creating grain reserves, supporting domestic food production, and building local marketing systems. The Obama statement from Jan. 12 indicates the president-elect will stand firm on renegotiating NAFTA. It may no longer be a question of "will he or won't he". To confront the crisis and establish mutual well-being in the region, the debate must move quickly now to "how and when."

**And, our gendering of trade is critical -**

**A labor movement in transnational female workplaces is critical to furthering workers’ ability participate in the political culture that determines their lives.**

**The aff’s politicization is critical to spurring debates within the American labor movement, international cross-border organizing, working directly with women in maquiladoras and providing the basis for larger progressive coalitions.**

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The time since NAFTA's signing has made clear that **globalization is not a passing phase in our economic system,** and that this global restructuring has particular impact for women workers. **It is critical that those concerned about gender equality begin to engage in and support cross-border labor organizing campaigns, and, when possible, exploit NAALC's expressive capabilities.** Moreover, **such groups must begin to advocate for the creation of stronger, more effective transnational labor agreements. Such organizing efforts and transnational legal provisions are essential to the existence of democracy, workers' rights, and gender equity in an increasingly transnational economy**. As international law experts have argued, NAALC confronts one of the central tensions now facing the world: that which exists between nationally organized democratic regulatory frameworks and the emerging transnational nature of economic life. 154 Moreover, **as often ignored by international law and NAFTA experts, this tension has gendered roots and effects**. 155 Eight years after the passage of NAFTA, **there are hopeful signs, at least in terms of citizen efforts to shape trade debates while connecting gender to economic rights**. Faced by a sharp decline in union membership caused by the flight of the manufacturing industry, **unions have increased their focus on organizing women and immigrants in the growing service sector. Shortly after the passage of NAFTA, a political struggle within the labor movement broke out.** A dissident group of union leaders, expressing frustration with years of membership decline, was elected to the leadership of the federation in the first contested election in the AFL-CIO's history. 156 The new slate was headed by John Sweeney of the largely female and immigrant Service Employees International Union, Richard Trumka, former president of the United Mine Workers of America, and Linda Chavez Thompson, a Mexican-American immigrant and the child of farmworkers. [\*558] The new leadership promised increased militancy and more progressive politics. 157 Subsequently, the AFL-CIO has built an active new department focusing on women's rights, nationally and internationally. 158 Unions such as the Service Employees International Union have focused intensely on organizing in female-dominated industries such as health care and homecare. Indeed, two out of three new union members are women. 159 **With increasing numbers of women in unions, the number of women in leadership positions is also increasing**. The national federation has begun taking public stands in support of women's rights legislation, publicly endorsing national legislation for contraceptive equity and to protect survivors of domestic violence from unemployment and insurance discrimination, for example. 160 In addition, acutely aware of the diminished power of workers with respect to multinational corporations, **parts of the American labor movement**, particularly the United Electricalworkers and the Steelworkers, **are beginning to engage in more international cross-border organizing, working directly with women in the maquiladoras.** 161 **NAALC has facilitated these cross-border efforts**. 162 Further, the AFL-CIO has dramatically revised its position on immigration, putting new emphasis on the rights of immigrant workers rather than on narrow protectionism. 163 Although there is much more progress to be made within the labor movement, and although unions face significant obstacles to organizing, changes enacted since the passage of NAFTA are promising. 164 [\*559] While unions have moved in the right direction, so too have women's groups. Although few women's groups have been involved in active organizing campaigns, such as the campaigns that brought complaints under NAALC, **women's NGOs have become much more active in the trade debate. Since NAFTA's passage, new NGOs have formed that are focused on trade and women workers' rights. There are now more than thirty organizations doing advocacy and policy work around women's issues in the global economy**. 165 Even traditional, well-established women's organizations are beginning get involved in the issue. In May of 2002, the League of Women Voters reassessed its stance on trade, for the first time since 1973, calling specific attention to the need to improve labor conditions and guarantee core labor rights. 166 The National Council of Jewish Women formed the No Sweatshop Coalition ("NOSCO") after their conference on sweatshops in October 1996. 167 Major national women's groups, including NOW and Feminist Majority recently wrote a letter to Speaker Hastert arguing against the renewal of fast-track trade authority. 168 **Such advocacy work,** **merging issues of trade and gender, focusing specifically on women workers in the global economy is critically important**. However, **much of the current NGO work posits the women as victims of exploitation and sexual harassment at work, rather than as actors engaged in their own organizational efforts; it decides priorities and advocates policies on behalf of working women**, rather [\*560] than furthering the rights of those women, as workers, to organize and to determine their own priorities. 169 **The focus on working women as victims in need of someone to speak for them is not only normatively troubling, it is also practically limited. It occludes the importance of worker organizations**. Unionization strongly correlates with economic gains for workers, and to some extent with social rights such as child-care, health care, and paid family leave. 170 Union membership raises median weekly earnings of American workers and reduces gender based income gaps. Overall, women who are members of a labor union earn over 30% more than their non-union counterparts; African American women earn 38% more and Latina women 41% more than non-union women of the same ethnic or racial background. 171 In addition, union membership decreases the wage gap between men and women by more than 10%. 172 Union workers are also much more likely to have health care and pension benefits than non-union workers. 173 Thus, **a vital labor movement in transnational female workplaces such as Mexican maquiladoras and the American service sector, is critical for advancing women's economic and social rights.** Moreover, **facilitating organization is essential to furthering democracy and workers' ability to participate in and affect democratic political culture. Workplace organizations, like other voluntary associations, enable civic participation and strengthen democracy**. As Theda Skocpol, Marshall Ganz, and Ziad Munson write: Public life in the United States has long been rooted in voluntary membership groups as well as competitive elections. From churches and unions to social groups and reform crusades, membership associations have provided paths into active citizenship, allowing [\*561] Americans to build community, pursue shared goals, and influence social and political affairs. 174 The right to organize, the right to bargain collectively, and the right to strike run parallel to basic American political rights - the right to assemble, the right to freedom of speech, and the right to petition the government for redress of grievances. **Unions are some of the most formally democratic institutions in American society**, aside from actual elected bodies. **They can be a space where workers learn about democracy first-hand, and, as a result, they tend to foster greater political participation.** 175 Moreover, **unions have historically constituted a fundamental basis for a progressive coalitions in American politics**. 176 Thus, **unionization in female-dominated industries has the potential not only to improve women's economic conditions, but also to give them a collective voice through which to exercise power in the democratic process.** Skocpol, Ganz, and Munson warn us that the precipitous decline of organizational life in American society has dangerous implications for democracy. They urge Americans to "reimagine their democratic future and look to revitalize their shared and representative institutions not just in national politics but in associational life as well." 177 [\*562] Reconsidering their words in light of NAFTA, NAALC, and the current global economy, suggests that **we must "re-imagine" organizational life not only nationally, but internationally**. Foremost **in the agenda of** rights **activists** - human rights, women's rights, and labor rights alike - as well as that of sympathetic legal scholars **must be to create transnational legal norms that strengthen civic participation and democratic structures. In short, efforts should focus on shaping trade agreements so that they protect the rights of workers to build effective labor organizations across borders. Only if NAALC and similar agreements include stronger organizational rights will they play a critical role in reestablishing democratic life on a transnational basis, allowing women to finally decide for themselves what rights they deserve.**

