## OFF

### T---1NC

T Subsets---

#### CBR is all labor rights.

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Andrea McBarnette, Ronald C. Machen, R. Craig Lawrence, “AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFLCIO, LOCAL 3669, Appellee v. Eric K. SHINSEKI, Secretary for the U.S. Department of Veterans Affairs and Robert A. Petzel, Appellants,” United States Court of Appeals, District of Columbia Circuit, Argued 11-09-2012, Decided 03-08-2013.

We review de novo a district court's grant of summary judgment. Sherley v. Sebelius, 689 F.3d 776, 780 (D.C.Cir.2012). Summary judgment is appropriate if the moving party "shows that there is no genuine dispute as to any material fact" and that it "is entitled to judgment as a matter of law." Fed.R.Civ.P. 33\*33 56(a). Here, the relevant facts are not in dispute. The APA requires us to "hold unlawful and set aside agency action, findings, and conclusions found to be ... in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2). The VA contends that the Under Secretary's decision excluding the ULPs was within his statutory authority because the phrase "collective bargaining" should be read broadly to encompass all labor rights. Because we agree with the district court that "collective bargaining" has a narrower meaning and does not include the ULPs at issue, we affirm.

#### Violation: the aff only provides a negotiation mechanism. Not enforcement OR scope of subjects.

#### Voting issue for limits and ground. Letting aff teams subset which rights they provide explodes the number of topical affs and vacates core neg ground like labor power DAs.

### CP---1NC

Advantage CP---

#### The United States federal government should:

#### ---adopt a guaranteed basic income,

#### ---increase progressive taxation, including expansion of capital gains taxes, taxation of intergenerational wealth transfers, elimination of Section 199A deductions, and adoption of a value added tax.

#### Guaranteed basic income solves poverty and inequality without unsustainable spending.

Washington State Budget and Policy Center 24 – Nonpartisan Policy Research Organization Based in Washington.   
Washington State Budget & Policy Center, “Washington State Needs a Guaranteed Basic Income Program”, January 2024, https://budgetandpolicy.org/resources-tools/2024/01/2024\_BPC\_GBI\_Report.pdf

Guaranteed basic income (GBI) is a policy tool that can help address these disparities. By providing targeted cash support to the people who experience the most systemic barriers to economic security, it would reduce poverty and advance racial equity. When people can meet their basic needs, they can focus their energy on community building, caring for their loved ones, and planning for their future without having to choose between putting food on the table or paying rent.

GBI is not a new idea, and GBI pilots have proliferated across the country in recent years. Over 130 local pilots in the United States have demonstrated improvements in participants’ financial well-being and mobility, health, housing stability, employment outcomes, and more – as well as realizing cost savings for state and local governments. As of the publication of this report, five GBI pilots in Washington state are in progress or have been completed (see Table 1). The robust evidence from these pilots makes a compelling case for implementing a similar program at the state level.

What is guaranteed basic income?

Guaranteed basic income (GBI) is a policy that aims to reduce poverty by providing participants with recurring, unconditional, and unrestricted cash transfers. GBI operates on the principle that every person has intrinsic value and deserves to have their basic needs met regardless of their ability, employment, or family status. GBI is not to be confused with universal basic income (UBI), where an entire population receives unrestricted cash payments. GBI strategically implements a targeted approach to ensure that people furthest from financial security benefit the most. To elaborate:

⊲ Recurring means more than once and at regular intervals. Many GBI pilots provide cash transfers monthly, but they can be biweekly, bimonthly, or another regular interval. This differs from a one-time lump sum payment, like some tax refunds provide.

⊲ Unconditional means that participants do not need to meet certain conditions common in public benefits programs, such as work, job training, or minimum earned income requirements.

⊲ Unrestricted means that there are no restrictions on how the cash can be used. Participants can decide for themselves how to spend the cash. GBI is designed with trust that participants know best how to care for themselves and their loved ones.

GBI is designed to complement existing public benefits, not replace them. Programs like Apple Health, Basic Food Assistance, and Working Connections Child Care provide critical supports and services to communities across the state. However, these programs do not fully cover people’s basic needs, and time restrictions and work requirements often exclude people who most need support. GBI can fill in these coverage and benefits gaps in an innovative way.

#### Progressive taxes solve inequality---especially when combined with redistribution.

Duncan 16 – Economics Professor at the Indiana University School of Public and Environmental Affairs, PhD from Georgia State University.  
Denvil Duncan and Klara Sabirianova Peter, “Unequal inequalities: Do progressive taxes reduce income inequality?”, 2016, International Tax and Public Finance, Volume 23, https://link.springer.com/article/10.1007/s10797-016-9412-5

A major concern occupying the attention of policymakers across the world is the perceived widening income gap between the rich and the poor. Although there remains some debate, there appears to be a general consensus that within-country income inequality has increased significantly in recent decades (Violante 2010).1 In an effort to address this problem, some policymakers have recently argued for and/or enacted more progressive income tax schedules. For example, top statutory personal income tax rates increased to 39.6% in the USA and 45% in France. Tax policy is commonly viewed as one possible solution to the problem of growing income inequality because higher top tax rates and the resulting increase in progressivity imply that the rich pay a relatively larger share (compared to the poor) of their observed before-tax income to the government in taxes. As a result, observed after-tax income tends to be more equally distributed. This redistributive effect is further strengthened if the tax revenues are redistributed to the poor.

### DA ---1NC

Automation DA---

#### Automation is gradual now. Even where technically feasible, cost remains a key barrier to widespread automation.

Thompson et al. 24 – Director of the FutureTech Project, MIT. Ph.D., Business & Public Policy, UC-Berkeley. M.A., Economics, London School of Economics.

Neil Thompson, Maja S. Svanberg, M.S. of Technology & Policy at MIT, Wensu Li, Ph.D. candidate in Economics at UConn, Martin Fleming, Research Scientist at MIT Sloan, Brian C. Goehring, A.B. in Cognitive Studies and Philosophy from Princeton, 02-08-2024, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=4700751

While there is already evidence that AI is changing labor demand (Fleming et al. 2019, Acemoglu et al. 2022), most anxieties about AI flow from predictions about “AI Exposure” that classify tasks or abilities by their potential for automation, as measured by various proxies (Arntz et al. 2017, Brynjolfsson et al. 2018, Felten et al. 2018, Webb 2019, Felten et al. 2021, Tolan et al. 2021, Meindl et al. 2021, Zarifhonarvar 2023, Felten et al. 2023). Importantly, nearly all these predictions are vague about the timeline and extent of automation because they do not directly consider the technical feasibility or economic viability of AI systems, but instead use measures of similarity between tasks and AI capabilities to indicate exposure. The only exception in the literature known to us is a McKinsey report (Ellingrud et al. 2023) that estimates AI adoption of between 4% and 55%. With such imprecise predictions, it is unclear what conclusions should follow. AI exposure models also conflate predictions about full task automation, which is more likely to displace workers, with partial automation, which could augment their productivity. Separating these effects is enormously important for understanding the economic and policy implications of automation (Acemoglu and Restrepo 2018).

In this paper, we address three important shortcomings of AI exposure models to construct a more economically-grounded estimate of task automation. First, we survey workers familiar with end-use tasks to understand what performance would be required of an automated system. Second, we model the cost of building AI systems capable of reaching that level of performance. This cost estimate is essential to understanding the deployment of AI, since technically-exacting systems can be enormously expensive. And third, we model the decision about whether AI adoption is economically-attractive. The result is the first end-to-end AI automation model.

A simple hypothetical example makes clear why these considerations are so important. Consider a small bakery evaluating whether to automate with computer vision. One task that bakers do is to visually check their ingredients to ensure they are of sufficient quality (e.g. unspoiled). This task could theoretically be replaced with a computer vision system by adding a camera and training the system to detect food that has gone bad. Even if this visual inspection task could be separated from other parts of the production process, would it be cost effective to do so? Bureau of Labor Statistics O\*NET data imply that checking food quality comprises roughly 6% of the duties of a baker. A small bakery with five bakers making typical salaries ($48,000 each per year), thus has potential labor savings from automating this task of $14,000 per year. This amount is far less than the cost of developing, deploying and maintaining a computer vision system and so we would conclude that it is not economical to substitute human labor with an AI system at this bakery.

The conclusion from this example, that human workers are more economically-attractive for firms (particularly those without scale), turns out to be widespread. We find that only 23% of worker compensation “exposed” to AI computer vision would be cost-effective for firms to automate because of the large upfront costs of AI systems. The economics of AI can be made more attractive, either through decreases in the cost of deployments or by increasing the scale at which deployments are made, for example by rolling-out AI-as-a-service platforms (Borge 2022), which we also explore. Overall, our model shows that the job loss from AI computer vision, even just within the set of vision tasks, will be smaller than the existing job churn seen in the market, suggesting that labor replacement will be more gradual than abrupt.

#### The plan creates a “union-premium” on wages, which drives incentives for automation.

Kostøl 23 – Ph.D., Economics from NTNU. Associate Professor, Industrial Economics and Technology Management, NTNU. Dr. Elin Svarstad has a PhD in Economics, Norwegian University of Science and Technology, Researcher at FAFO

Dr. Fredrik B. Kostøl, “Unions and Robots: Automation and the Power of Labor,” Labour Economics, Volume 84, October 2023, ScienceDirect

While more empirical evidence on how unions alter technological change has been called for (Acemoglu & Autor, 2011, p. 1160), both of the two channels identified above are previously explored in the literature. On the one hand, there is a rich literature on how unions affect both the levels and distribution of wages. The monopoly bargaining power of unionized workers is widely recognized to add a union-premium on wages (Doucouliagos et al., 2017, p. 149). In isolation, a positive union wage premium implies stronger incentives to replace labor with new technology. Furthermore, unions are often believed to compress the distribution of wages, both within firms (Svarstad & Nymoen, 2022) and at the macro level in countries with a centralized or coordinated bargaining structure (Moene & Wallerstein, 1997; Haucap & Wey, 2004; Braun, 2011; Dale-Olsen, 2021). Wage compression contributes to making low-skilled labor relatively expensive and highly skilled labor relatively cheap. In line with theories of skilled-biased technological change, low-skilled labor is also more replaceable by automation technology, while high-skilled labor is more likely to complement this technology (Acemoglu, 2002).

#### Fast automation causes extinction. It’s a national and economic security crisis.

Cloud 24 – Writer & Leader, International Longshoreman’s Association, largest union of maritime workers in North America.

Lauren Cloud, “The Silent Threat: How Cyberattacks on Automated Ports Endanger National Security and the Economy,” International Longshoreman’s Association, South Atlantic and Gulf Coast District, 12-09-2024, https://www.iladistrict.com/the-silent-threat-how-cyberattacks-on-automated-ports-endanger-national-security-and-the-economy/

The maritime industry, once operating quietly behind the scenes, has recently been thrust into the spotlight. Events over the past few years have underscored just how vital this industry is to the lifeblood of our nation. Ports are the gateways for goods, military supplies, food, medical equipment, and energy resources, and they are indispensable to our economic stability and national security. Yet, as automation and semi-automation infiltrate port operations, they introduce a new and significant threat: the vulnerability of these systems to cyberattacks and technological failures.

The 2017 NotPetya cyberattack on APM Terminals was a chilling example of what’s at stake. This ransomware attack crippled terminal operations at 17 facilities worldwide, forcing many to shut down systems and revert to manual operations. The fallout disrupted supply chains, delayed cargo movements, and caused financial losses on a global scale. This wasn’t just a one-off incident but a glimpse into the potential devastation hackers can wreak on interconnected systems.

In recent years, so-called “glitches” in terminal operating systems and gate systems have further highlighted the fragility of automated systems. Whether due to technical failures or malicious actors, these disruptions are a clear warning of the dangers automation poses to the operational resilience of our ports. The stakes could not be higher.

Ports are not just economic hubs; they are critical to national defense. A cyberattack targeting U.S. ports could halt the movement of essential goods, delay military equipment, and undermine the nation’s ability to respond to emergencies or crises. Imagine ships stranded at sea, cargo piling up, and critical supplies trapped in terminals. The result would be catastrophic for both the economy and national security, plunging the country into chaos.

The economic impact of a cyberattack would extend far beyond the immediate shutdown of a port. Businesses that rely on imported goods would face shortages, supply chains would collapse, and consumers would see skyrocketing prices. The nation witnessed the fragility of supply chains during the COVID-19 pandemic; a cyberattack would be far more destructive, leaving industries, workers, and families scrambling to recover.

Hackers and tech terrorists see automation as an opportunity. Automated systems rely on interconnected networks, making them susceptible to infiltration and disruption. The very systems designed to replace human workers introduce vulnerabilities that can be exploited by malicious actors. Ports, once fortified by human oversight and adaptability, are now becoming liabilities as they increasingly depend on technology.

While these risks grow, the International Longshoremen’s Association (ILA) workforce continues to stand on the front lines, serving as a critical layer of defense against domestic threats at our ports. Longshore workers are trained to remain vigilant, aware of their surroundings, and to follow established protocols if they notice suspicious activity. Their presence and proactive measures are a bulwark against potential security breaches.

Consider for a moment what COVID-19 could have looked like if ILA members had stayed home, gripped by fear from the widespread panic and misinformation. Instead, these essential workers reported to duty, ensuring that goods flowed seamlessly through ports during one of the most challenging times in modern history. Their courage and dedication kept America moving when the rest of the nation was at a standstill.

Adding to the challenge, mainstream media—controlled in part by private equity firms investing in U.S. ports and infrastructure—has been shaping a false narrative to portray the ILA as stalling progress and innovation. This couldn’t be further from the truth. As Sara Shaleen (Masterson) recently pointed out in her rebuttal to the media’s propaganda, the ports operated by ILA members are ranked far higher globally than reported. The ILA’s strength in bargaining has effectively countered the outdated productivity argument, forcing employers to shift the focus to densifying terminals for capacity and throughput.

The employers’ claim that density requires full automation falls apart under scrutiny. In today’s technological age, there is no reason cargo-handling equipment manufacturers cannot produce RMGs (rail-mounted gantries) that allow ILA operators to perform the full movement of cargo. This solution would meet the employers’ goal of greater density while preserving the jobs of the skilled workers who make these ports among the best in the world.

The truth is that automation does not safeguard operations—it exposes them. And as these systems expand, so does the attack surface for hackers and tech terrorists. Ports are the front lines of commerce and security, and a failure to protect them leaves the entire nation vulnerable.

The U.S. must act decisively to address these vulnerabilities. Safeguarding ports against cyber threats is not just a matter of economic stability—it is a matter of national security. Policies must be implemented to ensure that ports remain resilient, and cybersecurity must become a top priority for the maritime industry.

The risks posed by automation and semi-automation far outweigh any purported benefits. Our ports, the backbone of American commerce and defense, must not be left at the mercy of hackers and tech terrorists. This is a fight we cannot afford to lose.

#### Prolonged U.S. port failure cascades to extinction from multiple pathways.

Youvan 25 – former Associate Professor at MIT and former CEO of Kairos Scientific, Inc.

Douglas C. Youvan, also President & CEO of the Youvan Foundation, “The Day the Signal Died: Systemic Collapse and Civilizational Consequences of a Global Internet Shutdown,” June 30, 2025, https://www.researchgate.net/profile/Douglas-Youvan/publication/393228577\_The\_Day\_the\_Signal\_Died\_Systemic\_Collapse\_and\_Civilizational\_Consequences\_of\_a\_Global\_Internet\_Shutdown/links/6863bb4b07b3253fd1cae955/The-Day-the-Signal-Died-Systemic-Collapse-and-Civilizational-Consequences-of-a-Global-Internet-Shutdown.pdf

