## Whistleblowers

#### No grid collapse from cyberattacks.

Mueller 22 – Professor of Political Science, Ohio State University, and Senior Fellow, the Cato Institute

John Mueller, Ph.D. & M.A. in Political Science, UCLA, and A.B., UChicago, “The Cyber-Delusion: Digital Threats are Manageable, Not Existential,” *Foreign Affairs*, 22 March 2022, https://www.foreignaffairs.com/articles/russia-fsu/2022-03-22/cyber-delusion

When Russian forces launched their invasion of Ukraine last month, governments and experts worldwide warned about the danger of catastrophic cyberattacks. Indeed, in the days leading up to Moscow’s invasion, hackers defaced Ukrainian websites, unleashed malware on government systems, and targeted the country’s banking system—albeit with limited effect. Although no cyber-Armageddon has materialized, officials increasingly fear that Russia might eventually step up its efforts and even target the United States.

Russia’s invasion is no doubt catastrophic. But in reacting to it and preparing for what comes next, leaders in Washington and elsewhere should eschew the alarmism that has long warped cybersecurity policy. Mike Mullen, then chairman of the Joint Chiefs of Staff, claimed in 2011 that “the single biggest existential threat out there, I think, is cyber.” The following year, his successor, Martin Dempsey, noted that “a cyberattack could stop our society in its tracks.” Former Defense Secretary Leon Panetta sternly warned in 2012 of an impending “digital Pearl Harbor.” Nicole Perlroth, a cybersecurity reporter at The New York Times, has routinely asked insiders when “a cyber-enabled cataclysmic boom will take us down” and has always been told “18 to 24 months.” She began her survey well over 100 months ago.

This contemporary approach to cyberthreats resembles the aftermath of 9/11, when almost all experts believed an even larger terrorist attack would soon take place. Then, as now, the threat is overblown. Although occasionally dramatic, cyberattacks have turned out to be a comparatively minor and manageable threat. Far too much discussion around the issue focuses on worst-case scenarios, fails to contextualize the problem, and neglects to weigh the costs of cyberattacks against the enormous value of the Internet and artificial intelligence. Most commentary, moreover, does not fully appreciate the ability of the business sector—by far the most tempting of targets for malevolent hackers—to develop effective countermeasures.

CYBERWAR

Over the past decade, the global obsession with digital threats has taken various forms, with a particular focus on the potential military implications of emerging cyber-capabilities. To be sure, the military needs to worry about keeping its communications and command and control [C3] operations secure from hostile attackers. Any disruptions, however, are more likely to be instrumental or tactical than strategic.

Despite statements to the contrary, the U.S. military itself seems to have recognized this reality. When Panetta proclaimed in 2013 that cyber was “without question, the battlefield for the future,” political scientist Micah Zenko observed at the time that the Pentagon was spending less than one percent of its budget on cybersecurity, and an assessment from 2019 suggests it may be more like one-tenth of one percent. If those funds prove adequate for the challenge, it would be something of a bargain.

Cyber also supposedly enhances a state’s ability to carry out such ancient endeavors as espionage, propaganda dissemination, and sabotage. Analysts have even coined a new term, “hybrid warfare,” that usually includes these three enterprises—although, since the term does not include direct armed conflict, it might more plausibly be called “denatured warfare.” Cyber’s contribution to these three areas, however, is relatively limited.

Should invading hackers engage in digital espionage against the United States, for instance, they are likely to find that most of what they come across is already well known, and that much of the rest is not worth knowing in the first place. Wikileaks’ 2010 publication of thousands of classified U.S. government documents demonstrated the degree to which governments worldwide have fallen victim to over-classification. When Bill Keller, the editor in charge of poring over the documents at The New York Times, was asked whether the reporting team found anything they didn’t already know, he responded “no” without hesitation.

Much the same holds for concerns over the theft of intellectual property. Not only is this practice centuries old, but systematic stealing has often proved unwise because it distracts governments from homegrown innovation. Cyber-propaganda efforts, in turn, are more likely to increase the overall amount of available information and disinformation—an age-old problem in warfare—than to provide a decisive advantage.

The achievements of cyber-sabotage have also been quite modest. The United States and Israel famously used a computer virus known as Stuxnet to hamper Iran’s progress toward developing a nuclear weapon. Although observers hailed the operation as a dangerous new development in modern conflict, the damage proved temporary. Iran quickly rebuilt its centrifuges, and the attack actually proved counterproductive, as it encouraged Tehran to accelerate its nuclear program. There have also been efforts by the United States to physically interfere with missile development in North Korea. Yet, much like the Iranians, Pyongyang eventually solved whatever the problem was, and the attacks had little long-term effect on their program.

Cyber-alarmists have also warned about hackers disabling major infrastructure such as power grids—potentially crippling entire countries. Grids do go down occasionally, but the culprits are typically squirrels and lightning. Regardless of the source, such disruptions are usually brief and bearable, and engineers are increasingly designing systems that are resilient to such threats. Estonia, for instance, the victim of a major and oft-discussed cyberattack in 2007, is now the home of NATO’s Cooperative Cyber Defence Centre of Excellence.