**Further, including labor protections in the main body of NAFTA puts people over profit – it sends a message that workers are not less important than products and helps reevaluate how to measure the success of trade agreements.**

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While some would argue that imposition of "international" labor standards amounts to an intrusion on sovereignty, the United States' existing Generalized System of Preferences (**GSP) already requires other developing countries to conform to "internationally recognized worker rights" in order to access special trade benefits. 90 Requiring Mexico to meet similar standards to gain NAFTA's benefits would not be a huge logical leap. A more harmonizing agreement has the advantages of being less ambiguous and setting a "floor" for labor standards to prevent a "race to the bottom."** 91 **The** US-Jordan Free Trade Agreement **(US-Jordan FTA) provides a good model** of steps that could be taken in that direction. Under that agreement, **both nations are required to "strive to ensure" that the law protects the labor principles recognized by** both countries as members of **the** International Labor Organization (**ILO**). 92 [\*139] Failure to uphold these principles, whether through inadequate enforcement or inadequate laws, can be a ground for dispute resolution under the agreement. 93 Additionally, by incorporating the ILO standards rather than relying solely on each country's domestic laws, the US-Jordan FTA makes it easier for the parties to determine whether there has been a violation. 94 The ILO standards have the advantage of being more specific and objective than the NAALC principles, while still broad enough to allow the US and Mexico to maintain independent systems consistent with the vast socio-economic differences between the two nations. 95 **Any renegotiation of NAFTA to better protect worker's rights should follow the lead of the US-Jordan FTA by adopting binding, specific standards that uphold internationally recognized workers' rights.** **Even if the parties refuse to adopt uniform standards, there are still several improvements which can be made to NAALC's existing framework that would make it more effective, including: creating a non-political non-diplomatic entity to adjudicate disputes, creating incentives for private parties to bring complaints, making all labor principles equally enforceable and incorporating NAALC into NAFTA itself.** NAALC's dispute resolution mechanism is reliant entirely on action by the secretary of labor in each country, a political appointee. When deciding, for example, whether to call for an ECE to be convened on a complaint or whether to stop at the ministerial consultation level, the secretary will not just consider the merits of the complaint, but also will be considering, inter alia, her country's diplomatic posture with regard to the complained against country, the ideology of her administration and the political clout of the companies, labor unions and NGOs involved in the complaint. 96 Thus, it seems clear that to provide **any meaningful remedy for violations, the agreement must be overseen by an independent adjudicatory body.** 97 **A permanent supranational body that is more isolated from political and diplomatic concerns would be able to provide a much more neutral arbiter** of the agreement as well as a source of consistent [\*140] interpretations of the agreement that diplomatic negotiations simply cannot provide. 98 However, such a supranational body will not be effective unless the victims of violations bring complaints to its attention. **It is no accident that the majority of the cases brought under NAALC have been related to the right to organize; organized labor is the only group with a broad enough constituency in all three countries and enough financial resources to bring claims which will**, at best, **result in publicity for their cause**. 99 **In order to promote more broad based enforcement, the agreement must create incentives for private parties, particularly wronged workers, to bring complaints** to their NAOs. For example, **countries could be required to provide back-pay, re-instatement or other remedies through their domestic courts to workers who prevail in a NAALC claim**. **More stringent trade sanctions, equivalent to sanctions a party would face for violating NAFTA's trade provisions, could also motivate NGOs to bring complaints since stronger penalties would be more likely to achieve NGOs' policy goals.** Any stronger NAALC would also have to eliminate its "tiered structure" where only three of the eleven labor principles are currently enforceable. This structure has been widely criticized since the rights to organize, bargain collectively and strike are the least enforceable, 100 even though the exercise of these rights may be the most effective way for workers to secure the other eight principles NAALC articulates and better working conditions generally. Perhaps in recognition of this flaw, subsequent U.S. labor agreements in free trade agreements have made all worker's rights equally enforceable. 101 Changing this aspect of NAALC might be one of the more uncontroversial ways to make it more effective since even ardent free traders seem to have already accepted equality of treatment among labor rights as a standard part of labor provisions in free trade agreements. **Making all of the labor rights guaranteed in NAALC equally enforceable would bring it "up to speed" with modern free trade agreements and, at the very least, would be an important symbolic recognition of the equal importance of all the rights NAALC seeks to promote.** Similarly, **NAALC's status as a "side agreement"**