Maritime and trucking logistics collapse next: port cranes stop due to software lockouts, shipping containers cannot be tracked or unloaded, and warehouse inventory systems fail. Global supply chains instantly fragment. Fuel distribution halts as gas stations cannot process payments or manage inventory. Urban infrastructure such as smart grids, water filtration systems, and waste management, increasingly managed by cloud services, begin to degrade or enter failure states. 2.4 Health Care Breakdown and Early Deaths Hospitals, clinics, and pharmacies are among the most immediately impacted. Electronic Health Records (EHRs) become inaccessible. Prescriptions cannot be filled. Diagnostic imaging equipment reliant on cloud data sharing goes offline. Coordination between emergency rooms, surgeons, labs, and specialists fails. Telemedicine ceases entirely. Ambulance dispatch, reliant on geolocation and digital routing, becomes erratic. Critically ill patients suffer first. Those on ventilators, infusion pumps, or dialysis machines dependent on internet-monitored telemetry may experience 7 unmonitored failure. Medication supplies for chronic illnesses—such as insulin for diabetics or antipsychotics for the mentally ill—are disrupted within hours to days. Pharmacists are unable to verify dosages or interactions. The invisible web of safety that undergirds modern healthcare collapses in silence, and deaths begin to mount in hospitals, homes, and care facilities. Conclusion to Section 2 Within the first 72 hours, the world does not just "go offline"—it descends into a chaotic interregnum. Digital systems freeze. Human systems panic. The pace of failure outstrips any institution’s ability to respond. The false security of digital continuity is replaced by the visceral reality of informational absence, and in that vacuum, society begins to unravel. The next phase—famine, violence, and institutional collapse—is already incubating. 3. The First 30 Days: Scarcity, Violence, and Fragmentation As the world stumbles into the first month without internet, the initial paralysis gives way to an accelerating breakdown of material systems, civil order, and shared understanding. The psychological shock of disconnection deepens into resource desperation, violent competition, and governance failure. Without digital coordination, institutions fragment, supply chains shatter, and the social contract erodes. The crisis moves from inconvenience and panic to survival and collapse. What begins as a communications failure metastasizes into a civilizational fracture. 3.1 Medical Supply Chain Disruption and Starvation Risk Modern healthcare and food systems are among the most complex and interconnected logistical achievements in human history—and both are fundamentally internet-dependent. In the absence of functioning supply networks, medication production and distribution grind to a halt. Essential drugs, including antibiotics, antivirals, insulin, anti-rejection medications for transplant patients, and psychiatric medications, become scarce. Local pharmacies run out within days, and hospitals exhaust their reserves within weeks. Simultaneously, food systems begin to fail catastrophically. Supermarkets are not designed for long-term storage, but for just-in-time inventory management—a model reliant on minute-by-minute tracking via internet-based software. Without the internet, regional warehouses cannot restock grocery stores. Refrigeration fails in many areas. Farmers, unable to communicate with buyers or transportation networks, either dump perishable goods or withhold them. Starvation begins in urban centers first, where populations are densest and self-sufficiency lowest. Vulnerable populations—children, the elderly, the chronically ill—are the first to die. 3.2 Civil Unrest and the Breakdown of Law and Order By the second week, social cohesion begins to fray. As scarcity turns to panic, local governments are overwhelmed. Looting becomes widespread. Armed citizens guard homes and stores. Riots erupt in densely populated areas, often over rumors of hoarded supplies or preferential treatment. Police forces, whose dispatch and coordination mechanisms rely heavily on internet infrastructure, struggle to respond effectively or at all. Many officers desert to protect their own families. In some regions, vigilante groups or organized crime syndicates fill the vacuum, offering food and protection in exchange for loyalty or labor. Prisons become flashpoints: some systems fail to feed or guard inmates, resulting in mass escapes or uprisings. The line between lawful society and gang-dominated enclaves blurs rapidly. Martial law is declared in several countries but is inconsistently enforced. The social contract dissolves where it is no longer backed by communication, resources, or trust. 9 3.3 Isolation of Governments and Paralysis of Response National governments—cut off from the digital infrastructure that supports everything from taxation to inter-agency coordination—become internally fragmented and externally blind. Presidents and prime ministers, lacking internetbased communication, revert to archaic forms of governance: military radio, couriers, landline phones, or in some cases, total silence. Cabinet-level coordination collapses. International diplomacy halts. Multinational organizations like the United Nations, NATO, and the World Health Organization become inert. Relief supplies cannot be requisitioned or tracked. Global development and humanitarian efforts stall completely. With no international coordination and increasingly unreliable national leadership, most effective action occurs at local or regional levels, often carried out by pre-existing informal networks, military garrisons, or civilian volunteers. For most people, government disappears—not violently, but quietly, as an unseen presence that no longer speaks or acts. 3.4 Disinformation, Rumor, and Collapse of Epistemic Coherence The internet has functioned not only as an infrastructure of logistics and communication, but also as the primary epistemic interface—a real-time filter for truth, authority, and public discourse. Its sudden absence creates a vacuum into which rumor, superstition, and tribal mythologies rapidly flow. No one knows what has happened or why. In the silence of institutional authority, the imagination fills the void. Conspiracy theories flourish: that the shutdown was orchestrated by a rogue AI, or a government plot, or divine judgment. In some regions, charismatic leaders or preachers exploit the epistemic void to consolidate power, offering narrative certainty in a time of collapse. Without shared media, trust collapses along lines of kin, tribe, and language. Even radio transmissions—difficult to verify and easily spoofed—begin to spread false alarms, panic-inducing claims, or ideological propaganda. 10 The result is an epistemic fragmentation of the species. The shared global conversation—the most defining feature of the internet age—is dead. In its place, humanity reverts to information feudalism, where truth is whatever a trusted voice can convince a local audience to believe. Conclusion to Section 3 The first 30 days of an internetless world reveal that our civilization was not built for disconnection. Starvation, violence, and the collapse of truth itself become the dominant forces shaping daily life. While isolated pockets of resilience may form, the overwhelming trend is toward decentralized, destabilized survivalism. The modern world is not returning to the 1980s—it is plunging into something much older, more primal, and far more dangerous. 4. Year One and Beyond: Death Toll and Global Transformation While the first month without the internet would be marked by cascading institutional collapse and individual survival crises, the longer-term consequences are even more profound. What begins as a technical failure mutates into a demographic catastrophe, a global economic collapse, and the political reconfiguration of power. In the absence of digital connectivity, much of the post-Cold War world order unravels. Globalization halts. Institutions rooted in coordination—financial, legal, technological—become nonfunctional. At this scale, the death toll becomes measured not in headlines, but in historical epochs. 4.1 Estimating the Human Cost: Mortality by Cause and Time Horizon Initial projections suggest that in the first year alone, the global death toll could reach tens of millions, depending on region, resilience, and climate. The primary drivers of mortality would include: 11 • Starvation and malnutrition, especially in urban areas and food-importdependent nations. • Medical attrition, where the chronically ill, immunocompromised, and injured are denied care. • Violence and civil conflict, including riots, local wars, and organized looting. • Exposure, particularly among displaced populations as energy grids fail and housing security declines. • Disease outbreaks, as public health infrastructure collapses and water sanitation degrades. A conservative estimate projects 5 to 30 million deaths globally in the first year, while a worst-case scenario—especially in regions with fragile states or extreme climates—could lead to over 100 million deaths over 3 to 5 years, approaching the scale of the Black Death or the 20th century world wars. The nature of the collapse is slow-burning but widespread, a creeping mass casualty event driven by systemic dysfunction rather than discrete violence. 4.2 Regional Variation and Demographic Vulnerabilities The impact of the shutdown would not be evenly distributed. Some regions and demographics are disproportionately vulnerable: • Sub-Saharan Africa and South Asia, heavily dependent on global food imports and humanitarian aid, would suffer catastrophic famine. • Northern megacities (e.g., New York, Tokyo, London) would face mass dieoffs from supply disruption and overpopulation stress. • Remote and rural communities might survive longer due to pre-existing low-tech self-sufficiency. • Elderly populations, already susceptible to medical complications, would be among the first to die without internet-enabled care systems. 12 • Refugees and displaced persons in camps or war zones would become untraceable and unprotected. • Children in low-resource environments would face increased mortality from malnutrition and lack of vaccination. Conversely, indigenous populations and subsistence agricultural communities may experience less disruption initially, owing to their non-dependence on digital infrastructure. Some might even become nodes of cultural preservation, offering models of survival to others. 4.3 Economic Regression and Collapse of International Trade The collapse of the internet is the collapse of globalization. Without access to digital systems, there is no way to: • Conduct international banking or enforce contracts. • Track shipping containers, customs documents, or bills of lading. • Synchronize supply chains or allocate global production. The global economy reverts to localized barter, commodity currencies, or regional paper money systems—if they can be physically distributed. The World Bank, IMF, WTO, and other global economic institutions become inoperable. Industrial economies—dependent on global supply chains for semiconductors, rare earths, pharmaceuticals, and fuel—experience a sharp regression. High-tech manufacturing collapses. Air travel becomes rare or extinct. Urban centers deindustrialize. Many nations return to pre-digital industrial baselines; others descend into subsistence-level economies. The 21st century recedes, not by choice, but by sudden reversal. 13 4.4 Potential for State Failure and Geopolitical Realignment With communications severed and legitimacy undermined, many governments fail outright. Some implode from internal unrest. Others fracture into regional or ethnic enclaves. In weak states, military commanders or regional governors may assert autonomous control, turning nations into archipelagos of warlords, militias, and provisional governments. A few states with strong internal cohesion, geographic self-sufficiency, and hardened communications (e.g., radio, satellite) may retain partial functionality. Nuclear-armed states would become uniquely dangerous: disconnected from one another, yet still holding weapons capable of global devastation. Geopolitically, the disappearance of global oversight mechanisms may trigger: • Regional hegemons expanding influence in a vacuum. • Local wars over water, fuel, or food. • The dissolution of multinational states into smaller, more manageable regions. A new world order—if one emerges—would likely be non-digital, regionalized, and fragmented, with power shifting from information economies to land-based and resource-based systems of control. Conclusion to Section 4 The internet's loss would not be a digital inconvenience but a species-wide discontinuity. In its wake, humanity would undergo not just a technological regression, but a psychosocial transformation: from global citizens to local survivors. Mortality would be only the most visible metric of collapse. Beneath it lies the deeper rupture of meaning, order, and continuity. Civilization, as we have known it since the dawn of the internet age, would not recover—it would be replaced by something else. Whether that successor is more just, more local, or more brutal remains unknown. Military + Nukes 5.The U.S. Military Response: Island of Resilience? In the chaos of a global internet shutdown, the U.S. military would stand as one of the few institutions with robust internal continuity. Its operations, hardened through decades of contingency planning, EMP preparedness, and Cold War legacy protocols, are among the most digitally insulated and strategically decentralized in the world. However, the question is not whether the military can survive, but whether it can function meaningfully in a disintegrating civilian context. The military may endure—but endurance is not the same as order, and functionality is not the same as legitimacy. 5.1 Continuity of Nuclear and Command Systems The most secure aspect of U.S. military infrastructure is the nuclear command and control architecture, which is explicitly designed to function in total digital blackout scenarios. Systems like Minimum Essential Emergency Communications Network (MEECN), E-4B Nightwatch airborne command centers, and submarine-launched communications relays remain operational without reliance on civilian internet infrastructure. The nuclear triad—intercontinental ballistic missiles (ICBMs), strategic bombers, and ballistic missile submarines—would remain under hardened, air-gapped command systems. Presidential authority, military chain-of-command, and nuclear deterrence capabilities are protected through layers of redundancy and analog fallback systems, including high-frequency (HF) radio and direct satellite uplinks. Thus, strategic deterrence would remain intact, but with the caveat that mutual verification and diplomacy would vanish, increasing the danger of misinterpretation or panic-based escalations. 5.2 Secure Military Networks vs. Civilian Logistics Dependency Military communications systems such as SIPRNet (Secret Internet Protocol Router Network) and JWICS (Joint Worldwide Intelligence Communications System) 15 operate independently of the public internet. Satellite constellations such as MUOS (Mobile User Objective System) and AEHF (Advanced Extremely High Frequency) ensure secure, global command connectivity between deployed forces, ships, and bases. However, the military’s logistical tail is inextricably tied to civilian infrastructure. From fuel delivery and ammunition production to spare parts, food, and pharmaceuticals, the Department of Defense depends on civilian contractors and just-in-time supply chains. The vast majority of its global projection capability— including airlift, sealift, and base resupply—relies on coordination with civilian ports, trucking companies, rail networks, and fuel depots. These systems would collapse without digital infrastructure. In the early stages, the military could sustain itself using internal stores, depot inventories, and priority allocations, but by month two or three, resupply failure would degrade readiness, especially for operations abroad or at forward bases. The illusion of self-sufficiency would fade under the strain of maintaining a continental military machine in a digitally shattered society. 5.3 Martial Law, Posse Comitatus, and Internal Instability Domestically, the U.S. military faces a legal and political dilemma. Under the Posse Comitatus Act of 1878, the use of federal military forces for domestic law enforcement is restricted without specific Congressional authorization or a Presidential declaration of emergency. In a collapsed internet scenario, it is unclear whether such authorization could even be communicated or validated. As civil unrest escalates, National Guard units—under dual federal-state control— would be deployed first. If governors are unable to communicate with Washington, decentralized orders and regional self-assertion may occur. In some states, the Guard could become de facto civilian governance, especially if state governments are paralyzed. If federal military units are activated domestically, the imposition of martial law would face logistical and ethical limits. Military police are not equipped to rebuild 16 collapsed cities, manage famine, or restore economic function. Attempts to enforce order by force could lead to backlash, desertion, or rebellion—especially if soldiers are asked to suppress hungry civilians, protect elite infrastructure, or prioritize government continuity over public welfare. The specter of militarized governance without civil legitimacy raises deep constitutional and moral questions. In a society where democratic institutions no longer function, does the military rule by emergency, or by consent—or does it withdraw entirely? 5.4 The Limits of Militarized Order in a Collapsing Society Despite its internal resilience, the U.S. military cannot govern a failing nation indefinitely. It is designed for combat, not sustainability. It can hold territory, but not feed it. It can secure facilities, but not repair supply chains. As urban riots turn into refugee flows, and civilian institutions cease to function, the military will be confronted with impossible choices: which cities to abandon, which populations to prioritize, which leaders to obey. Morale may fracture. Units composed of reservists and National Guard personnel may refuse orders that conflict with their familial or regional loyalties. Chain-ofcommand continuity will not prevent ethical collapse or internal dissent. In extreme scenarios, some military factions could align with local governments, secessionist movements, or civilian coalitions. Others might retreat into hardened facilities, adopting a "bunker mentality" focused on survival rather than restoration.

### DA---1NC

Midterms DA---

#### Dems win now.

Galston 8/28 – senior fellow and the Ezra K. Zilkha Chair in the Governance Studies program at Brookings. Acting dean at the School of Public Policy, University of Maryland.

William Galston, August 28 2025, “What history tells us about the 2026 midterm elections,” Brookings, https://www.brookings.edu/articles/what-history-tells-us-about-the-2026-midterm-elections/

As we have seen, the president’s party almost always loses ground in the midterm election following his victory, and the unusual circumstances that fueled the two exceptions since the 1930s do not seem to prevail today. After the 2024 election, moreover, Republicans held only 220 seats, just two more than the minimum needed for a majority. Barring unforeseeable game-changing events during the next 14 months, the probability that Republicans will lose control of the House is very high.

This said, the national fight kicked off by the five-seat gain Texas Republicans scored by redrawing the lines of their congressional districts could end up making Democrats’ job slightly more difficult, even if California Democrats are able to counterbalance Texas with their own redistricting plan. But when the dust settles, the number of seats Democrats will need to take over the House will remain in single digits, a modest number by historical standards.

If history is any guide, President Trump’s personal relationship with his supporters may work to the Democrats’ advantage, as it did in the 2018 midterm election after Trump’s upset victory over Hillary Clinton in 2016. In 2018, total support for House Republican candidates fell by more than 11.9 million votes (19%) from its 2016 level. Many Trump supporters didn’t turn out to vote when his name didn’t appear on the ballot. By contrast, total votes for House Democratic candidates in 2018 fell by only 845,000 (less than 2%) from their level two years earlier. The result: a 41-seat gain for House Democrats, enabling them to regain control of the House with a 36-seat majority.

There is no modern precedent for such a small gap between a party’s congressional showing in presidential and midterm elections, suggesting that Trump’s intense personal support was matched by the antipathy he aroused among Democrats. Nor is there evidence that the intensity of Democratic opposition to Trump has diminished. The remaining unknown is the extent to which Republicans can narrow the gap, so evident in 2018, between support for Trump and for their House candidates.

If Republicans are to have a serious chance of retaining control of the House, President Trump will have to improve his job approval significantly. A widely used unweighted average of recent surveys places his approval at 45.8% and disapproval at 50.9%, a net of -5.1. An average that weights polls for recency, quality, and other factors finds 44.3% approval and 52.2% disapproval, a net of -7.9. The president’s standing is especially low among groups that shifted toward him in last year’s presidential election—just 28% approval among Hispanics and Independents and 29% among young adults ages 18 to 29.

As we have seen, there is no modern precedent for the president’s party to avoid losses in the House unless the president’s job approval is well above 50%. By this measure, Trump has a long way to go.

The current reading of the two parties’ overall support for their House candidates (the “generic ballot”) points to the same conclusion. Right now, Democrats enjoy an advantage of 3.9 points, compared to their 2.6 point loss in the 2024 House elections—a swing of 6.5 points. If the election were held tomorrow, our swing/seat-change chart predicts a Republican loss of about 12 seats, while our analysis of recent patterns—showing House seats have been distributed in proportion to the national House vote—predicts a Democratic total of 226, a gain of 11 seats.

#### Major labor policy flips the midterms.

Gibson 24 – Politics reporter. Former POLITICO Fellow.

Brittany Gibson, Meredith Lee Hill, and Adam Cancryn, “‘Union Joe,’ Harris and Trump all made gains with unions — but not enough,” POLITICO, 11-01-2024, https://www.politico.com/news/2024/11/01/harris-trump-unions-elections-00186873

Ask union members, and there’s some caution about the future.

“Change is weird for everyone, and we have change coming upon us,” said Ray Marini, a leader of the local sprinkler fitters union hosting a packed event with Biden in northern Philadelphia on Friday, acknowledging some of the “nervous energy” that coursed through the labor movement after Harris took over the top of the ticket.

But Biden has made a hard push for his vice president, and Marini said he and many other union leaders in this crucial swing state have prioritized making the economic case in favor of Harris to their members. The rank-and-file attending Friday’s event pledged to vote for Harris, even if driven largely by their faith in Biden’s judgment.

Wayne Miller, the head of the sprinkler fitters union, was even more bullish: “She’s going to be absolutely fantastic, and she’s going to surprise a lot of people,” he said of Harris. “We win in Philadelphia. And we win because of the union.”

Still, union members in both Pittsburgh and Philadelphia question Harris, Trump and Biden’s labor records and commitment to them.

Despite Biden’s pro-labor appointments to the National Labor Relations Board, which oversees disputes between workers and employers, and his signing into law a bill that helped bailout distressed union pensions, some members weren’t convinced he was as pro-labor in office as he claimed. Harris was viewed with even more skepticism as a comparatively new party leader.

“I don’t think anyone is pro-union,” Karen, a 65-year-old retired teacher who did not want her last name used, told POLITICO after a retired electrician knocked on her door recently in the Penn Hills neighborhood of Pittsburgh. “It’s up to us. The workers have to make our voices heard.”

Harris, meanwhile, missed out on the endorsement of three unions that all endorsed Biden in 2020, and polling shows a continuation of working class voters trending toward Trump. Some Harris aides are livid over some of the union non-endorsements, privately saying they feel betrayed by key union leaders who didn’t have the “courage” to press their rank-and-file to support the candidate with the pro-labor record.

Harris’ recent campaign focus on courting Republicans and fundraising with wealthy donors has only brought more skepticism from some in the organized labor movement.

“All Democrats and all Republicans are not monolithic, right? There are people you can work with. There’s others that you know, they do one thing for you, and 40 years later, they’re still, you know, expecting to get a pat on the back for it, and that’s not how things operate,” said Kara Deniz, spokeswoman for the International Brotherhood of Teamsters, which opted to not endorse either presidential candidate.

Part of the Teamsters’ reason for not endorsing was a lack of commitments from Harris about supporting striking workers in an interview at the IBT office as well as rank-and-filing polling that favored Trump, Deniz said.

AFL-CIO President Liz Shuler, who oversees about 60 unions and 13 million members, is running a door knocking program that aims to reach 5 million people in battleground states. Union members represent about 20 percent of voters in the blue wall states, she said, and at a recent press call she shared that of canvassed members, about 64 percent of members are backing Harris compared to 19 percent for Trump.

The United Auto Workers, which is also running a door knocking program to reach almost 300,000 workers and retirees, put its stats at 62 percent for Harris and 33 percent for Trump, according to a recent press release.

But a perceived lack of organized labor support from both presidential candidates also kept some unions on the sidelines this campaign, with them opting to not endorse anyone.

In addition to the Teamsters, the International Association of Fire Fighters and the International Longshoremen’s Association also held back endorsements. The longshoremen’s president, Harold Daggett, criticized Biden’s commitment to unions in a video interview ahead of his own union’s strike this October, which ended after about two days with a new tentative agreement.

“Where’s the president of the United States? He’s not fighting for us. He told in LA, he told the union, hurry up and get a contract. That’s the mentality they have,” Daggett said, referencing the West Coast’s contract strike in 2023.