CYBERTERRORISM

Fears that terrorist groups could inflict damage through cyberspace have been around for many years. And although cyber played no direct role in the execution of the 9/11 terrorist, the event stirred anxiety about the issue. In 2002, for instance, The Washington Post published a lengthy front-page article conveying the views of “government experts” that “terrorists are at the threshold of using the Internet as a direct instrument of bloodshed.”

To date, however, no terrorist group has launched a successful cyberattack. And even if it becomes possible for hackers to shed blood, shootings and bombings are likely to accomplish the same goal far more reliably. Still, cyber has undoubtedly proved to be a relatively convenient method for terrorist groups to recruit and communicate. Rather than creating a paradigm shift, however, this technique has simply replaced or embellished older methods. Even comparatively savvy groups such as the Islamic State (also known as ISIS) tend to comically fail when using the Internet to stir up violence and instruct potential sympathizers. In one case, an ISIS handler connected his eager American charge to a prospective collaborator who happened to be an FBI operative.

For the most part, any virtual terrorist army in the United States has, as terrorism expert Brian Jenkins puts it, remained exactly that: virtual. “Talking about jihad, boasting of what one will do, and offering diabolical schemes egging each other on is usually as far as it goes,” he noted. Indeed, the foolish willingness of would-be terrorists to describe their aspirations and often-childish fantasies on the Internet has often helped police seeking to track them down.

ELECTION MEDDLING

Election interference also features prominently in alarmist discourse on cyberthreats. During the 2016 U.S. presidential election, for instance, the United States highlighted apparent attempts by Russian hackers to undermine Hillary Clinton’s campaign. Although Clinton still handily won the popular vote, many analysts argued that digital interlopers sought to undermine the integrity of U.S. elections and perhaps democracy itself.

These warnings are exaggerated and—coming from U.S. policymakers—arguably hypocritical. It is worth noting that the United States has intervened in foreign elections for decades. Moreover, the idea that elections and voters are easily manipulated is suspect. If extensive promotion could guarantee success, Americans would all be driving Edsels and drinking New Coke—legendary marketing failures in 1958 and 1985 by two of the most successful businesses in history: the Ford Motor Company and Coca-Cola. In any capitalist society, people are regularly deluged by advertising and marketing campaigns. In all cases, those petitioned remain free to ignore the ads, and most become quite good at it. In fact, studies have shown that campaign information rarely changes many votes. As political scientist Diana Mutz points out, the impact of campaign advertising “is marginal at most.”

Political campaigns, as anyone who has suffered through one knows, are also rife with falsehoods: incumbents strategically distort their record, and challengers do the same in reverse. The 2016 Russian contribution to this flood of misinformation was tiny. On Facebook, where most of the manipulation supposedly took place, Moscow’s intervention totaled perhaps a fractio of one percent of the content on the platform’s news feed. Much of this was also wasted because the people who embraced it were already committed to a particular party or lived in states that went solidly for one or the other candidate. Russia’s efforts, moreover, proved wildly counterproductive. Instead of weakening U.S. policy, Moscow generated bipartisan support for anti-Russian sanctions when the two U.S. political parties could agree on little else.

CYBERCRIME

Despite the overheated rhetoric about war, terrorism, election interference, and critical infrastructure, most cyberattacks target the private sector, seeking to steal or extort money from businesses and their customers. The record here, however, is rather encouraging, and it likely has broader relevance. To be sure, cybercriminals have stolen and extorted billions of dollars from businesses and individuals, but firms have done well at limiting the damage by closing software holes, maintaining backups, and safeguarding sensitive material.

A central issue for potential hackers is the profitability of their enterprise. A report by the cybersecurity firm Symantec estimates that 978 million people were affected by cybercrime in 2017, losing $172 billion in total. That number—regardless of how hackers divvy up the profits—is actually remarkably small compared to losses from other forms of illegal activity. Personal and property crimes in 2017, for instance, cost Americans $2.6 trillion.

Businesses are also learning to adapt. Andrew Odlyzko, former head of the University of Minnesota’s Digital Technology Center, points out that many firms have realized they can readily mitigate the most damaging effects of cybercrime through minor and incremental alterations to their business practices. Banks, for instance, increasingly require customers to verify large or suspicious transactions through voice calls or texts. And even though criminals routinely capture millions of credit card numbers through compromised databases, the overall damage is limited and often dominated by the cost of providing replacement cards. Businesses have also made it easy for consumers to recover from fraud.

RESILIENCE AND PEARL HARBOR

Despite Panetta’s 2012 analogy, the value of adaptation and resilience are illustrated, not shattered, by the Japanese attack on Pearl Harbor. From a strictly military standpoint, the assault proved to be more of an inconvenience than a disaster. The U.S. Navy quickly made repairs and the result was a loss of two aged ships. All the planes lost could be replaced by new and better models within three days at eventual 1942 production rates. The loss of life was, of course, tragic, but the flood of outraged men who deluged recruiting stations in the following days almost instantly compensated for the casualties.