**rather than a part of NAFTA itself is inconsistent with modern agreements, sends the wrong message symbolically and limits the potential effectiveness of NAALC's enforcement** [\*141] **mechanism**. **After NAFTA, U.S. trade agreements have generally included labor provisions in the text of the agreement rather than in a side agreement.** 102 **Symbolically, this inclusion sends a signal that the people making the goods in international trade are as worthy of protection as the goods themselves.** 103 **Incorporation into the body of an agreement sets the stage for subjecting labor rights disputes to the more effective trade dispute enforcement processes.** 104 **Similar to other modern free trade agreements, a new, stronger NAALC should be included within the body of NAFTA in order to recognize the agreement's importance and increase its efficacy.** While making any modifications to NAFTA, particularly its labor provisions, will be an uphill battle, making any of the changes outlined above will at least take a step towards leveling the playing field for American blue collar workers and finally giving NAFTA a chance to have an unequivocally positive impact on the lives of working class Mexicans. b. Development Fund Although improving NAALC will go a help set up a more equitable legal framework for workers to assert their rights, **workers lives will only improve when the infrastructure is in place i**n all three countries to help workers adapt to the realities of global competition. As discussed above, Mexico simply lacks much of the physical, educational and administrative infrastructure necessary to provide workers with the bargaining power to make meaningful use of the rights articulated in NAALC to improve their working conditions. Blue collar workers in the United States and to some extent Canada, even with an improved NAALC, will continue to be pushed into lower paying service sector jobs as the manufacturing sector takes advantage of still cheaper Mexican labor. 105 Therefore, it is essential that the NAFTA partners work together to help workers in all [\*142] three countries and plan for long term economic growth. Professor Stephen Zamora and other experts have proposed the creation of **a North American Regional Development Fund** to help ease the hardships of economic integration in all three countries. 106 The fund **would require significant funding** from all three countries in order **to have a real impact** on development, particularly **in Mexico**. 107 **One possible source of this funding would be a tax on the multinational corporations that have seen the most benefits from NAFTA**. 108 **Creating this fund would be a giant step towards spreading the benefits of NAFTA more equitably** and could fund worthy projects aimed at this goal. Such could be used to fund essential infrastructure projects in Mexico to improve both its physical infrastructure (i.e. transportation, water management, power generation) and social infrastructure (i.e. better schools, more effective administrative agencies, unemployment assistance). 109 But the fund would not simply be a U.S. "foreign aid" program for Mexico; it would also be a source of funding to help people in the United States hit hard by the loss of manufacturing jobs as a result of economic integration. The fund could create programs for education and job training or public works projects to give blue collar workers an opportunity to maintain the standard of living that has been slipping away from them since NAFTA's implementation. These programs will pay long term dividends for both countries: Mexican workers will enjoy a higher standard of living and greater purchasing power, increasing demand for U.S. goods; 110 Mexican migration will be reduced as the lives of the working poor improve 111 and American workers will be better able to compete, not just in NAFTA, but in the increasingly globalized economy generally. 112 V. CONCLUSION Renegotiating NAFTA will certainly be no easy task politically, but in a time when workers are already reeling from the global economic crisis, the imperative has never been clearer. Reflexive protectionism is not efficacious or realistic, and [\*143] workers may have been even worse off had the United States and Mexico gone the Ross Perot route. Over the last fifteen years, NAFTA has proven to be a rapid creator of economic growth, but proper measures are needed to make sure this growth is shared equitably. **NAFTA's future success should not be measured in GDP or corporate profits but should be measured by the living standards of workers--from farmers in Oaxaca to factory workers in Ohio. Empowering workers with rights and giving them the structural tools they need to exercise these rights in a meaningful way is an important step in this direction.**

**And, assistance for organizing centers solves – it prevents deference to abusive employers and lays the foundations for transnational labor co-operation – it moves beyond understandings of Mexican unions as incapable of organized action.**

**FRENCH 2** JOHN D. Faculty of Center for Latin American and Caribbean Studies and Professor of History. Labor History, Vol. 43, No. 4