Daggett and the firefighters union declined interview requests.

Despite the longtime union membership of Harris’ running mate, Tim Walz, he’s struggled to influence key union support — especially among the male-dominated industrial unions. Surprisingly, Harris campaign officials even have argued Walz wasn’t intimately involved in negotiations over key union endorsements after they fell apart. He’s also drawn backlash by publicly attacking some union leaders as overtly political operators.

But even some union members who back Harris have privately admitted that their colleagues’ concerns about her track record are valid, especially on border policy and sky-rocketing everyday costs.

One senior union official, who recounted an internal fight among members about whether to endorse Harris, said fellow members brought up what they argued were Harris’ failures on immigration and inflation as reasons not to back her.

“Some of these things may have happened on her watch. Maybe some things in hindsight might have [been] done different,” said the union official, who was granted anonymity to discuss the private conversations. “But also, a lot of really good things have happened under the Biden-Harris administration.”

“You can’t hang that shit around her neck without giving her the accolades for where this country has turned around,” the union official added.

A Harris official, however, said there’s really no comparison between the vice president’s record and Trump’s and mentioned the former president appointing “union busters” to the National Labor Relations Board, among other things.

“Biden and Harris saved billions in Teamsters union pensions, and Trump threatened to withhold emergency funds for union firefighters risking their lives in wildfires,” the official said.

But other Harris supporters in the rank-and-file have concerns about the Biden-Harris administration’s record.

“When [Biden] first got in, he disappointed me with the pipeline,” said Mark Provenza, a retired letter carrier, referring to the Keystone XL Pipeline. “You’re supposed to be the pro-union guy.”

Provenza, who is voting for Harris, also said he was “disappointed” that Biden didn’t support the railway workers who tried to go on strike in 2022 but were prevented by the Railway Labor Act. He expects Harris will approach labor the same way as Biden.

The White House did not respond to requests for comment.

Union members on canvases in Pittsburgh and Philadelphia tried to make the case that Harris, like Biden, would protect member benefits and keep unions strong. But undecided voters from union households weren’t immediately convinced. Some said they wouldn’t be voting at all.

“We know that unions are basically on the line,” Shuler said in an interview at the Allegheny-Fayette County Central Labor Council office ahead of one canvas. “[It’s] whether there’s a future with unions where workers can collectively bargain and fight for better wages or, as we know, in Project 2025 the elimination of public sector unions and things like overtime and safety and health protections.”

The Trump campaign rejected the affiliation with Project 2025 and said no policy is official unless it comes directly from Trump.

“American laborers and unions support President Trump because they have paid the price for Kamala’s failed economic policies over the past four years,” Karoline Leavitt, the Trump campaign’s national press secretary, said in a statement.

Dino Guastella, a Teamster from Philadelphia whose local has endorsed Harris, believes Harris should talk more about successes from the Biden Administration to make her case to union members and working class voters.

“I think it’s a mistake. She should be taking credit for the infrastructure bill, the CHIPS Act, the Inflation Reduction Act,” Guastella said while tabling for Harris outside of the UPS Warehouse. “Those all brought good blue collar jobs.” He also mentioned that when I-95 collapsed, Biden’s bills helped fix it in record time.

But in his view, it’s also hard to sway any voters weeks from Election Day — even when talking about policy.

#### A democratic house is the last remaining firewall to prevent the fundamental erosion of democracy, a slide into authoritarianism, and a host of existential threats.

Driskell 25 – Professor, Legislative Affairs Program, GWU School of Political Management. M.P.S., GWU. M.T.S., Harvard.

Quardricos B. Driskell, Director of Government Relations at Lobbyit, holds a Degree in Legislative Affairs and PAC Management from GW, “If Democrats Don’t Take Back the House in 2026, America Should Be Alarmed,” The Christian Recorder, July 26th, 2025, https://www.thechristianrecorder.com/articles/if-democrats-dont-take-back-the-house-in-2026-america-should-be-alarmed/

As we approach the 2026 midterm elections and the start of the 119th Congress, Americans must confront a sobering reality: if Democrats fail to regain control of the House of Representatives, our democracy may face further erosion at the hands of extremism, gridlock, and a deepening assault on institutional norms. The stakes could not be higher.

Since reclaiming the House in 2022, Republicans have increasingly used their majority not to govern but to obstruct. Committee rooms have become arenas for political theater. Subpoenas are issued not in the pursuit of oversight but in the name of vengeance. Critical legislation—from reproductive rights and voting access to climate action and gun reform—has been held hostage by a far-right faction whose allegiance is not to the Constitution, but to conspiracy and power.

If this continues into the 119th Congress, the consequences will be dire.

First, a Republican-controlled House in 2026 would likely intensify efforts to delegitimize federal agencies, undermine the rule of law, and weaponize congressional investigations to damage political opponents. In recent sessions, we’ve already witnessed sham impeachments, threats to defund the Federal Bureau of Investigation (FBI) and Department of Justice (DOJ), and coordinated attacks on public health institutions. Expect more of the same—if not worse—if another majority emboldens Speaker Johnson and President Trump.

Second, the ability to pass essential legislation will grind to a halt. The country faces urgent challenges: a warming planet, deepening inequality, an aging infrastructure, and a fragile healthcare system. But if Democrats do not regain control of the House, we can expect more manufactured shutdowns, debt ceiling brinkmanship, and resistance to common-sense solutions.

Third—and perhaps most ominously—a Republican House will continue its march toward authoritarianism. The 2026 midterms are not just about partisan advantage; they are about preserving democratic norms and rejecting a movement that has openly questioned the validity of elections, embraced political violence, and trafficked in white Christian nationalism. A Democratic House is the firewall we need to protect voting rights, defend judicial independence, and ensure a peaceful power transfer in 2028.

This is not about blind allegiance to any political party—I am not a Democrat. Rather, it is about supporting those prepared to govern with integrity, speak the truth, and uphold the ideals of a pluralistic democracy.

If Democrats fail to reclaim the House in 2026, the consequences could be profound. Vital reforms will stall, and the legislative branch may continue to descend into dysfunction. Those who thrive on chaos and exploit it for political gain will further erode the credibility and effectiveness of our government.

#### Extinction from polycrisis.

Dixon et al. 24 – Executive Director of the Cascade Institute at Royal Roads University, PhD in Political Science from MIT; Researcher at the Centre for the Study of Existential Risk at the University of Cambridge, PhD in Political Science and International Relations from the Australian National University; Research Fellow at the Cascade Institute, PhD in Global Governance from the University of Waterloo; Research Fellow at the Cascade Institute, PhD in Neuroscience from the University of Vermont.

Thomas Homer-Dixon, Luke Kemp, Michael Lawrence, and Megan Shipman, “How Donald Trump’s Reelection Could Amplify Global Inter-systemic Risk,” Cascade Institute, 10-03-2024, https://cascadeinstitute.org/wp-content/uploads/2024/10/Impact-2024-How-Donald-Trumps-Reelection-Could-Amplify-Inter-systemic-Risk-2.pdf

Expanded authoritarian practices at home (FL2) would likely bolster authoritarian governance elsewhere (FL3). Foreign authoritarianism could then reinforce domestic US authoritarianism, as Mr. Trump points to other countries’ “strongmen” as exemplars. Greater authoritarianism globally would also contribute to an increase in failed states, mass violence, and humanitarian crises, while simultaneously promoting formation of competing geopolitical blocs, as nations of similar ideology and governance choose to cooperate with each other and sanction others.

America’s reduced participation in NATO, other international security arrangements, the UN, and other multilateral institutions would have perilous knock-on effects. The world could suffer governance failures on everything from macro-economic stability and pandemic preparedness to conflict management—contributing to virtually all components of the polycrisis.

Multilateral exodus and the spread of authoritarian governments might combine with trade wars to reinforce the emergence of intensely competing—and mutually hostile— geopolitical blocs. This outcome would in turn encourage arms races and substantially raise the risk of great-power war (F7 and F8). Any major American advances on military applications of AI would supercharge these spirals (FL8).

For clarity, Figure 14 does not show potential feedbacks from elements of the global polycrisis back to the factors that exacerbate those elements. But the crises on the figure’s right interact with the stresses and feedbacks on its left in many complex ways.

For instance, climate change would place additional strains on geopolitical arrangements. More frequent and severe weather events are already disrupting economies and worsening conflicts around the world. Impacts will intensify in the years ahead, especially if a second Trump administration manages to derail climate action. Geopolitical competition would further inhibit global climate cooperation in ways that could increase the likelihood that 3+°C warming becomes locked in. A rapidly warming world with decreasing cooperation and increasing geopolitical tensions would raise the risk of intrastate war and state failure while hampering international responses to new pandemics and financial crises. It would also raise the risk of war between great powers.

Finally, major external shocks, which we call “macro-triggers” (see Box 8) could dramatically exacerbate the processes identified in Figure 14. While the probability of any one of these specific triggers occurring may be relatively low, it is virtually guaranteed that the coming years will bring major and largely unexpected global shocks of one form or another.

3.3 Conclusion: Historical parallels and uncertain futures

There are striking parallels between the crises of the early 20 century and the pathways to an escalating polycrisis that we depict in Figure 14. The decades before World War II were marked by rising inequality and authoritarianism, the influenza pandemic of 1918, and the Great Depression of 1929-1932. These events culminated in a global battle between coalitions of authoritarian and liberal empires. The difference today is that the world’s hardening blocs have nuclear weapons and reside on a warming planet with rapidly degrading ecosystems. And despite their mutual antagonisms, they remain tightly linked by flows of capital, energy, food, manufactured goods, information, and technology.

### CP---1NC

#### Text: The fifty states and other relevant sub-federal government entities should:

#### - create sector-wide worker standards boards and industry committees composed of workers, union representatives, and industry experts tasked with making recommendations on workplace conditions, standards, and other relevant policies and commit to abide by their recommendations,

#### - Create strong enforcement mechanisms to ensure compliance with promulgated standards, including by including community and worker organizations in enforcement efforts and allowing workers to go to court to enforce labor laws,

#### - strengthen collective bargaining rights for workers in the United States by mandating sectoral bargaining.

#### Planks 1 and 2 solves AND avoids preemption.

Andrias et al. 19 – Patricia D. and R. Paul Yetter Professor of Law at Columbia Law School, specializing in labor law and constitutional law, former Associate Counsel to the President of the United States and Chief of Staff in the White House Counsel’s Office, J.D. from Yale Law School; Senior Fellow and Senior Advisor to the American Worker Project at the Center for American Progress, PhD in Government from Georgetown University; Research Associate in the American Worker Project at the Center for American Progress.

Kate Andrias, David Madland, and Malkie Wall, “A How-To Guide for State and Local Workers’ Boards,” Center for American Progress, 12-11-2019, https://www.americanprogress.org/article/guide-state-local-workers-boards/

Introduction and summary

Workers’ boards are governmental bodies that bring together representatives of workers, employers, and the public to set minimum standards for jobs in particular occupations and sectors. These boards—also known as wage boards, worker standards boards, or industry committees—investigate challenges facing workers and make recommendations regarding minimum wage rates, benefits, and workplace standards. Boards can also set scheduling requirements, paid leave policies, training standards, and portable benefit contribution rates. As part of their operations, boards conduct hearings and outreach activities as well as issue reports on their findings.

This report provides a road map for state and local government officials and advocates interested in developing policies on workers’ boards.1

State and local action on workers’ boards is an important part of a strategy to help address wage stagnation, reduce economic inequality, and build power for workers. Workers’ boards complement policies that set base standards for all workers such as the minimum wage and paid leave.2 What distinguishes workers’ boards is their ability to focus on the needs of a particular sector or occupation; their capacity to increase compensation for low-income as well as middle-income workers; and their flexibility to adjust standards to account for different levels of training and experience. Indeed, when the economist Arindrajit Dube simulated the effects of wage boards, he found significant gains at the 20th, 40th, and 60th percentiles of the wage distribution. His calculations imply that “wage boards are much better positioned to deliver gains to middle-wage jobs than a single minimum pay standard.”3

Research suggests that workers’ boards could help close the pay gaps that women and people of color face since compensation standards set by boards can limit the opportunities for discrimination.4 By helping standardize compensation in certain sectors, workers’ boards can also help ensure that high-road businesses that provide good wages and benefits are not undercut by low-road firms and can force companies to compete on the basis of productivity and sustainability rather than by lowering wages.5

By involving workers and their organizations directly in governance decisions, these boards also help build worker power; they are an important complement to policies that seek to strengthen unions and support collective bargaining.6 Labor law reform is critical to building worker power and reducing economic and political inequality in the modern economy. But, because federal law preempts most action at the state or local level to strengthen traditional union rights, collective bargaining, and strike protections for private sector employees, most of these policy changes would have to be accomplished at the federal level. In the meantime, however, workers’ boards can be established at the state and local level as a complement to existing labor and employment law.

Workers’ boards can ensure high standards and support collective action and voice for workers in sectors and occupations where union density is too low, or the firms are too fragmented, for collective bargaining to cover many workers. This is especially important as contemporary firms increasingly outsource jobs to subcontractors or otherwise organize work in ways that make it difficult for traditional worksite-by-worksite bargaining to raise wages.7 Workers’ boards can also help foster strong worker organizations, which can give workers greater power in the economy and democracy8 and potentially even lead to organizations that can engage in more independent bargaining.9

Workers’ boards differ from a task force or other commission that tends to be merely advisory in nature and often consists of members of government or individuals chosen at the sole discretion of a government executive. Workers’ boards, however, have greater authority to prompt the government to take action and are typically representative of workers, firms, and the public.

Although many states have some historical experience with wage boards, and although they once existed under the federal Fair Labor Standards Act,10 only a handful of states—including California, New Jersey, and New York—currently have wage board laws on their books. Today, however, there is increasing interest in creating and expanding workers’ boards and their use. The state of New York, for example, used a wage board to raise fast-food workers’ wages to $15 per hour in 201511 and recently passed legislation establishing a farm laborer wage board.12 Seattle created a workers’ board for domestic workers in 2018.13 A growing number of cities and states, including Washington and Oregon, are considering similar proposals.14

This guide aims to help state and local governments design effective workers’ boards. The report explains the core elements and discusses best practices based on existing laws and proposed legislation.15 All states have the ability to implement these recommendations, as do cities with sufficient home-rule authority.

Specifically, this report recommends that legislation creating workers’ boards:

Include a strong purpose statement and a broad mandate to improve wages and working conditions for all workers throughout the economy.

Require that board members be selected in ways that are representative, democratic, and encourage public participation.

Provide boards with the authority to gather relevant information through hearings and investigations as well as to issue comprehensive recommendations.

Design boards with a bias toward action operating as adequately resourced institutions making regular decisions.

Provide for a process that enables quick review and adoption of board recommendations.

Create strong enforcement mechanisms to ensure compliance with promulgated standards.

Empower workers to organize and participate in board activities.

This report provides additional details on these recommendations, explaining key concepts and providing examples of specific statutory language drawn from existing law or legislative proposals. The accompanying one-page overview and FAQ provide short descriptions of these concepts and other important information about workers’ boards.

### P---1NC

ASPEC---

#### 2. EDUCATION: The primary question for labor policy is which branch acts.

Komesar 97 – Professor at the University of Wisconsin, Ph.D. in Economics from the University of Chicago

Neil Komesar, “Imperfect Alternatives: Choosing Institutions in Law, Economics, and Public Policy,” page 4-5.

My belief is that the importance of institutional choice and comparative institutional analysis is not universally shared, however. There are, in fact, dramatic anomalies in the study of law and public policy when it comes to the subject of deciding who decides. For example, one would assume that the central issue of constitutional law is the choice of who decides- the choice between alternative social decision-makers such as the executive, the legislature, and the judiciary- and that, therefore, constitutional scholarship would be replete with sophisticated analyses of these alternatives. In turn, one would assume that, when economic analysts of law-usually non-constitutional law-consider the issue of who decides these high priests of trade-offs and opportunity costs would know that one cannot decide who decides by examining only one alternative. Yet most constitutional scholars ignore the issue of who decides or at most treat it with superficial maxims. And when economic analysts of law address the subject of who decides, they often focus their attention on the attributes of only one alternative.

Constitutional law and the economic approach to law are important enough aspects of legal study that such anomalies standing alone would justify searching inquiry. But, in fact, these anomalies are only dramatic examples of pervasive problem in the analysis of law and, more generally, of public policy. Although important and controversial decisions about who decides are buried in every law and public policy issue, they often go unexamined, are treated superficially, or, at best, are analyzed in terms of the characteristics of one alternative.

#### 3. Rights vagueness and lack of specification causes circumvention.

Greene 21 – J.D., Dwight Professor of Law, Columbia.

Jamal Greene, “How Rights Went Wrong: Why Our Obsession with Rights Is Tearing America Apart,” 03/16/21, https://lccn.loc.gov/2020034165

Americans enjoy these rights because judges have read them into broad provisions offering “equal protection of the laws” and forbidding govern- ment deprivations of life, liberty, or property without “due process of law.” These words are hardly self-explanatory—lifetimes have been spent un- packing them—and so a lot is at stake in working through how to apply them to our day-to-day lives. Even the rights that are more specific in the text, such as the right to bear arms or the right against self-incrimination, do not indicate how far they extend or what exceptions, if any, they might ad- mit. Determining the scope and limit of constitutional rights requires judges to make difficult choices.

### DA---Overreach---1NC

MQD DA---

#### *West Virginia v. EPA* marked a revival of the major questions doctrine—that will solve bureaucratic overreach.

Capozzi 23 – Associate at Jones Day, Lecturer in Law at the University of Pennsylvania Carey Law School.  
Louis Capozzi III, “The Past and Future of the Major Questions Doctrine”, Ohio State Law Journal, Volume 84, 2023, https://moritzlaw.osu.edu/sites/default/files/2023-06/09.Capozzi\_v84-2\_191-242%202023-06-02%2018\_51\_09.pdf

4. West Virginia’s Implications

There’s a lot to unpack from West Virginia v. EPA, but a few straightforward takeaways are possible. First, the Court resolved preexisting confusion about what the major questions doctrine is. There is one version of the major questions doctrine: a clear-statement rule grounded in the “separation of powers.”261 As even Justice Kagan’s dissent recognized, “there is now a two-step inquiry” in which courts assess (1) whether the agency is trying to resolve a major question and (2) whether Congress clearly authorized the agency’s action.262 As Justice Gorsuch explained, this version of the doctrine traces roots back to the 1800s.263 In other words, West Virginia answered the question posed in Professor Sunstein’s 2021 article: the Court chose the “strong” version of the major questions doctrine.264

Second and relatedly, West Virginia shows the continued irrelevance of Chevron deference at the Supreme Court.265 In prior years, the Court would have been fighting over whether the EPA should receive Chevron deference for its interpretation of § 7411. Yet the EPA didn’t even ask for Chevron deference in its briefs.266 And although Justice Kagan cited Chevron in an attempt to narrow the scope of the major questions doctrine, not even she argued that the EPA’s interpretation merited deference.267 In other words, West Virginia is yet another prominent example of the Court’s repeated and consistent refusal to apply Chevron since 2016.268 Thus, the old idea that the major questions doctrine is just a mere exception to Chevron is no longer plausible.269 Indeed, one can ask whether Chevron can survive while West Virginia lives; Chevron and the major questions doctrine “work entirely at cross-purposes” because “both purport to resolve ambiguity, but they demand diametrically contrary outcomes.”270 If the Brown & Williamson variant of the doctrine once served as a limited shield against Chevron deference, the traditional variant reembraced in West Virginia is a sword challengers can wield against agencies trying to claim new powers.