The Pearl Harbor experience, then, does not support alarmism. In fact, it shows that if a system is resilient, even successful, dramatic, and dastardly surprise attacks can be managed.

## Adv CP

## VC DA

Never read lol kick it

## MQD

### Impact

### Link---Doesn’t Violate MQD---2NC

#### Turns case. The Court strikes down the plan. Durable fiat does not prevent this. Fiat means the plan is on the books. Judicial review is a question of implementation which is separate. This means zero solvency, but yes DA.

Mitchell 18 – former Solicitor General of Texas, Principal at Mitchell Law PLLC

Jonathan F. Mitchell, “The Writ-Of-Erasure Fallacy,” 104 Va. L. Rev. 933 (Sept. 2018), https://virginialawreview.org/articles/writ-erasure-fallacy/

The power of judicial review is all too often regarded as something akin to an executive veto. When a court declares a statute unconstitutional or enjoins its enforcement, the disapproved law is described as having been “struck down” or rendered “void”—as if the judiciary holds a veto-like power to cancel or revoke a duly enacted statute. And the political branches carry on as though the court’s decision has erased the statute from the law books.

But the federal judiciary has no authority to alter or annul a statute. The power of judicial review is more limited: It allows a court to decline to enforce a statute, and to enjoin the executive from enforcing that statute. But the judicially disapproved statute continues to exist as a law until it is repealed by the legislature that enacted it, even as it goes unenforced by the judiciary or the executive. And it is always possible that a future court might overrule the decision that declared the statute unconstitutional, thereby liberating the executive to resume enforcing the statute against anyone who has violated it. Judicial review is not a power to suspend or “strike down” legislation; it is a judicially imposed non-enforcement policy that lasts only as long as the courts adhere to the constitutional objections that persuaded them to thwart the statute’s enforcement.

#### It turns the case and solvency. NLRB enforcement depends on delegation.

Lofaso 25 – Professor, University of Cincinnati College of Law. Former Associate Dean, WVU College of Law. D.Phil. Law, Oxford.

Anne Marie Lofaso, "After Loper Bright: Why the NLRB Still Has the Power to Shape Labor Law,” Power at Work, 03-30-2025, https://poweratwork.us/after-loper-bright-why-the-nlrb-still-has-the-power-to-shape-labor-law

We analyzed the history, purpose, and interpretation of the NLRA to determine how Loper Bright should apply to the NLRB’s interpretations. We conclude that Congress created the NLRB, an independent executive agency, to interpret the NLRA in the first instance with limited judicial review. In other words, the NLRA includes one of those explicit delegations of interpretive authority that require courts to defer. The Board, comprised of experts with experience in labor relations and hands-on experience working with the NLRA, would resolve labor disputes between management, on the one hand, and unions or employees, on the other. From these case-by-case decisions, the law can develop incrementally. That was Congress’ design.

We call this congressionally designed process “iterative construction.” This process is iterative because the Board, through repetition of individual instances, would learn the types of reoccurring disputes and, over time, the best resolution for those types of disputes. As we explain: “the Board executes its responsibility ‘to effectuate national labor policy’ like a common law court. The Board relies on experience accumulated through intertemporal [i.e., over time] evaluation of industrial disputes and reasonable inferences drawn over time. It analyzes history. It considers public policy, as set forth in the Act and other federal laws.” Moreover, the process is a “construction” of the NLRA’s language as applied, not in the abstract, but in specific contexts most readily discernible by experts in industrial and labor relations. It gives the NLRA “legal effect.”

We do not discuss whether this analysis would thoroughly apply to rulemaking by the NLRB. Producing regulations is not iterative. It involves making policy by creating regulations in the abstract (albeit based on experience with historical instances) that are then applied to specific instances in the future. Courts would review lawsuits challenging NLRB regulations in response to a facial challenge (i.e., a challenge to the whole regulation regardless of how it is applied) or as applied to a particular employer or union. However, rulemaking, like adjudication, can be an exercise in construction rather than an interpretative process. Interpretation is the linguistic exercise of giving statutory language meaning that would apply consistently in numerous contexts—a process that is squarely within the court’s expertise and domain. Iterative construction, by contrast, “turns on policy and factfinding and rarely on the semantic meaning of unclear statutory language.” The Board, in future cases, uses past constructions to refine further or evaluate the rules’ efficacy, whether or not that rule originates via rulemaking or adjudication.

Congress enacted the NLRA in response to judicial overreach. During the nineteenth and early twentieth centuries, courts frequently abused their power by prohibiting workers from engaging in peaceful strikes and protests calling for improved wages, hours, and working conditions. The result was the repression of union activity. These judicial acts repressed workers’ freedom of association and resulted in obstacles to interstate commerce.