Indeed, his most concrete recommendation to advance maquiladora unionization is that **the U.S. trade union confederation should give money to the FAT to establish a series of worker education centers in the maquila zone staffed by local people and supported by international assistance.** I am actually far more convinced by the observations about U.S. labor solidarity work in Mexico that he attributes, in his book, to Tim Beaty of the Solidarity Center, formerly the representative in Latin America of Public Services International (an international trade secretariat). Hathaway quotes him as sensibly opposing any acrosstheboard boycott of the mainstream of the Mexican labor movement. While Beaty admires groups like the FAT, he feels it would be foolish for major unions to have relations only with independent unions, and he thus continues to work with government-af liated union leaderships. He says **the AFL-CIO is seeking to improve the lives of Mexican workers** and that **to do so it must build ties to workers throughout the country**. “The fact is that the CTM and other **big unions have contracts for most of the organized workers in the country,”** and he feels there are decent local unions within the CTM and the CROC and hopes these can be encouraged.7 **To take such a realist position does not**, I should emphasize, **deny the problematic nature of the prevailing structures of representation in Mexico** or the pro-company sycophancy of far too many trade union leaders in that country. Rather, I fear that Hathaway’s **absolutist moralism, setting up the conflict as one between “good” and “bad” unions, effectively deflects blame away from the real culprits: successive neoliberal governments in Mexico which have ever more comprehensively perverted the Mexican system of labor regulation and,** in particular, **exempted the maquila sector de facto from national labor law enforcement.** Official **toleration for such egregious labor law violations and “sweetheart” protection contracts is far more important in explaining the deteriorated wage levels and working conditions in the maquiladoras** than the absence of secret ballot union elections (a sensible reform advocated by Hathaway that would be of greatest help in resolving contested elections between rival unions). In this regard, I believe that **blanket condemnation of the overwhelming majority of Mexican unions, their leaders, and practices is neither accurate nor helpful.** To build durable cross-border relations, the more powerful actor must strive to avoid selfrighteousness while recognizing that no mass movement of organized working people is ever reducible to its most retrograde elements. **True transnational solidarity demands that we grant Mexican trade unionists the same complement of strengths and weaknesses**, mixed motives, and fruitful as well as harmful ambitions **that we recognize in our own unions and social movements** in NAFTA North. **It means an end to political exclusion of the left** (such as the FAT), the norm of the AFL-CIO’s union diplomacy prior to 1995, as well as a refusal to embrace a policy of interventionism on behalf of the left advocated by Hathaway. Above all, **it means the building of people-to-people and movement-to-movement ties that bind together those who stand for worker rights and progressive social change.** HATHAWAY, THE FAT, AND WORKERS’ CONSCIOUSNESS Hathaway’s broadly sympathetic portrayal of the FAT’s organizational practice is combined with the observation that “**nowhere in Mexico is it difficult to find a majority of maquiladora workers who are ready to complain about their oppressive working conditions and their miserably low wages**. Thus **organizing opportunities are everywhere.”** If true, the reader is left to wonder why the FAT and its allies have not made greater progress in winning working class support. A hard-nosed focus on the “bottom line” of Hathaway’s article might lead the reader to conclude that it offers little more than a discouraging narrative of successive defeats and failures. The UE–FAT Alliance originated in U.S. concern about shops that went south of the border, although 10 years later, as Hathaway notes, “the FAT has failed to organize a single runaway UE plant.” At one point, he discusses the case of ITAPSA in 1997, which pitted the FAT against strong-arm supporters of a CTM local. In the end, he reports that “only 15% of the workers dared to vote for the FAT” precisely because they were forced to “declare their choice openly before management, union representatives, and labor board of cials.” For Hathaway, this defeat underlines the “important historical breakthrough” that occurred in 1994 when “GE [General Electric] kept its word on the secret ballot.” Though Hathaway does not say so, in fact the FAT won only 11% of the 1073 votes cast in the 1994 election.8 Should such successive failures surprise us, given the FAT’s size and powerlessness? And should those of us who are vitally concerned about worker rights be satis ed by Hathaway’s narrative in which losses are to be balanced against our feeling of admiration for plucky organizers working under tough conditions? In today’s struggles to build transnational solidarity, **is it empowering to relativize such defeats**, through an act of will and faith, **as simply battles in a larger war that will eventually bring victory to the workers**? I believe, in contrast, that **we need a broader and more generous vision that would place workers themselves more centrally into such narratives of labor struggle**. This would require a far richer and less politicized narrative, and one that would more fully investigate the human dynamics underlying revealing episodes such as the Han Young  ght in Tijuana that ended with a FAT victory. Yet even in the case of Han Young, Hathaway reports that “partisans of authentic unions” were left with an empty victory, because “ties with the FAT eventually broke down” leaving the local union’s “solidaristic ties in a shambles.” This outcome re ected powerful antagonisms between the national and a local FAT leadership. The FAT’s national union STIMACHS saw the victory as providing a local foothold, while the ambitions of local FAT leaders led them to accept a “Trojan horse” in the form of a legal charter that allowed them to organize in any local industry rather than remaining a state af liate of a national union. In their defense, the ex-FAT leaders mobilized a discourse of regionalist resentment against the national capital by claiming that “they did not want to be controlled by Mexico City, that they did not want to rely on people who  ew in on airplanes rather than living amongst them.” Hathaway offers another back-handed recognition of how workers’ culture and mixed motivations serve as obstacles to his politically charged project of “authentic” worker mobilization. **Rank-and-file workers**, he says, **need to be educated in order “to overcome their learned deference to abusive employers” and to end the “sense of isolation” that leads them not to break their ties with “existing corrupt unions**.” At the same time, he also emphasizes the dangers facing even “authentic unions,” which, without political consciousness, are likely to fall into despotic leadership patterns and serve “simply [as] a vehicle for the advancement of… [their] own members,” thus selling “out the larger movement for the sake of more limited gains.” In his narrative, Hathaway more often achieves melodramatic overstatement (“good versus evil”) rather than a detached tone of con dent realism and  rm conviction. Its mobilizing impact is weakened by the harsh contrast between excessively high expectations and the discouraging outcomes recounted. The resulting text is far more pessimistic than it needs to be if it were less short-sightedly political. **We need stories for young fighters that offer mature explanations of why labor struggle is so hard and how real world outcomes reflect those analytical truths.**

**Economic integration is not simply a question of liberalization, but must be based on respect for workers. Our aff represents a way for us to counter the propaganda of free trade advocates and claim a role other than commodities.**

**Alternatives for the Americas 98** second draft of a document initially prepared for the April 1998 Peoples' Summit of the Americas-a historic gathering of activists determined to change the prevailing approach to trade and investment policy in the Western Hemisphere. Building a People's Hemispheric Agreement, http://www.iatp.org/files/Alternatives\_for\_the\_Americas\_Building\_a\_Peopl.htm