Third, the Court’s decision in West Virginia suggests the major questions doctrine applies in a wide variety of cases. As the Court put it, the major questions doctrine has been applied in “all corners of the administrative state.”271 Indeed, one can’t help but notice how similar the Court’s opinion is on this front to Justice Gorsuch’s concurrence. Although Justice Gorsuch organized the doctrine somewhat differently than the Chief Justice did, both opinions found much of the same evidence relevant in their analyses. Both opinions looked to evidence Congress considered and rejected bills similar to the proposed regulation, the fact that climate change is widely debated, comments by the Obama Administration, the CPP’s financial effect on consumers, and the importance of the energy sector within the broader economy.272 Moreover, both opinions explicitly rejected Justice Kagan’s proposed narrow version of the doctrine.273 All this suggests that, going forward, there are six Justices who are willing to identify important agency regulatory innovations as “major” and run them through the clear-statement gauntlet.

Fourth, the Court’s decision suggests that the clear-statement test will generally be difficult for agencies to satisfy. Again, there is substantial overlap between what the Chief Justice’s majority and Justice Gorsuch’s concurrence found relevant. Both opinions denounced reliance on “oblique or elliptical” language or “‘gap filler’ provisions.”274 Both looked to past agency interpretations of the statute, expressing skepticism that “long-extant” and rarely used provisions provide new power.275 And both counseled skepticism when there is a mismatch between an agency’s claimed powers and its expertise.276 Under both opinions, there are numerous trip wires imperiling future agency power grabs.

F. Assessment The foregoing history helps answer the common criticism that the major questions doctrine lacks legitimacy or doctrinal pedigree. Regardless of whether one thinks the rule is normatively good, it is not novel. The clear-statement rule applied in West Virginia has roots tracing back to the foundation of the administrative state, both within the States and at the federal level.277 Even if the nineteenth century version of this doctrine was not called the “major questions doctrine,” it bears important similarities to the clear-statement rule applied by the Court during the 2021 Term.278 That complicates scholarly attacks on the doctrine’s legitimacy, which often rest on the mistaken premise that the Court fabricated the doctrine in Brown & Williamson and only subsequently transformed it into a clear-statement rule.279 Future discussions of the doctrine’s legitimacy should account for its history and the fact that, since the beginning of the administrative state, jurists have had the instinct that agencies should not be able to claim important new powers in broad and vague delegations of authority. III. THE FUTURE OF THE MAJOR QUESTIONS DOCTRINE The second criticism of the major questions doctrine is that it lacks doctrinal clarity and is unworkable.280 Although West Virginia provided substantial clarity to the doctrine, it also left some indeterminacy on two matters for the lower courts. First, courts must develop doctrinal tests to identify what constitutes a “major” question that triggers the doctrine. Second, courts must determine practical and effective ways to apply the doctrine’s clear-statement rule. Ultimately, the workability criticisms of the doctrine are likely overstated. In refining both parts of the doctrine, courts can draw on ample guidance from the Court’s precedents, Justice Gorsuch’s West Virginia concurrence, and other sources. A. What Constitutes a Major Question? First, courts will have to refine the major questions doctrine to determine precisely when a “major question” is at issue. Defining these categories is probably the most difficult part of the doctrine to apply, and scholars have repeatedly argued that this inquiry is challenging.281 As an initial note, it’s worth recalling that some courts historically did not have to make this distinction because they applied a general rule against implied delegations.282 If the Court does formally discard Chevron deference, restoring a general rule against implied delegations—on questions major and minor—would be the most judicially manageable standard to apply.283 But history also suggests that courts are capable of crafting doctrine to distinguish between major and nonmajor questions. Jurists dating back to Chief Justice John Marshall have distinguished between “those important subjects, which must be entirely regulated by the legislature itself” and “those of less interest.”284 And some variant of the major questions doctrine has been applied in American courts for at least one hundred and fifty years.285 Although a general rule against implied delegations reigned for part of that time, courts throughout identified cases featuring questions they deemed important enough to require a showing of clear statutory authority.286 Even if some “line-drawing” will be required,287 the Court’s precedents and other sources offer substantial guidance on how to draw the lines moving forward. And for borderline calls, courts can adopt a tiebreaking rule against agency authority, consistent with Article I’s rule that a government wish is not law until it goes through bicameralism and presentment.288 1. Major Economic Questions The Court’s precedents make clear there are at least two primary categories of “major” questions: political and economic questions.289 Let’s start with economic questions. In assessing whether an agency’s regulation is economically important, the Court has looked at two primary factors: a major shift in regulatory control in an important industry and the costs of the policy on the regulated.290 The Court has repeatedly applied the major questions doctrine when agencies have claimed substantial new regulatory powers over important industries or economic areas.291 Identifying whether the agency is attempting to increase regulatory control is not too difficult. Going all the way back to The Queen and Crescent Case, courts have frequently consulted the agency’s history of regulation.292 And precedent also shows that courts should pay attention not just to the power the agency is presently using, but also to the power it is claiming it can use going forward.293 In Alabama Association of Realtors, for example, the Court noted that the CDC’s statutory interpretation could hypothetically allow it to “mandate free grocery delivery to the homes of the sick,” or compel “telecommunications companies to provide free high-speed Internet service to facilitate remote work.”294 Identifying whether a relevant industry or economic area is “important” enough is trickier, but here too courts have compiled substantial precedent. Regulating railroads, cigarettes, the housing market, energy production, a significant percentage of homes, or a significant percentage of workplaces all qualified.295 The Court has, at times, included commentary on the importance of the industry at issue. In The Queen and Crescent Case, for example, the Court emphasized the importance of railroads.296 There was some similar rhetoric about energy production in West Virginia. 297 Future litigants can analogize their own industries to ones the Court has assessed. Next, the Court has suggested that a major question is involved if a regulation imposes substantial costs on the regulated.298 The Court has measured this factor in at least two ways: aggregate economic impact and diffused costs on the regulated.299 In both cases, one can query what dollar amount should be sufficient to trigger the major questions doctrine? There is more concrete precedent addressing the aggregate economic impact of a regulation.300 In King v. Burwell, for example, the Court found it significant that “billions of dollars” were at stake in the case.301 Viewed under the “billions of dollars” standard, two of the Court’s 2021 Term cases satisfied that standard.302 Alternatively, courts can also look to the Executive Branch’s own test for what constitutes an economically significant regulation. Starting in 1994, the Executive Branch recognized a distinction between “significant” regulations that merited greater scrutiny before implementation and less important regulations.303 Today, the Office of Information and Regulatory Affairs (OIRA) analyzes regulations under a multi-part test.304 Most helpfully, OIRA deems a regulation significant if it has an “annual effect on the economy of $100 million or more.”305 Courts should not feel bound by how the Executive Branch differentiates between significant and insignificant regulations, but holding the Executive Branch to its own method of identifying what constitutes a major question seems fair.306 Further, Congress itself used OIRA’s definition of what constitutes a “major rule” and its attendant dollar amount to identify rules subject to potential congressional veto in the Congressional Review Act.307 Where both of the other branches of the federal government deem a rule with an annual economic impact of $100 million or more to be major, that seems like relevant evidence of what constitutes a major economic question in our system of government. At first glance, establishing a specific dollar-amount threshold to identify a major question might seem a bit arbitrary. But as Professor Schoenbrod points out, the Court has taken similar steps to enforce other constitutional provisions.308 For example, the Court deems it to be an unreasonable seizure under the Fourth Amendment if the police hold arrestees for more than forty-eight hours without probable cause.309 As in other contexts, enforcing the major questions doctrine with a specific numerical threshold would ease judicial enforcement. Even if courts do not set specific dollar amounts to mark which regulations are economically important, they can still easily analogize to the dollar amounts at issue in past cases. Indeed, this might be the easiest part of the major questions doctrine to enforce.310 Little surprise, then, that a federal district court recently relied on this aspect of the major questions doctrine to enjoin the Biden Administration’s student debt forgiveness program.311 Another district court relied on a regulation’s economic impact to hold that a major economic question was not at issue.312 Moving forward, litigants can strengthen their major questions doctrine arguments if they can gather reliable cost data to show the impact of a regulation. Often, as in West Virginia itself, the agency will have conducted an economic impact analysis of its own regulation, and parties can use that.313 Industry groups can also marshal their own evidence, as they did in West Virginia. 314 Courts can take similar approaches when considering diffused costs on the regulated. In this area, the Court has generally focused on “the number of people affected” by a policy.315 In The Queen and Crescent Case, for example, the Court emphasized that “[m]illions of passengers” used the railroads every year.316 Similarly, the Court in King emphasized how many people buy health insurance.317 In both cases, each individual consumer would not have been dramatically affected, but modest effects on a large number of people may still mark a major question. Going forward, litigants should try to quantify the number of people affected by a regulation. In West Virginia, for example, two of the petitioners provided information on how the CPP would increase energy costs.318 And the Court itself expressed fear that the EPA could impose “exorbitant” costs on consumers.319 2. Major Political Questions Now let’s turn to political questions. This part of the doctrine may prove more difficult to implement than the economic component. But again, courts can lay down more specific markers by looking to the Court’s precedents. First, courts can look at whether an issue is particularly controversial and has sparked widespread debate. Admittedly, this inquiry has a “know it when you see it” quality.320 But some cases won’t be close calls.321 Considering the controversy the subject generated around the country—with potentially scores of people losing their jobs as a result—classifying the COVID-19 vaccine mandate at issue in NFIB v. OSHA as “political[ly] significan[t]”322 seems like a particularly easy call. Perhaps more concretely, as suggested by then-Judge Kavanaugh on the D.C. Circuit, courts could also look to the number of comments submitted during a regulation’s notice-and-comment procedures as a rough proxy for the public’s interest in debating the issue.323 Second and relatedly, courts can look at whether Congress has taken an interest in the issue at hand. The Court has recognized that an issue might be politically significant if Congress has debated the issue or has considered and rejected related legislation.324 One concrete piece of evidence courts can consult is whether one house of the current Congress has passed a resolution expressing disapproval of the regulation at issue. As Justice Gorsuch observed, this was true in NFIB v. OSHA. 325 There, the Senate had passed a resolution expressing disapproval of OSHA’s employer vaccine mandate.326 Of course, the Senate by itself cannot make laws.327 But a disapproval resolution provides incontrovertible evidence that the current Congress would not make new law as the agency proposes, strongly suggesting a politically controversial question is at issue. Third, courts can look at whether there is divergent state practice on the policy at issue. That was certainly true of the COVID-19 vaccine mandate at issue in NFIB v. OSHA, where Justice Gorsuch observed that “States [had] pursued a variety of measures in response to the [COVID-19] pandemic.”328 Similarly, with respect to the eviction moratorium at issue in Alabama Association of Realtors, the States were sharply divided on whether to impose an eviction moratorium.329 And in Gonzales, the States had adopted different approaches to physician-assisted suicide, which likely contributed to the Court’s distaste for interrupting an “‘earnest and profound debate’ across the country.”330 Where States have divided on a policy matter, that is suggestive of a politically important question. Fourth, courts can look to the Executive Branch’s own statements for evidence of attempts to circumvent the legislature. In West Virginia, the Court quoted statements by the Obama Administration suggesting it was trying to achieve an “aggressive transformation in the domestic energy industry.”331 Justice Gorsuch’s concurrence also quoted President Obama and other members of his Administration suggesting that CPP was adopted only because Congress would not do what they wanted.332 Similarly, in the net neutrality litigation, then-Judge Kavanaugh found it relevant that “even President Obama publicly weighed in on the net neutrality issue.”333 For then-Judge Kavanaugh, the “President’s intervention only underscore[d] the enormous significance of the net neutrality issue.”334 It is worth pausing to consider the appropriateness of considering these types of evidence. In dissent, Justice Kagan argued courts should not consider things like legislative debates, suggesting it violates the rules of textualism to do so.335 However, the Court and Justice Gorsuch were not consulting this evidence to “resolve what [the] duly enacted statutory text mean[t].”336 Instead, they consulted this evidence “only to help resolve the antecedent question whether the agency’s challenged action implicate[d] a major question.”337 And in considering such evidence as a means of enforcing Article I, the Court and Justice Gorsuch were operating within a robust tradition of applying constitutional clear-statement rules.338 Such rules usually have triggering conditions that require courts to consider nontextual evidence.339 The federalism canon, for example, requires courts to assess whether a matter was traditionally regulated by the States.340 That inquiry has nothing to do with the meaning of the statute Congress passed. So too in the major questions context, courts can consider nontextual evidence to decide whether a politically significant question is at issue. 3. A Potential Tiebreaker As with the application of most legal tests, applying the major questions doctrine will produce both easy and borderline calls. For the latter category, courts should consider erring toward finding a major question is at issue. From a rule-of-law standpoint, at least in this context, false positives seem preferable to false negatives.341 After all, the legitimate status quo ante is that a government wish is not law until Congress goes through Article I’s rigorous process for enacting laws.342 That is one of the most basic premises of our Constitution. The Framers intended for it to be difficult to make law because they believed excessive lawmaking was one of the greatest threats to liberty.343 And even in the era of powerful administrative agencies, the Court has long maintained that “an agency literally has no power to act . . . unless and until Congress confers power upon it.”344 Thus, the default should be no new law until Congress acts; not law until Congress can muster the political willpower to overrule the agency. To hold otherwise would be to utterly pervert Article I by making it very difficult to stop lawmaking. And it certainly seems odd that something can become and remain law when “a single branch of the Government, the Executive Branch, with a small minority of either House,” wishes it so.345 In any event, courts should err toward liberty because Congress has the power to amend the law and give agencies clear and specific power to regulate.346 The Court has often considered it relevant that Congress has the power to act after the Judiciary does. For example, courts are especially hesitant to overrule precedents interpreting statutes, in large part, because Congress has the power to amend the law in response to judicial decisions. 347 The same is not true when the Court interprets the Constitution, which is one reason stare decisis has traditionally been given less weight in that area.348 In the major questions doctrine context, a similar dynamic exists. If a court finds a major question is at issue and holds Congress did not give an agency clear authority to adopt a regulation, Congress has an easy fix: debate the matter and pass a law. Such a rule has the added bonus of potentially being “Congress-forcing,” promoting democratic accountability by requiring our elected representatives to solve problems rather than pass the buck to administrative agencies.349 Indeed, that is precisely what the Supreme Court’s decision in The Queen and Crescent Case forced Congress to do. After the Court held that the ICC lacked the power to set railroad prices, Congress mustered the political will nine years later to give the ICC the power it sought.350 Whether that was a substantively wise law is beside the point. That was precisely how lawmaking is supposed to work under the Constitution. B. What Constitutes a Clear Statement? Once a court establishes that a major question is at issue in a case, then it must decide whether Congress clearly and specifically authorized the agency’s action.351 Fewer scholars have criticized this aspect of the major questions doctrine, and with good reason: courts have long and considerable experience applying clear-statement rules. Once a clear-statement rule applies, the agency must satisfy a heightened statutory burden in proving it has authority to act. Courts have articulated the burden accompanying a clear-statement rule in a variety of ways.352 Sometimes the Court says it “expect[s] [Congress] to speak with the requisite clarity to place [its] intent beyond dispute.”353 At other times, the Court has suggested a clearstatement rule has the effect of asserting an “implied limitation on otherwise unambiguous general terms of [a] statute.”354 Chief Justice Marshall said that a party on the short end of a clear-statement rule needed to show that “any other possible construction” did not “remain[].”355 In West Virginia, the Court spoke of overcoming “skepticism.”356 But the “paucity” of the Court’s interpretive analysis in West Virginia suggests the authority must be especially clear—or “jump off the page.”357 Whatever level of certainty those standards codify, we know that they are greater than 51% because the Court has said that a clearstatement rule is stronger than a mere “interpretative presumption.”358 And even under the weakest versions of clear-statement rules, the statute must be unambiguous.359 Although ambiguity is a notoriously slippery standard, Justice Kavanaugh has suggested a statute is ambiguous unless the court is sixty-five percent confident in a particular reading.360 Still, identifying precisely what burden of proof a clear-statement rule imposes is tricky, just as courts and scholars have struggled to identify precisely what the “beyond a reasonable doubt” standard requires in criminal law.361 Therefore, it may be easier to lay down negative markers identifying when a clear statement is not present. Justice Gorsuch’s West Virginia concurrence compiled preexisting caselaw to provide several specific situations in which this is true.362 Of course, a concurrence is not binding authority on lower courts. But there is substantial overlap between the Court’s doctrinal exposition and that of Justice Gorsuch, and there is no conflict between the two opinions.363 And lower courts might find Justice Gorsuch’s more concrete framework easier to implement, so I review it in detail. First, “vague,” “broad,” “cryptic,” or “oblique” language cannot support an agency’s claimed authority.364 Observers of the administrative state, including leading New Dealer James Landis, long suspected that agencies would “never read, at least more than casually, the statutes that [they] translate[] into reality” and “assume[] that they g[ive] [them] power to deal with the broad problems of an industry.”365 That helps explain the Court’s cautioning in West Virginia that a broad word like “system” should not be used as an “empty vessel” to pour new agency authority into.366 Similarly, in Brown & Williamson, the Court concluded that the broadly defined words “drug” and “device” were too “cryptic” to confer statutory authorization.367 Conversely, where Congress or state legislatures have previously used particular language to grant agencies the authority at issue, courts can look for that specific language. In The Queen and Crescent Case, for example, the Court looked to the specific types of language state legislatures had used to grant railroads price-setting power, and it reasoned that the existence of such state statutes meant Congress was familiar with “the language by which the power [to set railroad rates] is given,” enabling the legislature to more easily give a “definite and exact statement.”368 Where such state-law precedents are available, courts can look for similar language in the federal statute at issue. Relatedly, courts must be wary of broad catch-all provisions. Congress has, at least at times, passed statutes with a variety of specific provisions targeting particular problems alongside “capacious” catch-all provisions meant to empower agencies to resolve unforeseen problems.369 Several of the Court’s major questions cases dealt with such catch-all provisions, usually ones granting agencies express discretion to implement regulations according to their judgment. For example, the statute at issue in The Benzene Case gave the Secretary of OSHA the power to implement regulations he judged “reasonably necessary or appropriate to provide safe or healthful employment and places of employment.”370 NFIB v. OSHA, recall, dealt with a similarly worded neighboring provision.371 And in Alabama Association of Realtors, the statute gave the agency authority “to make and enforce such regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases” and, in providing specific examples of what measures the agency could take, the statute broadly authorized “other measures, as in [the Secretary’s] judgment may be necessary.”372 In West Virginia, Justice Kagan labeled § 7411 as just such a “catch-all” provision—one promoting “flexibility and discretion.”373 When catch-alls are used by agencies to merely “fill up the details” of complex statutory schemes, I doubt the Court would be troubled.374 But there is a risk that agencies can try to turn such catch-alls into blank checks to introduce major new policies, thus circumventing Article I’s requirements. The West Virginia clear-statement rule guards against that risk. Second, courts can look to “the age and focus of the statute the agency invokes in relation to the problem the agency seeks to address.”375 While acknowledging that old statutes can apply to “new and previously unanticipated situations,” Justice Gorsuch endorsed the commonsensical notion that Congress is less likely to clearly authorize an agency action solving a problem Congress could not possibly have anticipated when it passed the relevant statute.376 As Professors Adler and Walker recently noted, “when decades pass between the enactment of statutes delegating authority to agencies and the exercise of that authority, there is a risk that the delegated authority will be used for purposes or concerns that the enacting Congress never considered.”377 That was true, as Justice Gorsuch’s concurrence pointed out, in NFIB v. OSHA, where Congress in 1970 almost certainly did not anticipate the COVID-19 pandemic.378 In such situations, it is unlikely Congress clearly and specifically authorized an agency action it could not have foreseen. Consider, for example, net neutrality: the Obama Administration’s policy imposing common-carrier obligations on Internet service providers (ISPs).379 The economic implications of net neutrality were “vast,” sharply limiting how ISPs could structure their services and affecting the speed of service for all users of the Internet.380 When promulgating the rule, the Federal Communications Commission (FCC) relied on the Communications Act of 1934, as amended in 1996.381 Even at the latter date, the Internet’s infrastructure was barely developed, and Congress could not possibly have anticipated the problem the agency was trying to solve: the fear that ISPs might “throttle” access for particular content producers.382 Indeed, the content producers deemed most vulnerable to ISPs—streaming services like Netflix—did not even exist yet.383 It is thus hard to imagine Congress gave the FCC clear and specific authority to solve a problem that did not start garnering debate until about ten years later.384 Applying the major questions doctrine in a case like this—as then-Judge Kavanaugh proposed—would have ensured that Congress actually wanted net neutrality. Conversely, failing to do so “undermines the democratic legitimacy of regulatory policy” because people are subject to laws that would not be passed by their elected representatives.385 Going forward, courts can avoid that problem by showing skepticism toward an agency’s claim that Congress specifically authorized it to solve a problem the legislature could not plausibly have foreseen.386 Third, courts can look at the relevant agency’s traditional interpretations of the statute at issue.387 As Professor Bamzai has documented, there is a tradition of deferring to original, contemporaneous, and consistent interpretations of statutes by agencies charged with enforcing them.388 For example, in Biden v. Missouri, the Court found “the longstanding practice” of HHS relevant in concluding that Congress had authorized the agency to impose a vaccine mandate on healthcare workers.389 Logically, then, the converse rule should also be true. As the Court explained in West Virginia: “[J]ust as established practice may shed light on the extent of power conveyed by general statutory language, so the want of assertion of power by those who presumably would be alert to exercise it, is equally significant in determining whether such power was actually conferred.”390 Indeed, the Court has repeatedly consulted such evidence—in The Queen and Crescent Case, Brown & Williamson, NFIB v. OSHA, and West Virginia. 391 Fourth, courts should show more skepticism when there is a “mismatch” between the agency’s core expertise and the authority it is claiming.392 This idea rests on the notion that Congress is less likely to clearly authorize one agency to solve a problem when another is arguably more qualified to do so. For example, the Court in West Virginia identified a mismatch between the EPA’s claimed power and its “comparative expertise” because the CPP required it to make judgments about energy policy,393 a matter arguably within the core expertise of FERC.394 Similarly, in Gonzales, the Court expressed skepticism that Congress would empower the Attorney General to make “quintessentially medical judgments” beyond his “expertise.”395 And notably, during oral arguments over the Biden Administration’s student debt plan, the Justices repeatedly questioned whether the Department of Education had the economic expertise to cancel student loans.396 Of course, what constitutes an agency’s core expertise is often in the eye of the beholder. Whereas the D.C. Circuit thought the CPP delegated powers within the EPA’s “wheelhouse,”397 the Court found a mismatch.398 Going forward, litigants would be wise to point out how other agencies could claim expertise over the subject-matter at issue, just as the West Virginia petitioners highlighted the role of FERC in regulating energy production.399