In reaction, Congress minimized the courts’ role in resolving labor disputes and building labor law. To do so, Congress drew upon the Anglo-American common law tradition in designing the NLRA “to resolve disputes on a case-by-case basis and construct a labor law precedent based on cumulative factfinding and institutional expertise, all with limited judicial review.” Congress also zeroed in on the early-twentieth-century success of labor arbitration and the rise of an industrial common law of the shop that arose out of interpretations of collective bargaining agreements. Congress purposefully created a statutory model that allows for collective bargaining with grievance arbitration to resolve disputes, thereby avoiding industrial strife. “Three significant federal experiments” in regulating union organizing, collective action, and collective bargaining that pre-dated the NLRA—the World War I War Labor Board, the New Deal’s National Labor Board, and its successor, the “Old” National Labor Relations Board—also used common law decision-making. These historical examples further support our conclusion that Congress intentionally created the NLRB to be an expert agency designed to adjudicate.

Our argument does not challenge the fundamental authority of courts to interpret laws. It recognizes the courts’ supervisory role in delineating the boundaries between interpretation and construction when interpreting ambiguous statutory language. But it also allows for the Board to animate the NLRA by “fill[ing] up the details,” a task Congress delegated to it and which the Administrative Procedures Act, our nation’s principal federal administrative law, expressly recognizes.

#### It turns every advantage by creating regulatory vacuums.

Estreicher 24 – Dwight D. Opperman Professor of Law at the New York University School of Law.  
Brian Chen and Samuel Estreicher, “The New Nondelegation”, 2024, The Texas Law Review, Volume 102, Issue 3, https://texaslawreview.org/the-new-nondelegation/

So, only the fill up the details test somewhat departs from existing law. Whether that test marks a significant departure depends on the line that the Court draws to distinguish mere “details” from core legislative decisions.275275 See Felix Frankfurter, Task of Administrative Law, 75 U. Pa. L. Rev. 614, 614 (1927) (“[Legislative delegations] are euphemistically called ‘filling in the details’ of a policy set forth in statutes. But the ‘details’ are of the essence; they give meaning and content to vague contours.”). Close If that distinction mirrors the difference between major and nonmajor questions, no dramatic shifts will likely occur. But a narrow understanding of “details” would critically truncate agencies’ regulatory function. If Congress may not delegate authority to agencies to make policy, then the buck stops with Congress. We are not sure that it is up for the task. A robust nondelegation doctrine would likely generate a regulatory vacuum to be filled (if at all) by prolix and rigid statutes.

### MQD Weak

## Midterms

### OV---2NC

### AT: Too Soon---2NC

#### 3. Now’s key.

Bronner and Mourtoupalas 25 – Principal Data Scientist at The Washington Post, M.S. in Statistics from Stanford University; Politics Journalist at The Washington Post.

Lenny Bronner and Nick Mourtoupalas, “What Democratic swings in special elections mean for 2026,” The Washington Post, 06-27-2025, https://www.washingtonpost.com/politics/2025/06/27/democratic-special-election-gains/

It’s not too early to talk about 2026, when the first national elections will be held since Donald Trump was voted into the White House for a second time. It’s the first opportunity for Americans to register their approval or disapproval of Trump’s agenda by deciding whether to maintain a Republican congressional majority.

As such, politicos are scouring the landscape for any signs hinting at which way voters may be leaning in the 2026 midterms. If history is any guide, Democrats should gain seats in the House and Senate, because that has been the pattern of the party out of power in off-year contests, with a few notable exceptions.

#### They’re right around the corner, extremely tight, and policies now will have an impact.

Rothenberg 25 – Political Analyst at The Rothberg Report, former Professor of Political Science at Bucknell University, PhD in Political Science from the University of Connecticut.

Stuart Rothenberg, “The 2026 midterm elections are just around the corner,” Roll Call, 01-07-2025, https://rollcall.com/2025/01/07/the-2026-midterm-elections-are-just-around-the-corner/

The 2026 midterm elections are just around the corner

Democrats shouldn’t start counting their chickens before they’ve hatched in the 2026 fight for control of the House of Representatives.

### AT: Black Swans---2NC

### UQ---Dems Win---2NC

#### Dems win now. Several warrants:

#### 2. Blue wave overcomes redistricting and secures the Senate.

Singer 9-19 – Daily Kos Staff.

Emily Singer, “This poll should give Democrats hope for the 2026 midterms. Daily Kos. 9-19-2025. https://www.dailykos.com/stories/2025/9/19/2344419/-This-poll-should-give-Democrats-hope-for-the-2026-midterms

If a new Washington Post/Ipsos poll released on Friday bears out, a blue wave may wash over next year’s midterm elections.

The survey found that registered voters prefer that Democrats control the next Congress, by a 9-percentage-point margin. Such a large spread would likely be enough for Democrats to overcome the GOP’s corrupt redistricting efforts across the country.

Fifty-three percent of voters want Democrats to be in control, to serve as a check on President Donald Trump, according to the poll. And 44% want Republicans to be in control, to support Trump's agenda.

A screenshot of a web page

AI-generated content may be incorrect.