Neo-liberalism entails the imposition of a set of rules that govern not only the economy but also the social fabric of our societies. **The issue** for us, therefore, **is not one of free trade vs. protection or integration vs. isolation, but whose rules will prevail and who will benefit from those rules.** The Peoples' Summit in Santiago brought to the light of day the fact that there is a rising movement of resistance. **This movement is** one of the peoples of the Americas **telling those political leaders, financial speculators and the transnational corporations who promote neo-liberalism that their agenda is unacceptable. It is a movement of the peoples of the Americas demanding their very humanity.** They do so by stating that nutritious food, a comfortable place to live, a clean and healthy environment, health care and education are human rights. And they declare that **respect for the rights of workers**, women, indigenous peoples, black peoples, and Latinos living in the U.S. and Canada **must be central to any process of integration. Supporters of neo-liberalism are attempting to counter the resistance of the peoples of the Americas in a number of ways. In the United States, corporate giants have launched a massive propaganda campaign to "educate" the public on the benefits of free trade.** In many countries, an extreme response has been to utilize the nation state as an instrument of terror against its own peoples – a return to neo-liberalism's birth in Pinochet's bloody dictatorship. Under the guise of a "war against drugs," counter-insurgency efforts, often fuelled by U.S. funds, training and military hardware, have become a plague in our hemisphere. Furthermore, the suppression of the popular movements throughout Mexico, Central and South America attempts to limit the demands of the peoples of our nations. At times, this suppression has taken the form of brutal terrorism, such as the Acteal massacre in Mexico, the assassination of thousands of Colombian union and popular-sector leaders over the past several years, and the savage assassination of Bishop Gerardi of Guatemala. Although our leaders publicly condemn this violence, we wonder if they might be secretly breathing a sign of relief because these abominable acts serve to silence those who have challenged and will continue to challenge neo-liberalism's onslaught. While transnational corporations, speculators and their government sponsors will continue to act in their self-interests, we now are beginning to unite across borders and across sectors in order to oppose these self-interests with those of the vast majority of the residents of our hemisphere. While the building of such a social alliance is in its early stages, this urgent task has begun. History teaches many things. One lesson can be found in the words of the great African-American emancipator, Frederick Douglass: "If there is no struggle, there is no progress. ... Power concedes nothing without a demand; it never has and it never will. ... Find out just what any people will quietly submit to and you have found the exact measure of injustice and wrong. ... The limits of tyrants are prescribed by the endurance of those whom they oppress." Another lesson of history is that no amount of oppression can stop people from declaring their own humanity and acting on that declaration. **The Summit of the Peoples of the Americas** did not stop with the negation of the neo-liberal rules; it began a dialogue about alternatives. This document, a product of the dialogue, **is** thus **rooted in the aspirations of the peoples of our hemisphere to live and develop as full human beings.** These aspirations to build a more egalitarian and respectful society throughout the hemisphere transcend national boundaries and have a long historical tradition in the Americas. They go back at least as far as the struggles to create free and independent countries in the American hemisphere. Almost two centuries ago, Simón Bolivar, who led the movement to liberate a large part of South America from colonialism, declared: "Yo deseo más que otro alguno ver formar en América la más grande, nación del mundo, menos por su extensión y riquezas que por su libertad y gloria." ("I wish, more than anything else, to witness the creation in America of the greatest nation in the world, not so much because of its immense territory or wealth, but rather because of its freedom and glory.") Alternatives for the Americas is not solely an economic doctrine, but is rather an approach to social integration through which the ideas, talents and wealth of all of our peoples can be shared to our mutual benefit. It is a living document that will be altered and expanded as we exercise our rights to continue the debate and discussion. General Principles Background **No country can nor should remain isolated** from the global economy. **This does not mean**, however, **that the** current "neo-liberal" or **free market approach** to globalization **is the only**, much less the best, **form of economic integration**. This dominant free market approach (embodied in the North American Free Trade Agreement, large multinational corporations' negotiating agenda for the Free Trade Area of the Americas, and the temporarily stalled Multilateral Agreement on Investment) argues that the global market on its own will allocate and develop the best possibilities for each country. Thus, free trade does not simply involve opening ourselves to global trade; it also entails renouncing our role as active subjects in determining our future, and instead allowing the market to decide the future for us. According to this view, it is unnecessary for us to envision the kind of society we want to be or could be. We only need to eliminate all obstacles to global trade, and the market itself will take on the task of offering us the best of all possible worlds. **The difference between this dominant approach and the alternative** vision presented in this document **lies not in** whether we accept the **opening of our economies to trade**. The two fundamental differences are the following: 1) whether to have a national plan we can fight for or let the market determine the plan, and 2) whether capital, especially speculative capital, should be subject to international regulation. The recent trend has been to allow all capital, even speculative capital, free rein, and let the world follow capital's interests. We argue that history has demonstrated that the market on its own does not generate development, let alone social justice. In contrast, we propose a world economy regulated at the national and supra-national levels in the interest of peace, democracy, sustainable development and economic stability. Our position in this regard is very clear: **we cannot remain on the sidelines, but must claim our role as valid stakeholders in the globalization dialogue. We must refuse to accept the current neo-liberal form of globalization as irreversible. We must not only reduce its negative consequences, but put forward a positive alternative. We must find ways to take creative advantage of globalization and not passively submit to it.** As citizens of the Americas, **we** refuse to be ruled by the law of supply and demand, and **claim our role as individuals rather than simple commodities** governed by the laws of the market. Free trade has produced social and economic exclusion. This has resulted in the creation of a social stratum of citizens devalued by the current economic system and the societies that support it. **Exclusion renders people unable to enter or re-enter the economic circuit, leading to a process of social "disqualification**" and the loss of active citizenship. Anyone who has felt the negative effects of the transition to free trade, has become chronically unemployed, or whose job is precarious, lives and knows this exclusion. We are not opposed to the establishment of rules for regional or international trade and investment. **Nor does our criticism of the dominant**, externally-imposed form of **globalization imply** a wish to return to the past, **to close our economies** and establish protectionist barriers, or to press for isolationist trade policies. But the current rules have not helped our countries overcome, nor even reduce, our economic problems. We propose alternative rules to regulate the global and hemispheric economies based on a different economic logic: that **trade and investment should not be ends in themselves, but rather the instruments for achieving just and sustainable development.** Our proposal also promotes a social logic that includes areas such as labour, human rights, gender equity, the environment, and minorities – that is, previously excluded issues and people. **While our critique and proposal have a technical basis, they also spring from an ethical imperative. We refuse to accept the market as a god which controls our lives. We do not accept the inevitability of a model of globalization which excludes half or more of the world's population** from the benefits of development. We do not accept that environmental degradation is the inevitable and necessary evil accompanying growth. **A profound ethical imperative pushes us to propose our own model of society,** one supported by the many men and women united in hope for a more just and humane society for themselves and future generations. Guiding Principles: 1. Democracy and Participation **Debates**, decision-making, and framework building **in matters of economic integration have mostly been dominated by financial, corporate, and political élites. Greater democratization** in trade and investment decision-making **must be introduced**. International agreements should be ratified by citizens through direct consultation: for example, through plebiscite or national referendum. **The democratization of debates and decision-making is a necessary precondition, but not sufficient in itself** for the development of new just and sustainable rules on investment, environment, and labour. **Citizens must not only approve economic and social policies, but also participate in their formulation, implementation, and evaluation. Furthermore, they must be able to change or modify these policy directions. In order to realize this goal, it may be necessary to implement special initiatives to guarantee access to debate for marginalized or oppressed social groups,** including women. Global corporations have grown so large that they can no longer be effectively controlled by our governments. We need new instruments to reassert public control and citizen sovereignty over these firms. **The political stability needed for sustainable development requires agreements on economic integration to include mechanisms to ensure democratic security**. **Stability should be based on democratic participation** and not on coercion. Any agreement should promote democracy in the Americas, without being interventionist in internal affairs. Democratic and non-coercive security entails civilian monitoring (accountable to citizens) of the forces of law and order. **Civilian control is required**, for example, **to halt the arms race and the militarization of broad areas of the Americas which is currently being conducted under the pretext of fighting arms and drug trafficking and drug production.** International democratization requires the reform of United Nations institutions, including the Security Council, as well as international financial and trade institutions. The reforms must be based on consultation in every country and should be oriented to serving humankind's objectives: sustainable development and democracy and peace based on justice and respect for human dignity. Such institutions should not continue to be the tools of large multinational corporations and nuclear powers. The democratization of the world and inter-American system must also stop the exclusion of countries for ideological or political reasons, as is currently the case with Cuba. **All integration agreements must ensure that the defence and promotion of human rights**, taken in the broadest sense, **is also globalized**. That is, not only civil and political rights and individual protections should be included, but also the collective rights of peoples and their communities: economic, social, cultural, and environmental. Special attention should be given to the rights of indigenous communities and peoples, and mechanisms put in place to eliminate all forms of discrimination and the oppression of women.