IV. CONCLUSION

The major questions doctrine has a longer history than most scholars acknowledge. But that history also shows that the doctrine’s enforcement, and the vindication of Article I generally, has been quite uneven. Still, current circumstances seem ideal for the doctrine’s continued development and increased prominence. The 2021 Term suggests six Justices are comfortable applying the doctrine in a variety of cases. And litigants will undoubtedly press arguments based on the major questions doctrine at an accelerated pace.400 As this Article goes to press, the Supreme Court is considering whether to apply the major questions doctrine against the Biden Administration’s student debt cancellation program, raising the possibility that more doctrinal guidance will soon be available. But both now and after the Court issues a ruling in Biden v. Nebraska, much of the action will shift to lower federal courts.401 Those courts will play an important part in developing the major questions doctrine. If those courts lay down specific doctrinal markers—like those presented in this Article—the major questions doctrine will play a substantial role in enforcing Article I and ensuring that the people’s elected representatives make the laws that govern all of us.

#### The plan’s novel labor regulations violate the MQD.

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Andrew J. Ziaja, “Machinists Preemption in the New Administrative Law”, 2025, Seattle University Law Review, Volume 48, Issue 4, https://digitalcommons.law.seattleu.edu/sulr/vol48/iss4/7/

The major questions doctrine may also end up mattering more to the NLRB. The theory has surfaced that the Board’s decisions could fall subject to the doctrine on judicial review. The Board’s recent decision in Cemex Construction Materials Pacific216 is an example.217 Cemex revisited the question of whether the Board would order an employer to recognize and bargain with a newly formed union on the basis of a showing of majority support, most often in the form of authorization cards signed by employees, other than a full-blown NLRB-supervised election.218 The Board held that once a union is able to show majority support through signed authorization cards, the obligation to seek an election rests with the employer, who then must refrain from committing unfair labor practices that would invalidate that election; otherwise, a recognition and bargaining order will result.219 What upsets employers—and likely some judges—about Cemex is that it eases the path for unions to be newly certified in the absence of an election. They envision NLRB-supervised elections as the only appropriate path to union certification, despite the NLRA’s broad language allowing collective bargaining representatives to be “designated or selected”—not only elected.220 According to the theory, this broad language should fail the major questions doctrine’s second prong, which requires a “clear statement” in the delegating language.221

Scrutiny of NLRB decisions should not proceed to the second prong of the major questions doctrine, though.222 The union-certification rule in Cemex should not meet the major question doctrine’s first prong, if it is at all rigorous, which asks whether the exercise of authority addressed a “major question” owing to its “economic and political significance.”223 Much like the NLRA survived Commerce Clause scrutiny thanks to its emphasis on private contract and the case-by-case nature of the NLRB’s adjudicative process, over which courts maintain continual supervision, adjustments to Board union-election procedures should seem far from the sweeping regulatory changes of “vast economic and political significance” that have received major-questions-doctrine scrutiny.224 Such adjustments can at most result in more frequent collective bargaining processes between private parties who are capable only of binding one another, with no guarantee of any collective bargaining agreement resulting even among themselves. Unlike the EPA’s asserted authority to define the “waters of the United States,”225 or the Department of Education’s authority to revise student-loan terms,226 the NLRB lacks any form of substantive policymaking authority that could compare.227 The NLRA was instead tailor-made to survive Lochner as a form of government regulation through procedure rather than substance. Its vision of restrained executive-branch supervision of localized substantive labor-and-employment policymaking through private agreement should comfortably survive the revival of Lochner-era anti-administrative values encoded in the major questions doctrine, accordingly. Among the NLRB’s greatest weaknesses and strengths is its comparative lack of “major” authority.228

Substantive labor and employment policy nevertheless emanates from the margins of the NLRA in ways that should offend the new administrative law, in particular the major questions doctrine and related clear statement rules. The following section more deeply examines recent developments in the still-evolving major questions doctrine before finally analyzing Machinists preemption in light of it and other emergent administrative law principles.

#### Fiat means the plan is upheld—failure to strike it down as a major question kills the doctrine—pre-*West Virginia* caselaw proves.

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Abigail Moncrieff, “Reincarnating the 'Major Questions' Exception to Chevron Deference as a Doctrine of Non-Interference as a Doctrine of Non-Interference (Or Why Massachusetts v. EPA Got It Wrong)”, Harvard Law School Faculty Scholarship Series, 2008, https://core.ac.uk/download/pdf/270213551.pdf

In a pair of cases declaring a “major questions” exception to Chevron deference, the Supreme Court held that executive agencies may not implement major policy changes without explicit authorization from Congress. But in Massachusetts v. EPA, the Court unceremoniously killed its “major questions” rule, requiring the EPA to implement one such major policy change. Because the scholarly literature to date has failed to discern a worthy justification for the “major questions” rule, the academy might be tempted to celebrate the rule’s death. This Article, however, argues that the rule ought to be mourned and, indeed, reincarnated. It offers a “non-interference” justification for the “major questions” exception, arguing that the rule should apply whenever an agency enters debate in a regulatory regime to which Congress is actively considering legislative changes. The purpose of the rule, then, is to prevent agencies from altering the regulatory backdrop against which Congress is negotiating, and the purpose of judicial enforcement of a “major questions” rule is to restore the pre-interference regulatory reality so that congressional negotiations can pick up where they left off. This understanding of the rule explains and justifies the two “major questions” cases, but it cannot explain or justify Massachusetts v. EPA. The Article therefore argues that the “major questions” holding in Massachusetts v. EPA is wrong and should be rejected.

#### The culmination of bureaucratic overreach is inevitable backlash and war—extinction.

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James Pinkerton, "Freedom and Survival”, 2/4/2003, http://abob.libs.uga.edu/bobk/ccc/cc020403.html  
\*\* “Yeomen” is an American historical term for 18th and 19th century family farmers.

Historically, the only way that the slow bureaucratic creep of government is reversed is through revolution or war. And that could happen. But there's a problem: the next American revolution won't be fought with muskets. It could well be waged with proliferated wonder-weapons. That is, about the time that American yeopersons decide to resist the encroachment of the United Nations, or the European Union—or the United States government—the level of destructive power in a future conflict could remove the choice expressed by Patrick Henry in his ringing cry, "Give me liberty, or give me death." The next big war could kill everybody, free and unfree alike.

Which leads to the second argument. Spaceship earth may not be as fragile as a space shuttle, but it's still fragile. By all means, let's have homeland defense and missile defense. But let's also get real. If the weapons get bigger, and the planet stays the same size, then prospects for human survival shrink accordingly. For the time being, North Korea seems to have gotten away with breaking out of the nuclear Non-Proliferation Treaty. Kim Jong Il's arsenal could be eliminated in the future, of course, but in the meantime, the atomic cat is out of the nuclear bag.

Writing in the February 3 Weekly Standard, Henry Sokolski, director of the Nonproliferation Policy Education Center in Washington D.C., offers up scenarios for the spread of nuclear weapons that are much more compelling than the scenarios for their unspreading. Countries such as Iran, Syria, Egypt, Turkey, Algeria, Taiwan, South Korea, and Japan, he writes, have all flirted with the idea of building atomic weapons. And one could add to Sokolski's list other countries, such as Brazil, where the new president, Lula da Silva, seems to be forming an axis of anti-Americanism with the likes of Venezuela and Cuba.

Meanwhile, every one of those potential proliferators could be brought into line, and we'd still face the problem of "super-empowered individuals." Yup, the prospect of Moore's Law-computer power doubles every 18 months-affects cyber-geek and terror-creep alike. Such computational capacity is inherently "dual use" -the ultimate double-edged sword, hanging over all of us, to be wielded by some of us. As technofuturist Ray Kurzweil predicts, "We'll see 1,000 times more technological progress in the 21st century than we saw in the 20th." Most of that progress will be to the good, but not all. What could a hacker-terrorist alliance come up with, weapon-wise? There's only one way to find out.

Sooner or later, Moore's Law will meet Murphy's Law, and we'll realize just how vulnerable we all are, six billion souls, crowded into a narrow band of soil, stone, air and water, hugging the flimsy, filmy, easy-to-rub-off surface of the earth. Let's hope that before we have that rendezvous with deathly destiny, we've had the foresight to build an escape ladder for ourselves.

#### Additionally—executive power consolidation drives serial policy failure and extinction—course correction solves.

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Nasos Mihalakas, “The Need for Governance Reform – Symptoms vs. Cause”, The Federalism Project, 5/21/19, https://the-federalism-project.org/2019/05/21/the-need-for-governance-reform-symptoms-vs-cause/

There is no doubt that we live in “challenging” times. We face ‘social challenges,’ from racial discrimination to gender inequality, women’s rights (reproductive or otherwise) that will have to be addressed, LGBTQ issues (recognition of gay marriage), a gun violence epidemic due to both inadequate gun control laws but also excessive violence in our society, etc. We also face ‘economic challenges,’ like stagnant salaries and low wages, job insecurity (due to automation or outsourcing), taxes that are too high for some and not high enough for others, mounting student debt, and yes massive income inequality. And, of course, we do face ‘external challenges’, from nuclear proliferation in the Korean peninsula, to ISIS and religiously motivated global terrorism, to global warming and climate change!

Yet, most of these issues are but symptoms of a greater cause. Their existence, or our inability to overcome them, is being caused by a much greater problem in our society that unless we address soon we risk permanent societal failures within the next 20 to 30 years.

This greater cause is our very own failing system of governance!!!

Though brilliant in its original construction by the founding fathers, our Federal system of governance (separation of powers, check and balances, separate Federal and State governments) is grossly off track and highly unbalanced. During the past 200 years, we witnessed a steady transfer of power away from the States and into the Federal government, and within the Federal government we saw a similar steady concentration of power in the hands of the Executive (the singular President), and to a certain extend the Supreme Court (due to Congressional acquiescence).

This did not happen due to some conspiracy by the ‘powerful elite’ or through interference by foreign powers. It happened gradually (almost naturally), as a response to major failures at the State level: in dealing with slavery and racial discrimination (see Civil War and Jim Crow laws in the south), in dealing with market failures and the need to regulate business and provide a safety net (see Great Depression, The New Deal and the Great Society), in fighting a Cold War with the Soviet Union (see expansion of military and intelligence services to advance US foreign policy).

Today, power and authority to deal with issues and solve problems is highly concentrated at the Federal level, away from ordinary people and their ability to monitor let alone influence elected politicians.

There is so much power concentrated at the Federal level, and in particular in the hands of one person (the President) that it makes Washington politicians constant targets of special interests and lobbying organizations, makes negotiations for compromise impossible because there is so much at stake, and it has created a highly unbalanced system (where “checks and balances” are not fully implemented and more often can’t work effectively).

Washington gridlock, dysfunction, polarization, and partisanship have led to the inability to pass a budget (balanced or otherwise), or address the need for immigration reform, or provide for adequate healthcare coverage and affordable prescription drugs, or even implement proper tax reform. Therefore, unless we address these ‘systemic’ failures of our system of governance, unless we implement institutional changes and fix the process, we will never get lasting solutions to our current and future societal challenges.

Unfortunately, there is no one thing we can do, no ‘magic bullet’ that can fix the dysfunction of our Federal system of governance (because it’s not just ‘the Federal government’ that needs reform, but also/primarily Congress and the Judiciary). Rather, there are several things (from specific process changes through laws/regulations to Constitutional amendments) that we will have to changes now, in order to see improvement in the function of our system of governance in the next 20 to 30 years.

There is a parallel example to this system of governance failures, and it’s that of ‘global warming.’  Global temperatures have been rising, due to greenhouse gases (caused by human activity – burning fossil fuels like coal and oil), presenting an existential threat to our planet and our way of life. However, fossil fuels are not inherently evil, used by certain people bent on the destruction of humanity!  Energy from fossil fuels was instrumental in facilitating the industrial revolution, which brought progress and technological innovations during the past 150 years, that helped the whole world to advance, prosper, and better connect. It was not until recently that we realized that the constantly expanding use of fossil fuels by humans is contributing to rising temperatures, and if we don’t do something now to ‘bent the curve’, then in 20 to 30 years from now temperatures will rise to levels that can be devastating to the planets ecosystem, and by extension us humans.

Concentration of power at the Federal level, over the past 200 years, though not inherently evil (downright necessary and proper during some critical periods), has reached a point of pure dysfunction. The proof of the unsustainable nature of our current system (like rising temperatures are a proof of global warming) is income inequality. During the past 50 years, we have witnessed a steady concentration of wealth at the hands of the top 10% (and primarily the top 1%).

And although one can look at our society today statically and say: “things are still ok: there are rich people and poor people, and we are still the most powerful and wealthy nation in the world – so what’s the problem?”… the trend keeps going upwards: currently over 70% of our national wealth is concentrated at the hands for the top 10%. When do we need to do something to stop this trend?  When it gets to 80%, or 90%?

Democrats and Republicans (now thanks to Donald Trump) both agree on the existence of a ‘powerful elite, in cahoots with the political establishment, bent on exploiting the middle class’… yet both party’s solution is the same: win political power and cut or raise taxes, regulate more or less, appoint some type of judges… in essence, deal with the symptoms and not the underlying cause!

If we want to address the underlying cause of income inequality (and outsourcing of jobs, health-care failures, racial tensions, education funding, women’s rights, public housing, etc.), then we need to reform our system of governance, before we can consider specific policy priorities. By fixing the legislative process, restoring proper checks, correcting the imbalance within the government branches and returning powers back to the States… we can get on a path where we see real results within the next 20 to 30 years.