Those numbers are somewhat reminiscent of what The Washington Post/Ipsos found in October 2018, right before Democrats rode a blue wave to retaking the House. That year, 55% of voters wanted Democrats to control Congress to be a check on Trump, while 39% wanted Republicans to hold a majority to back Trump’s agenda.

In 2018, Democrats went on to win the national House popular vote by over 8 points, taking 235 seats in the House.

Democrats need to flip just a handful seats to win control of the House in 2026. For a while now, political handicappers have said Democrats are favorites to win that chamber. But their path to retaking the Senate next year is much steeper, though not impossible in a massive wave election.

Trump’s approval will be key to the outcome of the 2026 midterms. And that’s bad news for Republicans.

The same Washington Post poll found Trump with an overall approval rating of just 43%.

Worse, he’s underwater on every major issue. Just 40% of Americans approve of the way he is handling the economy—which polling shows is among the most important issues for the electorate.

Even historically strong issues for Trump are now weak points, with just 44% approving of his handling of both crime and immigration.

A graph of a person with red and blue bars

AI-generated content may be incorrect.

Those dour numbers come as Trump has had his Immigration and Customs Enforcement goons violently arrest citizens merely because they looked Hispanic, as well as his decision to send in the military to police Washington, D.C.

Trump's dictatorial overreach appears to be repelling voters. And that looks like it could be a problem for Republicans next November.

#### 3. State legislatures signal a blue wave. Trump policies determine it.

Smith 8-25 – Guardian's Washington DC bureau chief.

David Smith, “The senate race in Iowa that could signal a blue wave for the 2026 midterms” The Guardian. 8-25-2025. https://www.theguardian.com/us-news/2025/aug/25/iowa-state-senate-race

A victory for Drey would break Republicans’ supermajority in the state senate and deny the governor, Kim Reynolds, the ability to stack agencies and courts with Maga loyalists. It would also give Democrats fresh hope that a blue wave is forming before next year’s midterm elections.

State legislatures rarely gain the limelight but have emerged as vital power players in recent years on issues such as abortion rights and, this week, gerrymandering in Texas and California. They have also become petri dishes for the Republican party’s embrace of extremism in the age of Donald Trump.

Prosch is founder of Felix Strategies, a public relations firm based in Sioux Falls, South Dakota, whose work includes “strategic communications for Christian conservative leaders and organizations”. He was a canvasser for Kristi Noem in her congressional race in 2010 and has consulted on numerous campaigns since.

“He is deep in the Maga Trumpland,” said Heather Williams, president of the Democratic Legislative Campaign Committee (DLCC). “He is the kind of candidate that not that long ago would have never seen the light of day on a ballot. He said … a litany of all the Maga perspectives and points of view and beliefs.”

Following his nomination, Prosch reportedly began deleting contentious posts from his social media and affiliated accounts, according to the Iowa Starting Line news site, which took screenshots and published several of them.

Hosting a podcast two years ago, Prosch equated the Holocaust with reproductive freedom. “Who was worse?” he asked. “The Nazi Germans who killed 10 million Jews and many other people? Or the left’s policies to target an entire generation of babies to death.” He also opined that victims of rape or incest should carry pregnancies to term.

Prosch has used social media to share conspiracy theories about the safety of vaccines and a cover-up of what caused the September 11 terrorist attacks on New York and Washington.

He has championed the false claim that the 2020 presidential election was stolen by Joe Biden and, in 2022, his firm Felix Strategies posted a message that said: “Global cooling..global warming..climate change…whatever they’re calling it, it’s all a lie!”

Prosch’s own website describes him as “a strong pro-life conservative who believes life is a precious gift from God that must be protected”. It also expresses support for Trump’s efforts to crack down on illegal immigration, drive “woke” ideology out of schools and bar transgender athletes from school sports.

The Republican proposes eliminating Iowa’s state income tax and “is dedicated to raising his children in a loving, strict Christian home”, the site says. “Christopher believes that leaders should be guided by the principles found in the Bible and the Constitution.”

Prosch did not respond to emailed requests for comment.

His opponent, Drey, is a 37-year-old marketing executive and founder of the group Moms for Iowa, a grassroots organisation focused on curbing gun violence and championing reproductive rights. She has served on local boards and statewide political committees and wants to increase state education funding in the district.

Speaking from Sioux City, which is at the heart of senate district 1, Drey said: “The No 1 concern that folks in senate district 1 right now have is Iowa’s affordability crisis and I think folks across the country would feel that. We’ve seen policies come down from the federal level, as well as the state level, that are making it very difficult for people to make ends meet here.”

Iowa’s Republican administration has made it harder for local municipalities to spend money to benefit their communities, Drey added, with the middle and working classes paying more than their fair share in taxes and struggling to afford a house.

Democrats have been soul searching since they lost the White House and both chambers of Congress last November. A range of voices from the centre and left of the party have coalesced around a focus on the cost of living, likely to be exacerbated by Trump’s tariffs and tax-and-spend legislation known as the One Big Beautiful Bill Act.