**---The aff is critical to larger movements – Cross-border labor collaboration is in doubt because activists have no faith in current labor protections. Current NAFTA-induced constraints are too effective at preventing status quo criticisms of neoliberalism from succeeding.**

**Ayres 4** Jeffrey, Political Science Department Chair and Environmental Studies Program Director, Professor of Political Science. Studies in Political Economy, POWER RELATIONS UNDER NAFTA: REASSESSING THE EFFICACY OF CONTENTIOUS TRANSNATIONALISM 74 AUTUMN

Other types of cross-border solidarity actions not limited to close border collaboration include the efforts of the Workers Rights Consortium and the United Students Against Sweatshops in supporting striking Mexican workers at assembly plants across Mexico.37 The explosive growth in foreignowned, low-wage assembly plants in Mexico since the implementation of NAFTA has subsequently encouraged further campaigns to stretch corporate codes of conduct across borders. In the ten years since NAFTA’s inception, civil society groups’ crossborder actions have expanded the national power repertoire. **The evolving patterns of contentious transnationalism have attracted considerable attention**, and why not? **There have been unexpected advances in civic cooperation and innovative tactics for challenging the state prioritization of neoliberal principles across the region.** Novel cooperation has emerged through the exploitation of side-agreement institutions, through the construction of cross-border solidarity networks, and through coordinated protests and strikes. **These forms of cooperation have encouraged the spread of information** about consumer, labour, and environmental practices in all three NAFTA states. **This contentious transnationalism has also been a fruitful site for the sharing of national struggles** and campaigns **against privatization schemes, and trade and investment liberalization. However**, **the long-term potential for the NAALC** and the NAAEC **to sustain cross-border civil society collaboration**, or promote greater policy convergence between the three NAFTA countries, **is in doubt**. **There has been a decline in citizen submissions** to the NAALC and NAAEC, which underscores the limitations of these regional institutions as they exist today for advancing civil society complaints.38 **Civil society actors have become disillusioned with the weaknesses of the institutions and have shunned participation in the process**. Ultimately, these institutions are severely limited in their capacity to promote any sort of labour or environmental regulatory regime under NAFTA. Moreover, these institutions hold less potential for helping popular sector forces exercise political and economic leverage under a neoliberal-oriented regime that is geared towards promoting a deregulated environment for investors and capital accumulation. At the same time, while there are some notable achievements in cross-border collaboration — the Echlin-Dana Workers Alliance and the Coalition for Justice in the Maquiladoras come immediately to mind — there remain significant asymmetries and built-in conflicts of interest between sectors and across the civil societies of the three NAFTA states.39 Outside of the more developed partnerships along the US-Mexican border, **cross-border partnerships have been difficult to sustain and have had limited impact on advancing popular sector claims**.40 Second Assessment: Power Shift Under NAFTA **Despite the development of a more flexible protest** repertoire **marking shifts towards increased episodes of contentious transnationalism** across North America, **the balance of power under NAFTA has continued to shift** markedly. **The capacity for working people to effectively exercise political and economic power across the continent has diminished, despite innovations in** power **strategies designed to challenge neoliberal restructuring.** **With NAFTA, investors have gained a variety of specific new rights that have advanced capital mobility**, and enhanced efficiency **and profit accumulation. No corresponding rights were accorded to working people.** **What NAFTA represents is a ten-year exercise in advancing the interests of capital,** strategically facilitating opportunities for downsizing, outsourcing, and factory relocation in the face of still nationally situated and relatively immobile workers. The following section of this article suggests some of the ways in which the changing economic conditions across the continent under NAFTA have differently affected the power capacities of capital and working people. Enhancement of Investor Rights **Perhaps the most obvious example of a NAFTA-induced constraint is the creation of specific rights granted to investors** and holders of private property. The now well-known and contentious NAFTA Chapter 11 “investor-state” clause gives investors the right to seek compensation by suing governments over public interest laws that might undermine profits.41 Aside from the largely ineffective labour-side agreement, **NAFTA by contrast is silent on labour rights, and has not in any way over the past ten years helped workers in campaigns to unionize** or bargain collectively over wages. Rather, it seems clear that this investor state clause has helped corporations sue over “indirect expropriation,” and has possibly discouraged governments from passing new public interest laws.42 This has created a context where nearly any government action that might hinder profits is subject to complaint and compensation.43 Even more broadly, **NAFTA has accelerated the mobility of goods and capital, while doing little to promote labour mobility** across the continent. NAFTA has privileged the relocation of factories and jobs as well as the privatization of essential services. While limitations on the regulation of foreign investors have become a continent-wide norm, it is arguably most apparent in Mexico.44 Under NAFTA, the Mexican government is prevented from adopting local content policies or procurement preferences, undermining the capacity for small- and medium-sized businesses to compete with larger, foreign multinational corporations.45 Enhanced Capacity to Outsource or Relocate NAFTA has encouraged the development of a significantly more flexible labour market across the continent. Clearly **one consequence of this more flexible labour regime is the enhanced power gained by management** and investors **to either threaten or actually undertake the relocation of production facilities**. As the Carnegie Endowment for International Peace has noted in its recent study, **NAFTA’s Promise and Reality, it is “likely that the relative bargaining power of labor is reduced by the possibility of outsourcing or plant relocation, even when it does not actually occur.**”46 Indeed, another study concluded that **the threat of closing and moving factories to Mexico has been a tactic used by management to beat back unionization drives,** and in bargaining with workers over working conditions and wages;47 more broadly, **NAFTA**-induced trade and investment liberalization, which has given management such greater leverage to threaten or implement job relocation, **has helped to undermine job quality, suppress wages, and lower unionization rates.**48

**Even if the plan fails in the short term, it acts as a form of counter-hegemonic globalization. The attempt to institutionalize transnational connections between workers spurs global labor movements**