Otherwise, gridlock and dysfunction at the Federal level will only get worse!

### CP---1NC

#### The fifty states and all relevant territories should withhold cooperation with all federal initiatives unless the United States Federal Government substantially strengthen scollective bargaining rights for workers in the United States by mandating sectoral bargaining.

#### The United States federal government should sue on the basis that withholding cooperation violates the Supremacy Clause.

#### The CP revitalizes dual federalism. The Court will find the CP squarely within the limits of the Constitution, including the Supremacy Clause. That clarifies the expanse of state authority to deny federal initiatives. And, it solves the case.

Craig 25 – Fellow, Institute for Humane Studies.

Andy Craig, “‘States’ rights’ are crucial to protecting American liberties,” MSNBC, 04-28-2025, https://www.msnbc.com/opinion/msnbc-opinion/jb-pritzker-illinois-el-salvador-trump-states-rights-rcna202911

Earlier this month, President Donald Trump made an unusual statement at the National Republican Congressional Committee dinner, to an audience of the party’s House members. “The states are just an agent of the federal government,” he insisted, in regard to states refusing to assist his sweeping immigration crackdown.

This is not only wrong as a matter of constitutional law and the basics of federalism, it was also a stark repudiation of the usual conservative defense of broad autonomy for states. But on the flip side, liberals are quickly learning the much maligned framework of “states’ rights” isn’t always bad.

Democratic Illinois Gov. JB Pritzker has announced the state’s pension funds would divest from El Salvador, in response to that country’s participation in the administration’s unlawful deportation scheme. And across the country, a number of states and localities have existing policies limiting law enforcement cooperation with federal immigration enforcement. There is a growing recognition among Democratic-led states that they are in a unique position to put up resistance to the Trump administration — not just politically, but constitutionally and in concrete practical terms.

Liberals are quickly learning the much maligned framework of ‘states’ rights’ isn’t always bad.

This isn’t entirely new. State attorneys general have been at the forefront of legal challenges to federal policies, in both parties, depending on who is in the White House. Since Jan. 20, Democratic attorneys general have been moving rapidly to file lawsuits blocking funding cuts tied to Trump’s demands, attempts to hijack state education systems, and to block the executive order attacking birthright citizenship. What’s changed compared to his past administration is the coherence and assertiveness of these efforts. With all three branches of the federal government under Trump-friendly Republican control, albeit with the courts less than the other two, the states are the one remaining bastion of constitutional authority able to push back. The legal footing for this resistance rests on firm constitutional ground. The 10th Amendment reserves powers not delegated to the federal government to the states or the people. More specifically, the anti-commandeering doctrine — affirmed in Supreme Court decisions like Printz v. United States and Murphy v. NCAA — makes clear that the federal government cannot compel states to administer or enforce federal regulatory programs. The Supreme Court’s ruling in National Federation of Independent Business v. Sebelius, striking down parts of the Affordable Care Act, also affirmed the principle that conditions attached to federal funding can’t be “coercive” on the states.

The federal government can enforce its own laws but it can’t force states to help or to adopt matching laws of their own. Most famously, states have used this in the case of marijuana legalization, dropping state prohibitions even while the federal ban is nominally intact. As a practical matter, the federal government doesn’t have the resources to crack down on itself.

Federalism is not inherently a conservative principle; it is a bedrock structural foundation for the system of government created by the Constitution. We are, after all, still the United States — it’s right there in the name. And the states may now serve as one of the most effective avenues for safeguarding civil rights and individual liberties at a time when federal policy is moving rapidly in the opposite direction. Understandably, liberals have historically tended to view such arguments with suspicion, seeing in them the echo of state resistance to desegregation, the legacy of Jim Crow and before that defenses of slavery. The federal government does have the power, properly, to intervene against states violating individual rights protected by the Constitution. But sometimes it’s the states that are on the right side of history.

At their best, states can serve as guardians of liberty, and they’ve done so before. States resisted the Alien and Sedition Acts, the notorious censorship laws under John Adams (the only remaining portion, the Alien Enemies Act, is back in the news). Northern legislatures passed personal liberty laws in response to the Fugitive Slave Act, and state obstruction and refusal to enforce the law was a prominent grievance of Southern secessionists in 1860. State and local governments also undermined federal attempts to enforce Prohibition, simply by refusing to assist. And states moved to legalize same-sex marriage years before the Supreme Court caught up at the federal level, and in the face of hostile federal law.

These moments are part of a larger constitutional tradition: When the federal government oversteps, the states can act as a counterweight. That is the whole point, as intended by the Framers, in dividing sovereignty between the states and the national government.

Federalism is not inherently a conservative principle; it is a bedrock structural foundation for the system of government created by the Constitution.

State noncooperation offers a measured, legal path for principled dissent. It allows states to protect their residents, assert their policy priorities, and maintain democratic norms — all without violating the supremacy clause or stepping outside the rule of law. And when the states plainly have the Constitution on their side, they can and have won victories in federal court. States could adopt broader noncooperation laws that prohibit state and local law enforcement from voluntarily assisting the increasingly rogue and lawless Immigration and Customs Enforcement, as well as the Border Patrol. They could impose review requirements before state or local personnel participate in joint operations with federal law enforcement, or decline to provide material support unless there is a clear state interest at stake. They could restrict state prosecutors and law enforcement from partnering with their federal counterparts on things like civil asset forfeiture.

At their core as sovereign polities, states are still military powers, too. Governors are the commanders in chief of their respective National Guards, when not federalized, as well as purely state defense forces in some states. In Washington state, Gov. Bob Ferguson recently invoked this power in signing a law barring out-of-state Guard units from operating in Washington without its consent.

This does not amount to obstruction of federal law. Under the Constitution, states cannot actively interfere with federal enforcement. But they are equally not required to aid it.

Radical nonassistance — refusing to provide personnel, data or facilities — is well within the bounds of constitutional authority. If the federal government wishes to enforce its laws, it must do so with its own resources. And if it exceeds the scope of its constitutional powers, states can fight back.

When used thoughtfully and with good intent, federalism can empower states to expand rights, not restrict them; to defend the vulnerable, not marginalize them; to offer a counterbalance when the federal government runs amok. We may need this bulwark now more than ever.

#### Success of Trump’s deportation policies collapses U.S. ag.

Dias 24 – reporter at Mother Jones  
Isabella Dias, “How Trump’s “Mass Deportation” Plan Would Ruin America,” Mother Jones, September-October 2024, https://www.motherjones.com/politics/2024/08/trump-mass-deportation-plan-immigration-border-patrol-ice-dhs-migrants-undocumented/)

Half of all farmworkers in the United States are undocumented. A mass deportation program would lead to reduced domestic production and increased reliance on imports. Pierre Mérel, an agricultural and resource economics expert at the University of California, Davis, says labor-intensive fruit and vegetable harvesting would be most affected. Based on a 2022 study he co-authored, Mérel estimates that a 50 percent decrease in the farm labor supply could result in a 21 percent increase in the prices of hand-picked crops. “If [immigrant workers] just disappeared overnight,” says Andrew Mickelsen, whose family operates a potato farm in Idaho, “[the sector] would be devastated...I do not think that we in this country could grow enough food.”

#### Strong U.S. ag prevents hotspot escalation.

Castellaw 18 – CEO of Farmspace Systems LLC, a drone-based precision agriculture data collection company, Board Member for Cultivating New Frontiers in Agriculture

John Castellaw, “Why Food Security Matters,” Senate Committee on Foreign Relations, 03-14-2018, https://www.foreign.senate.gov/imo/media/doc/031418\_Castellaw\_Testimony.pdf

Food Security Is Critical to Our National Security

The United States faces many threats to our National Security. These threats include continuing wars with extremist elements such as ISIS and potential wars with rogue state North Korea or regional nuclear power Iran. The heated economic and diplomatic competition with Russia and a surging China could spiral out of control. Concurrently, we face threats to our future security posed by growing civil strife, famine, and refugee and migration challenges which create incubators for extremist and anti-American government factions. Our response cannot be one dimensional but instead must be nuanced and comprehensive, employing “hard” as well as “soft” power in a National Security Strategy combining all elements of National Power, including a Food Security Strategy.

An American Food Security Strategy is an imperative factor in reducing the multiple threats impacting our National wellbeing. Recent history has shown that reliable food supplies and stable prices produce more stable and secure countries. Conversely, food insecurity, particularly in poorer countries, can lead to instability, unrest, and violence. Food insecurity drives mass migration around the world from the Middle East, to Africa, to Southeast Asia, destabilizing neighboring populations, generating conflicts, and threatening our own security by disrupting our economic, military, and diplomatic relationships. Food system shocks from extreme food-price volatility can be correlated with protests and riots. Food price related protests toppled governments in Haiti and Madagascar in 2007 and 2008. In 2010 and in 2011, food prices and grievances related to food policy were one of the major drivers of the Arab Spring uprisings.

## ON

### Manufacturing---1NC

#### The plan gets circumvented. The NLRB’s underfunded, understaffed, and backlogged.

Thompson 25 – Journalist for Fast Company and previously for the New York Times, Harper’s, Slate and the Nation, focusing on labor.

Gabriel Thompson, “As Trump makes legal labor action more difficult with labor board cuts, some workers are considering other options,” Fast Company, 2/24/2025, https://www.fastcompany.com/91282748/as-trump-makes-legal-labor-action-more-difficult-with-labor-board-cuts-some-workers-are-considering-other-options \*edited for ableist language

“It became clear the NLRB was already underfunded, understaffed, and overworked,” said Hovey. “Now [with the freeze] we may not have a decision on our election for several more years.”

Catherine Creighton is a former National Labor Relations Board attorney now at Cornell University’s School of Industrial and Labor Relations. Without a functioning board, she said, “You can organize, but if the employer doesn’t agree to recognize the union or bargain, there’s nothing you can do about it. For workers, there’s nowhere you can go.”

Trump’s firing of Wilcox, whose term was not due to expire until 2028, represented an extraordinary assertion of executive power over an independent agency; on the same day, Trump fired two commissioners on the Equal Employment Opportunity Commission, leaving that agency, too, without a working quorum. (Wilcox has since filed a lawsuit contesting her firing, arguing that it violated some of the very labor laws she previously enforced.) The freeze at the National Labor Relations Board comes while attorneys for Elon Musk’s SpaceX and Jeff Bezos’ Amazon, which are both facing labor complaints, argue in federal court that the NLRB is unconstitutional, in part because it impedes executive power. Attorneys for Trader Joe’s have also asserted, in NLRB proceedings, the unconstitutionality of the NLRB.

Spokespersons for the National Labor Relations Board did not respond to queries about the number of cases currently frozen at the board, though last year the board issued 372 decisions. Amazon has at least eight cases pending at the board, including an appeal of a judge’s decision ordering a new election at a 6,100-employee warehouse in Bessemer, Alabama, due to numerous labor law violations the company committed during a 2022 campaign. In January, the NLRB reported that the board was hearing 62 separate cases in which administrative law judges had determined Starbucks had broken labor laws. Along with contesting the Louisville election, Trader Joe’s is appealing a judge’s finding that the company threatened workers and froze wages at two unionized stores.

The lack of a functioning board will exacerbate the backlog of cases at the NLRB, said Caren Sencer, a labor lawyer with Weinberg, Roger & Rosenfeld who represents multiple unions whose cases are now stalled at the National Labor Relations Board. “It already felt indefinite,” she said about the slow pace of NLRB proceedings. “Now it actually is.”

#### Collective bargaining fails. Employers can satisfy the “good faith” requirement with little to no effort.

Guerin 13 – Employment Law senior editor for Nolo, previously practiced employment law in state and federal courts, J.D. from Boalt Hall School of Law at the University of California, Berkeley.

Lisa Guerin, “Collective Bargaining,” Nolo, 3/13/2018, https://www.nolo.com/legal-encyclopedia/collective-bargaining.html

Collective bargaining refers to the negotiation process between a union (on behalf of the bargaining unit it represents) and an employer to work out an agreement that will govern the terms and conditions of the workers' employment. The agreement reached through this negotiating process is called a collective bargaining agreement (CBA).

The National Labor Relations Act requires a duly elected union and an employer to meet and negotiate over wages, hours, and other employment terms, as well as to negotiate over issues that may arise under an existing CBA. The two sides don't have to reach an agreement, but they always have to bargain in good faith. Although neither side is required to make a particular concession, a party that refuses to bend on a single issue or to put any offer on the table might be acting in good faith.

#### Enforcement fails. The NLRB lacks a quorum and even if it’s restored, it’ll be impossible to maintain a majority. Plus, employers will remain skeptical of the quorum, which means they won’t comply.

Iafolla 25 – Senior Legal Reporter focusing on the National Labor Relations Board at Bloomberg Law, M.A. in Print Journalism from the University of Southern California.

Robert Iafolla, “NLRB Facing ‘Lost Year’ on New Precedents Despite Path to Quorum,” 7/21/2025, Bloomberg Law, https://news.bloomberglaw.com/daily-labor-report/nlrb-facing-lost-year-on-new-precedents-despite-path-to-quorum

While Senate approval of President Donald Trump’s National Labor Relations Board nominees will restore its quorum, restarting its ability to issue decisions, the board’s Biden-era precedents are likely to remain unchanged after the two Republican candidates are confirmed.

Scott Mayer, chief labor counsel at the Boeing Co., and James Murphy, a former career NLRB lawyer, lack a realistic timeline to join the board before Chair Marvin Kaplan’s term expires, according to labor law observers.

Even if the nominees get the Senate’s blessing, an NLRB with Mayer, Murphy, and Democratic member David Prouty would encounter longstanding board tradition against altering precedent with less than three votes in the majority, they said.

#### U.S. manufacturing is strong and the squo solves their impacts.

MT 24 – Manufacturing Today, citing Reuters, Deloitte, and Bloomberg.

“US Manufacturing Growth Predicted to Rebound Significantly in 2025,” Manufacturing Today, 12-20-2024, https://manufacturing-today.com/news/us-manufacturing-growth-predicted-to-rebound-significantly-by-2025/#:~:text=After%20navigating%20a%20prolonged%20period,expenditures%20and%20modest%20employment%20growth.

US Manufacturing Growth Predicted to Rebound Significantly in 2025

After navigating a prolonged period of economic challenges, the US manufacturing sector is on the cusp of a significant recovery. Projections for 2025 reveal a 4.2% increase in overall revenues, coupled with a 5.2% rise in capital expenditures and modest employment growth. These optimistic predictions reflect the collective sentiment of industry executives who foresee improved business conditions ahead.

The anticipated rebound follows years of contraction driven by inflationary pressures, supply chain disruptions, and aggressive monetary policy tightening. However, a combination of favorable economic indicators, technological advancements, and strategic investments is poised to reignite the sector’s momentum.

Current state of the US manufacturing sector

The US manufacturing sector, which represents 10.3% of the national economy, has faced persistent challenges in recent years. The Manufacturing Purchasing Managers’ Index (PMI), a key indicator of industry activity, has remained below the 50-point threshold since November 2022, signaling ongoing contraction. Even with a brief resurgence in March 2024, the sector struggled to regain consistent growth.

Central to these difficulties was the Federal Reserve’s aggressive monetary policy tightening between 2022 and 2023. Intended to combat soaring inflation, these measures placed additional strain on manufacturers by increasing borrowing costs and reducing consumer spending power. Despite the Federal Reserve’s pivot to lower interest rates in late 2024, recovery has been slow, with factory PMI figures showing subdued activity throughout the year.

The confluence of these factors created a challenging landscape for manufacturers. Yet, with inflationary pressures gradually easing and supply chain disruptions stabilizing, the sector is now better positioned for a turnaround.

Projections for 2025 and beyond

The outlook for 2025 offers a renewed sense of optimism for US manufacturers. Industry-wide forecasts suggest a 4.2% increase in overall revenues, driven by a combination of easing financial pressures and strategic investments in capital infrastructure. The anticipated 5.2% growth in capital expenditures reflects a strong commitment to modernization and expansion efforts, signaling manufacturers’ confidence in the market’s recovery potential.

Employment is also expected to see modest growth, with factory jobs projected to rise by 0.8 percentage points. This increase, though incremental, highlights the sector’s gradual rebound from layoffs and hiring freezes experienced in prior years. While employment challenges persist, particularly in finding skilled labor, manufacturers are leveraging training programs and automation to address workforce gaps.

Beyond revenue and employment, broader economic indicators point to an upswing. Improved consumer confidence and steady demand for durable goods, alongside federal incentives for clean technology and domestic production, are set to boost the sector’s trajectory through 2025.

Key factors driving recovery

Several key trends are contributing to the US manufacturing sector’s resurgence. Among the most prominent is the shift toward nearshoring and reshoring. In response to global supply chain disruptions, many companies are prioritizing domestic production or relocating facilities closer to the US This strategy has not only enhanced supply chain resilience but also stimulated regional economic growth.

The adoption of advanced technologies is another critical factor. From AI-powered automation to digital twins and IoT-enabled operations, manufacturers are increasingly embracing innovation to enhance efficiency, reduce costs, and improve product quality. Investments in these technologies are expected to accelerate in 2025, as companies aim to stay competitive in a rapidly evolving landscape.

Government policies and incentives are also playing a pivotal role. Initiatives like the Inflation Reduction Act and tax credits for green energy projects have spurred investments in clean technologies, such as electric vehicle components and renewable energy infrastructure. These measures are driving a wave of capital spending that will likely bolster the sector for years to come.

#### No readiness internal link.

Greenwalt 24 – Nonresident senior fellow at the American Enterprise Institute and a former deputy undersecretary of defense for industrial policy.

William C. Greenwalt, “The mythical national security argument for protecting the steel industry,” Breaking Defense, 03-04-2024, https://breakingdefense.com/2024/03/the-mythical-national-security-argument-for-protecting-the-steel-industry/

Having American-made steel ready for defense programs is a national security imperative – at least according to the steel industry and supporters in Congress. But is that correct? In this op-ed, Bill Greenwalt, a former DoD industrial official, argues steel plays a much smaller role for the defense industry than many think.

The proposed purchase of JP Morgan’s legacy company, US Steel, by Japanese steel maker Nippon Steel has sent America Firsters (both Republicans and Democrats) into a tizzy. Reaction has been visceral across party lines: Sen. JD Vance, R-OH, linked blocking the deal to the “security and prosperity of the United States.” The head of the steel workers union stated he received “personal assurances” from President Joe Biden that the White House has their backs, and even environmental groups have come out against the deal. Opposing the proposed merger, Sen. John Fetterman, D-PA, stated, “Steel is always about security.”