But the party, whose approval rating is at a historical low, is also wrestling with an image problem of being seen as too elitist and out of touch. On Friday, the thinktank Third Way urged Democrats to stop using words such as “microaggression”, “safe space”, “existential threat”, “birthing person” and “Latinx”, which it argues make the party seem out of touch with regular voters.

Drey said: “The biggest frustration for the working class is certainly feeling left behind by the ‘coastal liberal elite’ and, as much as I may identify with the overall policy goals of said coastal elites, I am a regular person who lives and works in this community. I see the way that bad policy affects my family and my neighbours.

“If the Democrats can get back to a message that is, ‘We are of you and from you and we understand what it is like to want to strive for a beautiful life,’ then I think that is what resonates with people. Trying to convince folks that things are actually better when they’re not feeling that is tone deaf, to be quite frank. This is a party that can work from the bottom up in terms of shifting the balance of power and making life better for the folks that need it.”

Drey has valuable support on the campaign trail from JD Scholten, an Iowa state representative who is also a professional baseball pitcher for a minor league team, the Sioux City Explorers. Art Cullen, a leading newspaper editor in Iowa, said: “He’s popular in Sioux City and he’s been door knocking for her.”

Cullen believes that the election will be more of a referendum on the governor, Reynolds, than on Trump. “People are sick of Kim Reynolds,” he continued. “People are getting tired of the wackiness: banning books, making a big to-do over trans people.

“Republicans are concentrating on all that stuff and not on, how good are our schools and why are our property taxes so high? The Republican-dominated legislature punted and went home without addressing rising property taxes.”

Senate district 1 has a history of swinging between parties, with Democrats winning it in 2018 and Republicans reclaiming it in 2022. Last year, the district supported Donald Trump by an 11-point margin. Registered Republicans outnumber Democrats in the district by 38% to 31%.

Republicans had a two-thirds supermajority in the state senate before the death of De Witt at the age of 66. If Democrats prevail on Tuesday, they would have the ability to block the confirmation of Reynolds’s picks for cabinet positions.

Democratic candidates have overperformed in recent state legislative elections, flipping Trump districts in Iowa and Pennsylvania. A third win would continue the momentum before next year’s midterm polls for the US House of Representatives and Senate.

Williams of the DLCC said the party is looking to Tuesday to demonstrate that “Democrats can win elections – we can connect with voters on economic issues and they can trust us on them – and that Republicans are in trouble. This president’s policies and approach are deeply unpopular and Republicans will not be rewarded at the ballot box for it.”

#### Only warrant is gerrymandering.

#### Gerrymandering won’t change the net balance of seats. Here’s a predictive chart.

Burman 25 – London-based Newsweek Live News Reporter

Theo Burman, “Redistricting Wars: Map Shows How Many Seats Could Change Before Midterms,” Newsweek, 08-13-2025, https://www.newsweek.com/redistricting-map-midterm-election-2026-gerrymandering-republicans-democrats-states-2110170

\*\*\*Note: baseline is how many seats Republicans and Democrats have now; post is how many seats they are likely to have after gerrymandering.

A screenshot of a phone

AI-generated content may be incorrect.

A screenshot of a computer

AI-generated content may be incorrect.

A white background with black and white clouds

AI-generated content may be incorrect.

#### Gerrymandering has reached its limits. More attempts create unpredictable outcomes and backfire.

Hunt 25 – Assistant Professor of Political Science at Boise State University.

Charlie Hunt, “3 reasons Republicans’ redistricting power grab might backfire,” The Conversation, 8/8/25, https://theconversation.com/3-reasons-republicans-redistricting-power-grab-might-backfire-262553

Dummymandering

Another possible problem for either party looking to gain some seats in this process stems from greediness.

In responding to Democrats’ continued absence from Texas, Gov. Greg Abbott threatened even more drastic gerrymanders. “If they don’t start showing up, I may start expanding,” Abbott said. “We may make it six or seven or eight new seats we’re going to be adding on the Republican side.”

But Abbott might think twice about this strategy.

Parties that gerrymander their states’ districts are drawing lines to maximize their own advantage, either in state legislatures or, in this case, congressional delegations.

When parties gerrymander districts, they don’t usually try to make them all as lopsided as possible for their own side. Instead, they try to make as many districts as possible that they are likely to win. They do this by spreading groups of supportive voters across several districts so they can help the party win more of these districts.

But sometimes the effort backfires: In trying to maximize their seats, a party spreads its voters too thin and fails to make some districts safe enough. These vulnerable districts can then flip to the other party in future elections, and the opposing party ends up winning more seats than expected.

This phenomenon, commonly referred to as “dummymandering,” has happened before. It even happened in Texas, where Republicans lost a large handful of poorly drawn state legislative districts in the Dallas suburbs in 2018, a strong year for Democrats nationwide.

With Democrats poised for a strong 2026 midterm election against an unpopular president, this is a lesson Republicans might need to pay attention to.

There’s not much left to gerrymander

One of the main reasons dummymandering happens is that there has been so much gerrymandering that there are few remaining districts competitive enough for a controlling party to pick off for themselves. This important development has unfolded for two big reasons.