**Evans 2000** (Peter, Professor of Sociology at UC Berkeley, Contemporary Sociology, January, “Fighting marginalization with transnational networks: Counter-hegemonic Globalization,” Proquest)

Innovative efforts to make First World consumers conscious of the lives of the Third World producers can't be the only strategy for restructuring global market relations. **If the current increasing inequality within and among nations is to be reversed, a way must be found to construct institutional mechanisms at the global level**-analogous to those constructed within advanced industrial nations over the course of the first half of the twentieth century-**that will ensure labor is not excluded from the fruits of global productivity**. The first effect of globalization goes in the other direction-increasing the power of transnational capital relative to nationally organized labor movements. **Increased flows of capital across national borders have an additional effect, however. They create a demand for global governance institutions that would provide the transparency** and predictability that capital itself needs. **These institutions** were not, of course, designed to serve the needs of labor, but they **may** still **become points of countervailing political leverage**. I will focus on two counterintuitive examples to argue that the construction of global governance institutions has opened new possibilities for international labor organizing: NAFTA (North American Free Trade Agreement) and the WTO (World Trade Organization). NAFTA provides an interesting initial example. When NAFTA was signed in 1993, the relegation of labor issues to a relatively toothless set of "side agreements" was a principal source of opposition. Indeed, in 1997 when the Clinton administration tried to secure "fast track" authority to extend the agreement, it found that the absence of guarantees on labor standards to complement the extensive guarantees offered to capital was a key factor in the proposal's defeat. What is more interesting is that **even the toothless side agreements turned out to stimulate cross-border collaboration between the U.S. and Mexican labor movement.**2 The side agreement set up a set of "National Administrative Offices" (NAO) which allow unions in each of the three NAFTA countries (the United States, Canada, and Mexico) to file complaints based on labor violations in other countries. While is it still unclear whether complaints to the NAOs will actually lead to redress of grievances, clearly **the existence of this structure is giving unions in the three countries a venue for learning to work together**. While the first two cases submitted were complaints by single unions, a more recent case-filed against the Echlin/Itapsa export processing plant Ciudad de los Reyes, Mexico, in December 1997-involved 50 different unions, NGOs, and human rights groups in the United States, Canada, and Mexico. The UAW, the Steelworkers, the United Electrical Workers, and the AFL-CIO itself were joined by the Canadian Auto Workers and the Canadian Labour Congress and the Mexican Telephone Workers and Mexico's newly formed National Union of Workers (see Kay 1999b: Table 1). **The joint participation of labor federations from all three countries was an unprecedented step forward in transnational labor solidarity. The most politically significant aspect of the joint actions stimulated by NAFTA is that they indicate a new attitude on the part of U.S. labor**. **As long as Mexican workers themselves were seen as the problem** because they were "willing" to work for so little, **there was little basis for cross-border solidarity** **and a real danger that resentment would degenerate into divisive racism**. The political focus was then on hopeless efforts to stem the tide of manufacturing capital investing in Mexico. **NAFTA has (inadvertently) shifted the definition of the problem from Mexican workers themselves to the political/legal barriers that stand in the way of Mexican workers' being able to organize effective unions**. This new position is obviously one that both Mexican and U.S. workers not only can support wholeheartedly, but also work together on. **If a toothless side agreement can help stimulate this kind of shift, the inclusion of a serious treatment of labor rights-**--comparable, say, to existing treatment of the protection of intellectual property rights-**should facilitate a fundamental shift in both the level of cross-border collaboration and the ability of Mexican workers to organize**.

**We are more than just a legal solution – it is also a marriage of legal work to the already active forms of transformative organizing. The framing of our aff is critical to radicalizing new notions of economic rights – creating a shared normative formula for a socially aware global economy**

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With these shared principles, **SAGE movements can move beyond forming tactical alliances to actually integrating each others' concerns into the core of their programs and cultures**. Historically, Clawson argues, **movements have blossomed when they have broken out of their existing constructs and blended with new constituencies and networks**.173 We've already seen how the U.S. labor movement could benefit by working more closely with immigrant workers. **When feminists place priority on the interests of lowwage women workers**, 174 when environmentalists organize with communities of color to end environmental racism, 175 **they transcend the artificially cramped constraints of narrowly defined interests and breathe life into economic, social and cultural rights**. **The struggle to realize internationally recognized human rights, reframed to support SAGE organizing, could provide a shared normative formula for movements engaged in creating this "fusion."** d. Building the World We Really Want Finally, SAGE organizers struggle for what they really want. Why do even some otherwise savvy activists assume that neoliberal capitalism is immutable? It is a social construct, like any other political or economic system. Let the defenders of the status quo ride to its rescue. As a wise man once said, the job of revolutionaries is to make revolution. To put it another way, **the job of social change agents is to make social change. We will always achieve less than we seek. We may as well struggle for the kind of world we really want. If economic and political life is something we literally dream up, something we collectively imagine and create, why not consciously contemplate the world we really want, then work to build it?** Conclusion In a speech at the 2003 World Social Forum, Indian novelist/activist Arundhati Roy summed up the creative rethinking of advocacy needed to build democratic and humane alternatives to the existing global order as well as anyone: **Our strategy should be not only to confront empire, but to... deprive it of oxygen. To shame it. To mock it. With our art,... our stubbornness, our joy, our brilliance, our sheer relentlessnessand our ability to tell our own stories. Stories that are different from the ones we're being brainwashed to believe**. **The corporate revolution will collapse if we refuse to buy what they are selling; their ideas, their version of history, their wars, their weapons, their notion of inevitability**. Remember this: We be many and they be few. They need us more than we need them. **Another world is not only possible, she is on her way. On a quiet day, I can hear her breathing.**176 SAGE **organizing can transform the global political economy, overcoming the obstacles neoliberal policy places in the way of realizing the economic human rights of the global majority**. To do their part, SAGE **workers' rights activists should strategically 1) reimagine and rebuild the labor movement through grass roots, transnational organizing; 2) revitalize economic human rights law by marrying legal work to transformative organizing; and 3) facilitate popular participation in the construction of alternative institutions and policies. SAGE organizers in discrete struggles can build a powerful, cohesive global justice movement based on their shared dedication** to celebrating interdependent difference, practicing prefigurative politics, creating fusion, **and having the courage to create a world which reflects their deepest convictions.**