Not surprisingly, the case is now being considered before the Committee on Foreign Investment in the United States (CFIUS), the federal body that reviews foreign investment for national security reasons. And that may make political sense, as the steel industry has been coddled with protections, tariffs and domestic source preferences. But despite what Fetterman and others claim, the national security argument for steel is actually extraordinarily specious.

This belief is based on a series of falsehoods and misplaced expectations of what the steel industry would actually do for national defense in an emergency. And it is important that as the government weighs its case, it has a clear-eyed understanding of the role US-produced steel actually plays for the Department of Defense.

Historically, the Pentagon has bought significantly less than 1 percent of the US steel industry’s output, although the industry believes that number is closer to 3 percent. Even if you take industry’s number as gospel, that’s simply not a massive amount. The steel that is most important to DoD is of high quality and bought at low volumes, primarily from two plants in Pennsylvania that produce the armored plate for Navy ships and Army ground vehicles. These plants are currently owned by Cleveland-Cliffs, a company that, seeing no profitable options to invest in its plants or its workers, recently announced it will engage in high levels of stock buybacks. (The company did offer $7 billion for US Steel but was outbid by Nippon Steel’s $14 billion tender.)

There is no question that the plants that still produce defense-grade armor are critical to national security and have been the recipients of Defense Production Act (DPA) subsidies to ensure that they stay in business and support DoD. The rest of the steel industry, however, has not only been mostly worthless to national security — it has arguably become detrimental to it. This is due to the adoption of domestic source restrictions that torture DoD’s supply chain to buy de minimis levels of steel found in products such as casings, fasteners and spare parts, often at higher prices than it could buy from abroad. The cost to police DoD’s supply chain to comply with mandated domestic sourcing requirements is enormous for the minimal amount of metal and money involved in military products that are not ships or armored vehicles.

The national security argument made for forcing this on the Pentagon has always been that we would need the industry in place if we are ever in a conflict and had to build more ships and armored vehicles at scale. This same argument has also been made to keep in place tariffs and other protectionist measures that benefit the 97-99 percent of the US steel industry that does not directly support DoD.

The reality is the steel industry can be depended upon to do that which they demonstrated in the Mine-Resistant Ambush Protected (MRAP) program during the Iraq and Afghanistan conflicts: That is to say, very little.

The MRAP program’s estimated $50 billion cost likely made it the largest emergency steel-centric defense program that the US has embarked on since the production of Liberty ships in WWII. At the initiation of MRAP production, the US didn’t have enough quality specialty steel to support the program. As Deputy Undersecretary of Defense for Industry Policy during that initial phase, I was tasked to find it.

One would have thought that an industry so heavily invested in its relations with the US government and reliant on protectionist measures for decades would have jumped at the opportunity to show its patriotism and protect American servicemembers from being blown up by roadside bombs. That was not the case. Despite entreaties from DoD, the US steel industry (with the exception of one firm) declined to make the investments to support our men and women in uniform. As a result, after considering its rights to compel production under DPA and finding them lacking, DoD went abroad with cap in hand for steel–to Sweden, Germany, Israel, and Australia.

When DoD urgently needed more steel, the US industry basically told Uncle Sam to pound sand. Our allies then bent over backwards to help us, when our own industry would not.

One US company did do something, and that was Oregon Steel. They had a process that could produce the quality of steel that the MRAPs needed but it would require the importation of steel ingot from Mexico to fuel their mills. This would require a waiver from Buy America restrictions that mandated that all steel DoD uses be not only produced, but smelted in the US. US steel industry lobbyists vehemently opposed any such waiver. DoD eventually granted the waiver, thereby increasing MRAP-relevant steel production by 40 percent. The brutalist of ironies: The company was purchased by Russians in 2007. The irony that the Russians stepped up to protect our troops while US industry did not was probably not lost on the Kremlin.

Which brings us back to CFIUS. The decision-makers around the CFIUS table should know this history and understand that the steel industry did not have DoD’s back in the past. If it didn’t then, why would it have it now? We should stop wrapping the industry (except for two very important plants) in the American flag and recognize that all of the subsidies, tariffs and protectionist measures are political contrivances and not about a national security need.

#### No readiness impact — rogue states are constrained.

Mueller 21 – Professor Emeritus in the Department of Political Science at Ohio State University, Senior Fellow at the Cato Institue, holds a Ph.D. and M.A. in Political Science from the University of California-Los Angeles,

John Mueller, “Proliferation, Terrorism, Humanitarian Intervention, and Other Problems,” The Stupidity of War: American Foreign Policy and the Case for Complacency, Cambridge University Press, Chapter 7, p. 183-184

Over the course of the last several decades, alarmists have often focused on potential dangers presented by rogue states, as they came to be called in the 1990 s. These were led by such devils du jour as Nasser, Sukarno, Castro, Gaddaﬁ, Khomeini, Kim Il-sung, Saddam Hussein, Milos ˇevic ´ , and Ahmadinijad, all of whom have since faded into history’s dustbin. 66 Today the alarm has been directed at Iran as discussed in Chapter 6 and also at North Korea as discussed in this one. However, neither country really threatens to commit major direct military aggression. Iran, in fact, has eschewed the practice for several centuries. Nonetheless, it might make some sense to maintain a capacity to institute containment and deterrence efforts carried out in formal or informal coalition with concerned neighboring countries – and there are quite a few of these in each case. However, the military requirements for effective containment by their neighbors, by the United States, and by the broader world community are far from monumental and do not necessarily require the United States to maintain large forces-in-being for the remote eventuality.

This is suggested by the experience with the Gulf War of 1991 when military force was successfully applied to deal with a rogue venture – the conquest by Saddam Hussein’s Iraq of neighboring Kuwait. As noted earlier, Iraq’s invasion was rare to the point of being unique: it was the only case since World War II in which one United Nations country has invaded another with the intention of incorporating it into its own territory. It scarcely appears, as laid out in Chapter 3 , that Iraq’s pathetic forces required a large force to be thrown at them to decide to withdraw: over a period of half a year, they did not erect anything resembling an effective defensive system and, when the chips were down, they proved to lack not only defenses, but strategy, tactics, leadership, and morale as well.

Countries opposed to provocative rogue behavior do not need to have a large force-in-being because there would be plenty of time to build one up (should it come to that) if other measures such as economic sanctions and diplomatic forays (including appeasement) fail to persuade.

#### Supply chains are resilient and no impact to collapse.

Morales 25 – Economist at the Federal Reserve Bank of Richmond, PhD and MA in Economics at the University of Michigan.   
Nicolas Morales, “Supply Chain Resilience and the Effects of Economic Shocks”, January 2025, Federal Reserve Bank of Richmond, Economic Brief Number 25-02, https://www.richmondfed.org/publications/research/economic\_brief/2025/eb\_25-02

Supply chains have long been integral to the U.S. economy, allowing firms to capitalize on specialization and efficiency. However, recent developments like the COVID-19 pandemic, global geopolitical tensions and increasing climate risk have revealed their vulnerabilities as well as their abilities to propagate and amplify economic shocks. In response, firms and policymakers are increasingly focusing on strategies to bolster supply chain resilience. This article explores how economic shocks can propagate through the supply chain, the trade-offs associated with resilience investments, and policy responses aimed at strengthening the stability of U.S. supply chains.

Supply Chains Transmitting Shocks

Economic research has extensively analyzed how disruptions such as natural disasters cascade through supply chain networks, affecting not only firms but also their customers and suppliers. When a firm faces such a disaster, its immediate operations are disrupted, often due to physical damage that halts production temporarily.

However, the shock rarely stops there. Downstream firms — those that rely on inputs from the affected firm — experience indirect disruptions. Without access to critical supplies, these firms may face production delays or even a complete halt. Similarly, upstream firms — those supplying the disrupted firm — also feel the impact. With affected firms unable to purchase goods, suppliers face reduced sales until operations resume.

A 2016 study provides empirical insights into these dynamics, focusing on U.S. firms affected by natural disasters.1 Its findings highlight significant amplification effects: For every $1 sales the impacted firm loses, customer firms lose an average of $2.40 in sales. These effects were most pronounced when the disrupted firm produced differentiated or research-intensive goods (that is, inputs that are challenging to replace quickly).

A 2021 paper extended this analysis to the Great East Japan earthquake of 2011, tracing the shock's ripple effects across the supply chain.2 This paper found that half of the total economic impact stemmed from propagation to firms up to four degrees separated from those directly affected. These findings underscore how interconnected supply chains magnify localized disruptions, spreading their economic consequences far beyond the epicenter of the shock.

The Role of Supply Networks After the Pandemic

The COVID-19 pandemic reignited concerns about the vulnerabilities of globalization and the resilience of supply chains. In the U.S., economic shocks were magnified by disruptions in international supply chain linkages, emphasizing the interconnected nature of global trade. One tool for monitoring these dynamics is the Global Supply Chain Pressure Index, developed by the Federal Reserve Bank of New York. This index provides a composite measure of supply chain disruptions, capturing metrics such as shipping delays, order backlogs and inventory buildups.

As shown in Figure 1, supply chain pressures surged dramatically in early 2020 as global lockdowns halted production and disrupted logistics networks. By late 2020, as production resumed worldwide, pressures began to ease slightly but remained elevated. Supply chain bottlenecks then intensified again and peaked in December 2021, with this surge driven by rebounding demand and lingering disruptions in production and transportation. This pattern underscores the fragility of supply chains during periods of global economic upheaval and the challenges of adapting to sudden shifts in supply and demand.

The pandemic triggered significant disruptions to global supply chains, with international shocks affecting economic activity in the U.S. In early 2020, as lockdowns were implemented worldwide, production stalled, and goods delivery faced substantial delays. A 2021 paper quantifies the extent to which GDP declines at the onset of the pandemic stemmed from domestic versus international factors.3 The authors' analysis combines data on lockdown stringency with information on production and trade across countries and industries, revealing that about 30 percent of the U.S. GDP decline during the early pandemic was attributable to foreign lockdowns restricting imports. The remaining 70 percent was driven by domestic disruptions.

The researchers also examined whether international supply chains mitigated or amplified the economic impact of lockdowns in the U.S. While international trade could, in theory, buffer domestic lockdown effects by enabling imports from less-affected regions, this was not the case for the U.S. Lockdowns abroad were more severe than domestic ones, which ended up amplifying the negative impact on U.S. GDP. In contrast, countries with stringent lockdowns such as Peru and Argentina benefitted from international trade, mitigating their domestic shocks by importing goods from less-affected regions.

As global lockdowns eased in 2020, inflation surged worldwide, driven partly by a rebound in aggregate demand that strained production networks. A 2024 report analyzed the sources of inflation in the U.S. and found that international factors — such as supply chain bottlenecks and foreign demand — accounted for roughly 2 percentage points (pp) of the inflation observed in 2021 and 2022, about a quarter of the total inflation during that period.4 In Europe, where production depends more heavily on foreign inputs, international channels contributed up to 4 pp to inflation.

Firm-level dynamics also played a critical role in navigating supply chain disruptions. My 2022 working paper "Supply Chain Resilience: Evidence From Indian Firms" — co-authored with Gaurav Khanna and Nitya Pandalai-Nayar — examined characteristics of firms that proved resilient to COVID-19 lockdown shocks. Firms relying on highly differentiated inputs — products with fewer substitute suppliers — demonstrated greater resilience. These firms experienced fewer supplier separations, secured new suppliers more quickly and sustained production more effectively compared to firms sourcing more generic inputs. Interestingly, while such firms would have a greater amplification effect when receiving supply chain disruptions, their preparedness likely mitigated the broader economic consequences for the broader network.

Increasing Investments in Supply Chain Resilience

The pandemic highlighted the critical role of supply chains in the propagation and amplification of economic shocks. While the pandemic was an unexpected and temporary disruption, other shocks (such as climate disasters and geopolitical conflicts) are anticipated to occur more frequently and could lead to significant production disruptions if firms are unprepared. Policymakers and businesses are increasingly prioritizing investments in supply chain resilience to mitigate the effects of such shocks.

Firms are adopting a variety of strategies to enhance supply chain resilience. A 2022 survey of global supply chain leaders found that:

* About 81 percent of respondents planned to increase dual sourcing of raw materials.
* About 80 percent aimed to boost inventory holdings.
* About 44 percent sought to shift their sourcing strategies toward regional labor markets, often referred to as "re-shoring" production.

My 2024 working paper "Weathering the Storm: Supply Chains and Climate Risk" — also co-authored with Khanna and Pandalai-Nayar as well as Juanma Castro-Vincenzi — argues that firms are likely to source products from multiple suppliers to reduce risks, such as climate-related disasters affecting suppliers.

However, this approach entails a trade-off between efficiency and resilience. While regions with higher risks may offer lower production costs, disruptions in these areas can lead to costly supply chain interruptions. To mitigate these risks, firms are increasingly willing to pay a premium to source inputs from multiple, less-risky regions.

The trend toward regionalization is also evident in response to specific shocks. For example, my aforementioned 2022 working paper finds that, following the COVID-19 lockdowns and subsequent supply chain disruptions, firms became more likely to source inputs from geographically closer suppliers and larger firms. This shift reflects a broader effort to minimize vulnerabilities and ensure production continuity.

From a policy perspective, governments are supporting efforts to secure critical inputs through re-shoring and "friend-shoring" production. Geopolitical developments — such as the war in Ukraine and concerns over China's dominance in manufacturing — have prompted the U.S. and other nations to favor domestic production or trade relationships with "friendly" countries, such as Canada, Mexico and Vietnam. Policies such as the CHIPS and Science Act of 2022 — which provides $52.7 billion to boost the U.S. semiconductor industry — exemplify these efforts. Similarly, tariffs introduced in 2018 (particularly those targeting China) remain in place and have shifted some market share away from Chinese imports. A 2023 working paper estimates that these tariffs reduced China's share of U.S. imports by 4 pp between 2017 and 2022, with Vietnam, Taiwan, India and Canada gaining market share among U.S. imports.5 However, the authors caution that this reallocation does not represent a complete shift away from reliance on China, as many of these new suppliers increased their dependence on Chinese inputs for intermediate goods during the same period.

Conclusion

The push for resilient supply chains reflects a trade-off between stability and cost. While resilience investments protect against future disruptions, they may raise input prices and inflation in the short term. Given the likelihood of increased climate events and geopolitical tensions, resilience is expected to remain a key priority for firms and policymakers alike. However, resilience-focused policies such as re-shoring, tariffs and incentives for domestic production may place upward pressure on costs, which could have lasting impacts on inflation and productivity.

### Monopsony Adv---1NC

#### Income inequality is low. Aff data is inaccurate.

Gramm et al. 24 – former U.S. Senator, former Professor of Economics at Texas A&M University, PhD in Economics from the University of Georgia; Eminent Scholar and Professor of Economics Emeritus in the Department of Economics at the University of Auburn, PhD in Economics and Political Theory from Louisiana State University, M.A. in Economics and History from St. Mary’s University; former Assistant Commissioner at the Bureau of Labor Statistics, Economist at the CATO Institute, M.A. in International Political Economy from the University of Wisconsin-Madison.

Phil Gramm, Robert Ekelund, and John Early, “The Myth of American Inequality,” 05-01-2024, https://www.bloomsbury.com/us/myth-of-american-inequality-9798216332466/

According to the Census Bureau, the average income of the top 20 percent of households in America in 2017 was 16.7 times higher than the average income of the bottom 20 percent of households, and income inequality has grown more or less consistently since World War II. The Census Bureau also finds that the percentage of Americans living in poverty has been largely unchanged since the War on Poverty was implemented in the mid-1960s.4 The Bureau of Labor Statistics (BLS) data on inflation-adjusted average hourly earnings for production and nonsupervisory workers led the Pew Institute to note in August 2018, “In real terms average hourly earnings peaked more than 45 years ago.”5

If this doesn’t sound like the America you live in, that is because it’s not. There are at least three dead giveaways to the fact that the official measurements of the economic well-being of Americans are wrong. The most obvious clue is that from the ramp-up of funding for the War on Poverty in 1967 to 2017, annual government transfer payments to the average household in the bottom 20 percent of the income distribution rose more than fourfold in inflationadjusted dollars from $9,677 to $45,389.6 And yet the official poverty measures tell us that the percentage of people living in poverty hardly changed during that fifty-year period.

Another clear indication that the numbers are wrong was an admission by Census itself. The annual Census report on income and poverty showed that median household income was down 2.9 percent in 2020 and 3.3 million additional Americans had fallen into poverty.7 These numbers failed the laugh test in a year when federal spending, mostly on transfer payments, rose almost 50 percent and personal savings exploded. The Census explained that its income measure didn’t count stimulus checks, since many were paid as refundable tax credits, and didn’t count any other noncash benefits like food stamps. Census reported that if it had counted some of these missing payments, median household income would have risen by 4.0 percent instead of falling 2.9 percent, and the poverty rate would have fallen 2.6 percent instead of rising 1.0 percent.8

The final clue that the official numbers do not reflect reality is that while highly publicized numbers from the Bureau of the Census on household income inequality show that in 2017 the bottom 20 percent of households had an average income of $13,258,9 other, less publicized data from the Bureau of Labor Statistics show that these same households spent $26,091 on consumption—two times more than their income.10 Households in the second 20 percent income group spent 11.0 percent more than their Census income. Census also reports that the top 20 percent of households had average annual income of $221,846, but BLS reports they consumed only $116,998.

Clearly there is something wrong here. The bottom quintile can consume more than twice its Census income only because the Census does not count twothirds of transfer payments as income for those who receive them. The Census report that the top 20 percent of households averaged 16.7 times as much income as the bottom 20 percent can be reconciled with the BLS report that they only consumed 4.5 times as much only by adding the value of transfer payments received to the income of the bottom 20 percent and subtracting the taxes paid by the top 20 percent.

This book will document that these illogical and contradictory findings are the product of historical decisions made by the Census Bureau over the last seventy-five years that have undercounted income. In measuring income, the Census Bureau chooses not to count over two-thirds of all transfer payments made by federal, state, and local governments as income to the recipients of those transfer payments. In 2017, federal, state, and local governments redistributed $2.8 trillion, 22 percent of the nation’s earned household income, with 68 percent of those transfer payments going to households earning in the bottom 40 percent.

Remarkably, the Census Bureau chooses to count only $0.9 trillion of that $2.8 trillion in government transfer payments as income for the recipients of those transfers, counting only eight of the more than one hundred federal transfer payment programs and only a select number of state and local transfer payment programs. Excluded from the measurement of household income are some $1.9 trillion of government transfers—programs like refundable tax credits, where beneficiaries get checks from the Treasury; food stamps, where beneficiaries buy food with government-issued debit cards; and numerous other programs such as Medicare and Medicaid, where government directly pays the bills of the beneficiaries.