First, in terms of gerrymandering, the low-hanging fruit is already picked over. States controlled by either Democrats or Republicans have already undertaken pretty egregious gerrymanders during previous regular redistricting processes, particularly following the 2010 and 2020 censuses.

Republicans have generally been more adept at the process, particularly in maximizing their seat shares in relatively competitive states such as Wisconsin and North Carolina that they happen to control.

But Democrats have also been successful in states such as Maryland, where only one Republican serves out of nine seats, despite the party winning 35% of the presidential vote in 2024. In Massachusetts, where Democrats hold all eight seats, Republicans won 37% of the presidential vote in 2024.

There’s also the fact that over the past half-century, “gerrymanderable” territory has become more difficult to find regardless of how you draw the boundaries. That’s because the voting electorate is more geographically sorted between the parties.

This means that Democratic and Republican voters are segregated from each other geographically, with Democrats tending toward big cities and suburbs, and Republicans occupying rural areas.

As a result, it’s become less geographically possible than ever to draw reasonable-looking districts that split up the other party’s voters in order to diminish the opponents’ ability to elect one of their own.

### 2AC4---AT: Court Action

#### Congress is most likely to intervene

Marshall 25 – Opinion Contributor at The Hill.

Will Marshall, “Who will stand up to Trump’s un-American rule by decree?”, The Hill, 2/7/25, https://thehill.com/opinion/white-house/5130576-trump-imperial-presidency-threat/

Americans are witnessing a naked power grab that would shred the Constitution’s checks and balances, rob Congress of its most important powers, neuter the courts and create the imperial presidency that Richard Nixon dreamt of long ago.

Echoing a discredited theory advanced by Nixon, Trump claims he can “impound” funds Congress has appropriated — that is, spend them or not spend them as he sees fit. The Constitution plainly gives the legislative branch, not the president, the power of the purse.

Nor can Trump, by executive order, expunge the 14th Amendment’s guarantee of citizenship to children born in the U.S. He can’t shut down federal agencies either, though he’s given Elon Musk carte blanche to gut them.

No one voted for Musk to serve as Trump’s co-president and demolition man for the administrative state. The excitable billionaire was Trump’s single biggest financial supporter — he spent $288 million to elect him — but the fortune he’s made as a tech entrepreneur hardly qualifies him to perform radical surgery on public sector institutions.

The White House says Musk is a “special government employee,” which usually connotes a private sector consultant. An executive order also has turned a formerly obscure White House office into the U.S. DOGE Service, Musk’s so-called “Department of Government Efficiency,” staffed by young assistants barely out of their teens.

Musk believes Trump’s edicts have empowered him and his minions to dismantle federal agencies, berate government workers, order them to stay home and encourage them to quit before they’re fired. He believes he can scrutinize personnel files and contracts and take control of the U.S. Treasury’s payment systems. Top agency officials who have resisted these legally dubious moves have been summarily fired.

The tech oligarch seems to really have it in for the U.S. Agency for International Development, which delivers humanitarian aid and works on economic development in many of the world’s poorest countries. Musk bizarrely calls it a “criminal organization.” He recently told employees of the government’s main foreign aid agency not to report for work indefinitely and has urged the Treasury to cut its funding.

Musk’s ill-informed whims apparently have the force of law: Trump’s interim U.S. attorney for the District of Columbia, Edward R. Martin Jr. has assured Musk that his office will prosecute “anyone who impedes your work or threatens your people.” Too bad Martin’s punctilious zeal to enforce the law was nowhere to be seen after the 2020 election, when he emerged as one of Trump’s top election deniers.

Trump also has sicced Musk and DOGE on the Department of Education. Congress created the department by statute, so Trump can’t kill it by executive order. But Musk evidently feels licensed to eviscerate the department by cutting staff and spending without bothering to consult lawmakers.

The federal government is in urgent need of reform and reinvention. Making it work better, though, is not really what Trump and Musk have in mind. They’re trying to incapacitate federal functions they don’t like — foreign aid, support for public schools, consumer protection — and replace independent civil servants with MAGA automatons who will blindly do Trump’s bidding.

Determined to politicize every nook and cranny of American life, Trump tramples daily on the unwritten norms of democracy, including the idea that public employees are supposed to serve the public interest, not the political and personal interests of whoever happens to occupy the Oval Office.

He’s orchestrating a totalitarian-style purge of officials at the Department of Justice and the FBI who had anything to do with investigating and prosecuting the criminal Jan. 6, 2021, assault on Congress.

What were these law enforcement officials supposed to do? Ignore the brutal beatings of police, the threats against lawmakers and Vice President Mike Pence, the vandalizing of the U.S. Capitol? They are losing their jobs for doing their jobs.

Who can stop Trump’s flagrant abuse of presidential power? Musk’s free-booting raids on the federal government are sparking a rash of lawsuits.

But where is Congress? So far, the Republican-controlled House and Senate have meekly gone along with Trump’s brazen bid to usurp their powers, leaving it to Democrats to “stop the steal” by defending the legislature’s constitutional prerogatives and duties.