**Public debate and documentation of NAFTA’s impact is critical to move past the logic of markets and to force the government to live up to its promises, rolling back the current model of NAFTA**

**Carlsen 9** Laura is Director of the Americas Program of the Center for International Policy, A Pressing Case for NAFTA Review and Renegotiation, 9-9, http://www.cipamericas.org/archives/5617#sthash.E7Fh3OOD.dpuf

Over a thousand people protested outside the North American Summit. They were kept at a distance. Police cordoned off several blocks around the meeting to prevent any uncomfortable contact between the leaders and their subjects. Relegated once again to the sidelines, **environmental, fair trade, and labor organizations called for renegotiation of NAFTA.** **By law, there’s no question that NAFTA can be renegotiated. The citizen movements and unions** that demand renegotiation of NAFTA aren’t asking for an end to international trade. They **ask that government incentives to move production overseas be eliminated and that economic sectors that can’t compete on the international market but are vital in generating decent jobs be given a chance to survive.** Now, with the crisis, **citizens in all countries have increased the demand for governments to adopt more local development and social programs of the kind prohibited under the competition and privatization terms of NAFTA.** Each country in the NAFTA agreement has its particular interests to pursue. In the United States, President Obama as candidate echoed citizen demands when he said: "**We must add binding obligations to the NAFTA agreement to protect the right to collective bargaining and other core labor standards recognized by the International Labor Organization.** Similarly we must add binding environmental standards so that companies from one country cannot gain an economic advantage by destroying the environment. And **we should amend NAFTA to make clear that fair laws and regulations** written to protect citizens in any of the three countries **cannot be overridden simply at the request of foreign investors."** Now the problem appears to be in the details and the timing. Obama said before the summit that renegotiation would not be on the table, stating that he "has a lot on his plate right now" with healthcare, energy, and financial reforms, and the need to stabilize the economy before opening up a long debate on NAFTA renegotiation. But the economic crisis and the debate reopened by the Obama presidency offer the opportunity to make some needed changes to an obsolete agreement. **The Obama presidency could end up merely adopting the Democratic platform on trade, which stipulates making the labor and environment agreements part of the main text and adding the core labor standards of the International Labor Organization,** as well as create an expanded U.S. jobs displacement program. **Obama voted for the U.S.-Peru Free Trade Agreement that was modified along these lines.** It’s not at all clear that this format will have more teeth than the current NAFTA rules. The current rules have never allowed a single case to move to sanctions, no matter how blatant the violations. **Grassroots citizen organizations will be a critical factor in forcing the administration to live up to its promises in reforming the trade pact.** On the Canadian side, civil society organizations demand the elimination of the proportionality clause that requires Canada to send oil to the United States even in times of scarcity. They also call on their government to eliminate the **Ch. 11 investor-state clauses** that **give investors the right to sue governments**. This chapter is controversial in all three countries because **corporations are using it to override health and security laws that interfere with their "present or future earnings." The peculiar legal structure**—outside all national judicial systems—**not only allows private corporations to sue governments for a broad range of supposed grievances, but it is also clearly skewed; a recent review showed that special trade tribunals have ruled in favor of corporations in the overwhelming majority of the cases. In Mexico, a broad popular movement has called for renegotiation of NAFTA’s agricultural chapter with an eye toward protecting basic food production and removing corn and beans from the agreement altogether**. They demand the right to regulate the food system so both consumers and producers have access to decent work and sustenance. Finally, citizen groups demand an end to the Security and Prosperity Partnership (SPP)—sometimes known as the "NAFTA Plus" agreement. There are indications that the SPP may, in fact, be at the end of its political lifespan. The ill-conceived pact between the leaders of the three governments was engineered by the Bush administration as a regional counterterrorism cooperation plan and a way of deepening NAFTA integration without congressional or public oversight. It allows the United States to police Mexico’s southern border, increase surveillance, and deepen economic integration. No members of civil society are invited to participate regularly in the many working groups, which are made up of representatives from transnational corporations and governments. Since both the right and the left in the United States repudiate it, there is talk that the SPP will be revoked or restructured soon. **The first step toward renegotiating NAFTA must be a comprehensive study of impact** in all three countries. In the United States, Senator Sherrod Brown (D-OH) and Rep. Mike Michaud (D-ME) have authored the Trade Reform, Accountability, Development, and Employment (TRADE) Act and presented it to Congress. The TRADE Act calls for a NAFTA review and lays out fair trade principles for moving forward. This act mandates the government to include not only trade figures in the study, but also jobs and job loss, labor standards and conditions, consumer safety, and environmental impacts. The TRADE Act was re-introduced in Congress on June 24 and currently has 116 sponsors. **Rethinking NAFTA must include the facts on the impact and consequences of the great experiment that have so far not been reported and analyzed.** The review should be independent and allow for public consultation and input. It must have carefully defined criteria of evaluation, including social, economic, political, and cultural indicators and a mechanism for receiving civil society analysis and presenting that as part of the process. To break through the leaders’ denial and delay tactics to move toward a thorough assessing and **revamping of NAFTA will require broad-based citizen movements. In Mexico, farmers’ movements have held major demonstrations, several with over 100,000 people in the streets, calling to remove corn and beans from the agreement to be able to manage Mexico’s most basic food supply.** After the first march in January of 2003, then-President Vicente Fox asked for a renegotiation and the U.S. government said no. Fox immediately dropped the request. Current president Felipe Calderon—a strict neoliberal—opposes renegotiation. In the United States, President **Obama’s oft-repeated line that "NAFTA helped Wall Street and hurt Main Street" contains an understanding that the agreement is flawed because of its pro-corporate orientation and not just because it contains a few bad clauses or unforeseen consequences, but he has put the issue of renegotiation on the back burner. Citizen movements continue to push for renegotiation while competing with a number of major issues for visibility.** Canadians, **U.S. citizens**, and Mexicans **need public debates to determine their own priorities and national strategies to reform policies, relieve suffering and poverty, and build alternative structures. It will be the convergence of these strategies from citizens** of all three nations **that enable us to join together and rollback the current NAFTA model.**