Americans pay $4.4 trillion a year in federal, state, and local taxes, 82 percent of which are paid by the top 40 percent of household earners. Even though most households never see this money, because it is withheld from their paychecks, the Census Bureau does not reduce household income by the amount of taxes paid when it measures income inequality.

The net result is that in total the Census Bureau chooses not to count the impact of more than 40 percent of all income, which is gained in transfer payments or lost in taxes. The Census data-collection process is the finest in the world, but the assumptions it makes concerning what to count as income distort every statistical measure that incorporates its measure of income. The Census Bureau is accurately measuring what it has chosen to measure, but it is not measuring the right things. In this book, we add the missing pieces to the Census data to get a more complete picture. Paradoxically, the missing pieces come from official government sources that are collected but not used in the official measure of income.

In this book we will show that when all transfer payments, not counting government’s administrative costs in making the transfers, are counted as income of the recipients of those payments and when all taxes paid are counted as income lost to the taxpayers, the measurement of income inequality in America is profoundly altered. Accounting for all transfer payments and taxes yields a measure of income inequality that is only one-fourth as large as the official Census measure. Whatever your value judgments are about the desirable amount of income redistribution in a free society, it is much harder to argue that the distribution of income is unfair when the ratio of the income for the top 20 percent of households to the bottom 20 percent is 4.0 to 1 rather than the 16.7 to 1 ratio found in the official Census numbers.

As we will show in this book, when you include all transfer payments and taxes and look at changes in income inequality over time, you find that income inequality is not rising. It has in fact fallen by 3.0 percent since 1947 as compared to the 22.9 percent increase shown in the Census measure.

#### No societal collapse impact.

Dr. Florian Jehn 25, PhD, Senior Researcher, Environmental Science, European Leadership Network, "The People's History of Collapse," Effective Altruism Forum, 08/06/2025, https://forum.effectivealtruism.org/posts/2fsu5c7k5MvbE8Dm6/the-people-s-history-of-collapse.

Before we dive into what these global shocks might be, let’s recap a bit the main patterns we can see from all these historical ideas and examples. Much of this is related to inequality. More equal and inclusive societies tend to weather shocks much better. Also, more unequal societies tend to suffer more from a variety of problems which make them less well equipped to react to crises. Wealth gives you power. The more wealth you have, the more you can shape society to be more like your preferences and the personal preferences of a single person seldom overlaps with which would be best for a society as whole. Wealth inequality is self-reinforcing. In our modern societies the wealth you gain from having capital is much bigger than the wealth you gain from labor. Therefore, the rich tend to get richer, which in turn increases their undue influence on society. This further gets entrenched via debt. If I owe someone money, it gets much more difficult to resist them, as they have an additional power over me. But also via rich people buying things like media companies or lobbying teams to influence politics. Power begets power.

Besides these direct negative consequences, inequality also leads to a variety of follow-up problems. Inequality leads to unequal power which leads to corruption. The greater the discrepancy in power, the more opportunities arise to exploit this power. Corruption decreases trust in the state and in other people, removing the glue that holds society together. Inequality also makes oligarchy easier. If you have more wealth and power, it gets easier to carve out a part of society that you tightly control. As wealth inequality grows, more elites compete for high-status positions. Aristocrats, lawyers, nobles, and generals—those with resources—either organize rebellions or take over existing ones. This rise in elite competition is central to structural-demographic theory, a model first developed by Jack Goldstone and refined by Peter Turchin (4). It just seems that inequality is inherently corrosive to every society.

In addition, to these factors which are very directly related to inequality, there are also two other factors that come into play:

Imperial Overstretch: Empires like Rome, the Qin, and the Mongols believed their rule was divinely ordained and should be universal. The British and other colonizers saw themselves as civilizing savages, while Islamic rulers expanded the umma. Conquest offered legitimacy and practical benefits: neutralizing threats, securing resources, and rewarding elites with land and plunder. However, expanding borders often created new enemies and increased costs, leading to “imperial overstretch.”

Declining Energy Ratio: Societies depend on energy, and the ratio of energy expended to energy gained, called “Energy Return on Investment” (EROI), is crucial. Many civilizations, like the Western Roman Empire, faced declining energy ratios due to dwindling resources and environmental degradation. However, a poor energy ratio alone rarely causes collapse—it contributes, but other factors are typically involved.

These problems are interconnected. Resource extraction, whether from people or nature, faces diminishing returns. The severity depends on a society’s resilience and its ability to adapt. Larger empires with advanced technology and control systems can expand further and are less prone to rapid collapse. However, extractive institutions and inequality breed oligarchy, corruption, and elite competition. As these factors interact, they worsen each other—corruption fuels inequality, and oligarchy leads to poor environmental management. The state becomes fragmented, with elites draining resources, gradually hollowing it out.

Taking all this together, Kemp formulates a general four step process of collapse (Figure 5). Extractive institutions lead to inequality. This in turn leads to weakening processes like corruption. Once the society is weakened enough, it essentially just waits for a trigger to start the process of collapse.

A diagram of a financial problem

AI-generated content may be incorrect.

What makes societies resilient against collapse

There are some universal principles, such as knowledge storage and creation, which large states and empires excel at. For instance, historical empires often stored and passed on technological advances, contributing to long-term resilience. Similarly, strong religious or ideological unity, and the ability to reform and decentralize (as seen in the Byzantine Empire) also help reduce intra-elite competition, which makes societies more resilient.

However, there’s a strong argument that more inclusive and democratic systems are an even more important factor during crises. Studies by Peter Peregrine (5) show that societies with greater political inclusivity and collaboration tend to be more adaptable to catastrophes like climate change or disease outbreaks. Modern democracies are often more resilient in part because they allow diverse viewpoints to shape decisions, leading to more comprehensive solutions during disasters (6). Citizens’ assemblies, which have proven successful in addressing polarized issues, exemplify this. Also, there are many other examples where the collective wisdom of crowds works pretty well: forecasting, foresight, collective intelligence. Distributed information processing seems to result in better decisions. Also, this decreases the influence of people high in the dark triad and the corrupting influence of power.

Yet, many modern democracies are still indirect in how they channel citizen input, limiting their potential. A more direct application of participatory decision-making could improve resilience even further.

But resilience is a double-edged sword: a system can be resilient even when it’s a bad one. This makes democracy crucial because it not only fosters resilience but also has the best chance of creating a good system that’s worth sustaining. Interestingly, societal collapse often was a path to enable more inclusive government. In many historical examples, collapse led to less dominance hierarchy and more egalitarian societies afterwards. So, in some way societal collapse could be seen as a cultural adaptation to too high inequality and too little inclusivity. Also, as we discussed earlier, debt is an important mechanism to enforce dominance hierarchies, but if your society collapses, this also usually erases all debt and provides the following societies a clean slate on which they can start again.

Modern day collapse

Historically, it looks like societal collapse is less of a problem than you might think. When we look at history, the most brutal and horrible events almost exclusively happened when a new Goliath rises (e.g. the rise of the Mongol Empire or the conquest of the Americas). When groups of humans try to rise to the stop in their own society they often use violence. When they succeed and start conquering their neighbors with their newfound power, it usually gets even more brutal. However, on the other side of the arc of history, in societal collapse we seldom see brutality at that scale. Instead, we see societies that erase their debts, level hierarchies and decentralize, so they can live more egalitarian again.

#### Inequality does not cause war. Social tensions exist, but they never escalate.

Justino 25 – Development economist who works at the interface between Development Economics and Political Science at the United Nations University World Institute for Development Economics Research.

Patricia Justino, “Revisiting the links between economic inequality and political violence: The role of social mobilization,” January 2025, United Nations University, World Institute for Development Economics Research, Vol. 185, https://doi.org/10.1016/j.worlddev.2024.106820

The review of three key bodies of literature in section 2 allows to postulate that economic inequality will affect the probability of violent conflict due to the forms of social mobilization it generates. However, not all forms of social mobility turn violence. Economic inequality that results in peaceful forms of social mobilization may lead to social instability and social tensions but not necessarily to the use of violence to resolve social conflicts. In order contexts, economic inequality may promote violent forms of collective action. As discussed, the net outcome is dependent on the interaction between the two factors discussed above. The first is the level of social cooperation between the different social groups. The second is the ability of individuals within groups to coordinate their actions. Table 1 offers a typology of social mobilization based on the interaction between these two key mechanisms. Strong levels of cooperation between different social groups may facilitate social mobilization in unequal societies but it is unlikely that these forms of social mobilization will become violent due to shared common interests between the groups. Two outcomes are possible. The first – defined as peaceful social mobilization – encompasses situations of stable relations between social groups along the income distribution with occasional forms of largely peaceful and legal social mobilization when redistributive interests between the groups do not coincide. This form of social mobilization includes what Dubrow et al. (2008) call ‘soft protests’ (legal demonstrations, signing petitions and contacting government officials), as well as legal protests and demonstrations that are part of the ways in which citizens in democratic settings related to the state (Tilly & Tarrow, 2015). Forms of peaceful social mobilization can also be used to mobilize voters along political agendas and express their voices and demands through political participation in the democratic process. The second type is fragmented social mobilization. This represents situations in which some groups may challenge the social status quo through a variety of largely informal and disorganized processes. This is generally the case of unequal societies where civil society is weakly-organised groups maintain common interests (Chenoweth and Lewis, 2013). The prevalence of one of these outcomes over the other – peaceful social mobilization or fragmented social mobilization – will depend on the level of coordination within each of the social groups involved. Groups that are able to solve internal coordination challenges through, for instance, elite action may be able to support forms of peaceful social mobilization when cooperation between social groups is high. These forms of social mobilization often lead to the creation of civic organizations such as workers’ unions, agricultural cooperatives, users’ committees and so forth. Low within-group coordination in settings of between-group cooperation – which characterizes many largely peaceful developing countries with weak civil societies – is more likely to result in the prevalence of fragmented forms of social mobilization by individuals with specific common interests. Effective collective action is unlikely to arise but social mobilization may take the form of sporadic demands. These forms of mobilization tend to take place in contexts of weak democratic institutions where distributions of social, economic and political power are highly skewed.

#### No civil war---opportunity costs, few grievance-to-violence transitions, policing.

Koren 22 – Professor of Political Science, PhD in international relations with research on civil conflict and peace studies

Ore Koren, “Civil war in the US is unlikely because grievance doesn’t necessarily translate directly into violence,” The Conversation, 1/14/2022, https://theconversation.com/civil-war-in-the-us-is-unlikely-because-grievance-doesnt-necessarily-translate-directly-into-violence-174456

Claims that America is at the greatest risk of civil war since, well, the Civil War, recently received additional support from some experts in the field of political science.

But civil wars are rare events.

Before the 2020 election, I analyzed the risk of a so-called “Second American Civil War” that some speculated might ignite on or around Election Day. I concluded the risk was very low, while also emphasizing the uncertainty of the times.

Despite the ugly Capitol riot of Jan. 6, 2021, and anti-racism protests of the past few years, some of which included rioting, violent confrontation, and property destruction, my analysis has held, and I remain unconvinced that America is likely to descend into civil war in the near future.

Before proceeding, I want to stress that, as a scholar who studies civil conflict, I discuss the manifestations of violence here not on the basis of their underlying political ideologies but in relation to empirical definitions of different types of political violence.

Grievance doesn’t translate into violence

Researchers usually define civil wars based on a certain threshold of combatant deaths, often 1,000 or more.

In 2020, for example, only eight conflicts crossed that threshold worldwide. They happened in countries – including Syria, Iraq, Afghanistan, Nigeria, Ethiopia, and Yemen – experiencing rampant poverty and underdevelopment, nondemocratic or dysfunctional political institutions, and a long history of conflict along ethnic and religious lines.

[image omitted]

When trying to assess the likelihood of civil war, researchers first look at whether people are willing to engage in violence. Willingness is often attributed to anger and grievances over inequality or political marginalization.

Individuals or groups may have grievances with specific state or national policies, or with other groups. As their anger grows, these people may not only use aggressive and demeaning language, but also become more accepting of the idea of using violence.

Anger and grievances are probably the most frequently highlighted issues in the mainstream media, and especially in social media outlets. Studies of social media outlets have found that their algorithms are designed to amplify anger to appeal to wider groups.

Aggrieved people, however, exist almost everywhere, even in the world’s happiest countries. Feeling aggrieved and even using harsh and violent rhetoric does not mean a person is willing to take up arms against the government or one’s fellow citizens.

Risks to joining a rebellion

But even if they are fully willing, in almost every case, civil war will not happen unless these very angry people have the opportunity to organize and use violence on a large scale.

Joining a rebellion is extremely risky. You can die or be severely wounded. Your chances of winning are low. If you don’t win, even if you survive unscathed, you still risk prosecution and social alienation. You may lose your job, your savings and even your home and put your family at risk.

It doesn’t matter how angry you are, these considerations are usually prohibitive.

All these calculations are part of what economists call “opportunity costs.” Opportunity costs basically measure how much you would have to potentially give up if you were to engage in a given activity, such as rebellion.

In most countries afflicted by civil war, poverty, economic downturn and even food insecurity mean that these costs are relatively low. An unemployed farm laborer in rural Mozambique has, from an economic perspective at least, less to lose from joining an extremist insurgency than, say, Robert Scott Palmer, owner of a cleaning and restoration company from Largo, Florida.

Apparently willing to risk his livelihood by using violence against police during the Jan. 6 riot, Palmer was thwarted by other factors that are highly relevant in determining the potential for a full-fledged rebellion – the government’s capacity to punish and deter violence, and the opportunity, or lack of opportunity, for dissidents to organize and mobilize effectively enough to start a war.

For example, people who want to organize and rebel against the government will find it easier to do in remote areas where the government cannot know or reach them. Tora Bora – the cave complex in the mountain of eastern Afghanistan – is an example of such a place. Insurgents can hide and train there, practically unknown to, and untouchable by, Afghanistan’s military, which generally lacks the capabilities and capacity of its American counterpart.

The high levels of American policing and intelligence capacity mean that insurgency opportunities are rare in the U.S. Individuals who organize, arm themselves and decide to act against the government risk being detected and thwarted before they can become real threats.

Moreover, because of the low urban density of the U.S., even if such rebels are successful in organizing – in rural Alaska, for example – they will be unable to reach, let alone conquer, big cities or threaten American sovereignty in significant ways.

‘Intensified domestic terrorism’

[image omitted]

These low opportunities suggest that civil war in America is still unlikely. But this does not preclude the occurrence of other forms of less intense violence. Concerns about increased violent extremism in the United States recently led the U.S. Justice Department to establish a new domestic terrorism group.

#### No disease impact.

Pappas 23 – Science journalist, quoting Amesh Adalja, infectious disease physician at the Johns Hopkins Center for Health Security.

Stephanie Pappas, March 21, 2023, “Will Humans Ever Go Extinct?” Scientific American, https://www.scientificamerican.com/article/will-humans-ever-go-extinct/

The end of humanity is far more likely to be brought about by multiple factors, Kemp says—a pileup of disasters. Though apocalyptic movies often turn to viruses, bacteria and fungi to wipe out huge swathes of population, a pandemic alone is unlikely to drive humanity to extinction simply because the immune system is a broad and effective defense, says Amesh Adalja, an infectious disease physician at the Johns Hopkins Center for Health Security. A pandemic could be devastating and lead to severe upheaval—the Black Death killed 30 to 50 percent of the population of Europe—but it’s unlikely that a pathogen would kill all of humanity, Adalja says. “Yes, an infectious disease could kill a lot of people,” he says, “but then you’re going to have a group [of people] that are resilient to it and survive.”

Humans also have tools to fight back against a pathogen, from medical treatments to vaccines to the social-distancing measures that became familiar worldwide during the COVID pandemic, Adalja says. There is one example of a mammalian species that may have been entirely wiped out by an infectious disease, he says: the Christmas Island rat (Rattus macleari), also called Maclear’s rat, an endemic island species that may have gone extinct because of the introduction of a parasite.

“We are not helpless like the Christmas Island rat who couldn’t get away from that island,” Adalja says. “We have the ability to change our fate.”

#### No slow growth impact.

Carter 19 – Assistant Professor at the Department of Political Science and International Relations at the University of Southern California and non-resident scholar at the UCSD 21st Century China Center, Visiting scholar at Stanford's Center on Democracy, Development, and the Rule of Law, Ph.D. in Government from Harvard University.

Erin Baggot Carter, “Diversionary cheap talk: economic conditions and US foreign policy rhetoric, 1945-2010”, International Interactions: Empirical and Theoretical Research in International Relations, Volume 46, Issue 2, December 3, 2019, https://doi.org/10.1080/03050629.2020.1688319

This study argues that when economic conditions deteriorate, Democratic presidents use hostile foreign policy rhetoric to build domestic support. By cueing national identity, they elicit an ingroup rally that boosts their popularity. The quantitative evidence is consistent with the theory. Poll data show that citizens evaluate leaders more highly after they engage in hostile foreign policy rhetoric. The effect is strongest for Democratic presidents among Independent and Republican voters. Economic data suggest that leaders are more likely to engage in hostile foreign policy rhetoric when unemployment and inflation are higher. Further strengthening the notion that this behavior is strategic, rallies only materialize when leaders target traditional rivals, since threatening outgroups render intergroup distinctions most stark. I find no evidence for diversion in the form of material conflict initiation. For leaders choosing between hostile rhetoric, economic reform, and international conflict to increase domestic popularity, hostile rhetoric is the least costly and risky option, even though it is a short term solution because sustained rhetorical belligerence may invite criticism from party elites. For Democratic presidents, cheap talk pays.

Future research should proceed in several directions. While the theory suggests that we should expect a causal link between hostile foreign policy rhetoric and presidential approval, the empirical analysis is a proof of concept that demands future research, ideally in an experimental setting. This could help advance several theoretical debates. For instance, how does the information environment surrounding a leader influence her rhetorical strategy and its persuasiveness? Baum and Philip (2015) argue that strong opposition parties and competitive media environments make leader statements more credible, yet Carter and Carter (2019) find that leaders can generate credibility even in institutionally weak environments. More crossnational research is needed to explore how domestic constraints influence leaders’ foreign policy rhetoric. In particular, there is relatively little research on political rhetoric in autocracies, despite anecdotal evidence that it is profoundly important. Mahmoud Ahmadinejad and Hugo Chávez gained popularity in part because of their anti-American rhetoric. Chinese policymakers routinely bluster about the South China Sea to increase their domestic legitimacy.