Senate Republicans, in particular, are exhibiting a striking profile in political cowardice. Few spoke out against Trump’s perverse pardon of more than 1,500 supporters convicted of crimes during the Jan. 6 riot at the U.S. Capitol. Instead, they’ve been busy rubber-stamping his picks for high administration posts with few exceptions; probably the sorriest collection of crackpots and partisan hacks in U.S. political history.

At some point, Trump’s depredations may become too much even for his timorous Republican enablers in Congress to stomach. Until then, the courts may be our only line of defense against Trump’s attempt to rule by decree — unless U.S. citizens wake up and speak out about the mortifying mess he’s making of the rule of law in America.

#### Union voters can swing elections because of high concentration and voting rate. They’ll flip based on the plan.

Ax and Reid 18 – National Affairs Reporter Reuters, M.A. in Politics and Journalism from Columbia

Joseph Ax; Tim Reid, Journalist at Reuters, “Democrats target union workers who regret Trump vote,” Reuters, May 8th, 2018, https://www.reuters.com/article/world/democrats-target-union-workers-who-regret-trump-vote-idUSKBN1I5180/

Like many union workers, Oberbroeckling voted twice for former Democratic President Barack Obama before backing Donald Trump and other Republicans in 2016.

Now he has buyer's remorse - and plans to support the Democratic challenger to Rod Blum, the Republican congressman in this blue-collar, eastern Iowa district.

"Trump is for the rich," said Oberbroeckling, 37, sipping a rum-and-coke. "Blum's for big business. They said they were for the workers, but they're not."

That sentiment should encourage Democrats, who saw their once-reliable labor vote help send Trump to the White House after he vowed to revive Rust Belt factories with trade tariffs and ailing coal mines with environmental deregulation. Now - with coal still struggling and Trump stoking a trade war - many union workers have soured on the president ahead of November’s midterm congressional elections, the Reuters/Ipsos opinion poll shows.

Between March 2017 and March 2018, union members' approval of Trump fell 15 points, to 47 percent. In more than two dozen interviews with union members, many blasted Trump’s tax cut, arguing most of the benefits will flow to corporations and wealthy people.

A loose coalition of union leaders, Democratic strategists and political action committees (PACs) aims to seize on that shift by directing money and campaign workers to about 30 competitive races union-heavy districts. The party needs to gain 23 seats to retake the U.S. House of Representatives.

But falling support for Trump is no guarantee Democrats can restore the party’s historic dominance of the union vote. Nearly half of members polled still approve of the president, and their support for congressional Democrats has declined slightly from two years ago.

Forty-seven percent of union members polled would support a Democratic candidate in November; 34 percent favored a Republican. That compares to 51 percent favoring Democrats and 29 percent supporting Republicans in March 2016.

The 2018 poll was conducted online, in English, and included more than 1,400 union workers nationwide. It has a credibility interval of 3 percentage points, meaning results could vary in either direction by that amount.

Union membership has fallen by half since the early 1980s, to 10.7 percent of U.S. workers last year. But members can still sway close elections because they are concentrated in specific regions and vote at high rates. In the 2014 midterms, 52 percent of union workers voted, compared to 39 percent of others, according to a study by Demos, a liberal think tank.

"If we don't win them back, we will never win here," said Abby Finkenauer, the leading Democrat challenging Blum in Iowa's 1st District.

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#### A Republican House destroys allied confidence in the U.S., including Saudi Arabia.

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Elizabeth Shackelford, “Will US foreign policy change after the midterms?” The Guam Daily Post, 02-18-2025, https://www.postguam.com/forum/world/will-us-foreign-policy-change-after-the-midterms/article\_2851f18a-688f-11ed-baf8-23bb2b1915a8.html

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Though foreign policy played no real role in the outcome of the midterm elections, that outcome matters for foreign policy.

Friends and allies around the world are likely breathing a sigh of relief that the predicted red wave never crashed. Our partners around the globe have been pleased by President Joe Biden’s “America is Back” foreign policy, and all signs point to that direction continuing.

Supporters of democracy the world over are also taking comfort in the fact that Donald Trump’s hand-picked anti-democracy candidates had a poor showing. Many election deniers were elected to the House, but a large majority of those running for positions that involve election oversight — including for governor and secretary of state — were defeated.

The election denier caucus in the House will be loud and alarming, but they thankfully won’t be positioned to throw the 2024 elections into a constitutional crisis by refusing to certify legitimate results. That’s essential not only for our domestic security but also our position in the world.

European allies are most concerned about whether robust American support to Ukraine will continue. After all, Congress’ primary power in foreign affairs is allocating or withholding money — the power of the purse. Biden can make a lot of foreign affairs decisions, but if he can’t pay for them, they only mean so much.

Kevin McCarthy, who will become House speaker now that the Republicans have eked out a majority, has already made clear that a Republican-controlled House would not give Ukraine support a “blank check,” even though much of the Republican Party is staunchly behind Ukraine’s fight, as is a majority of the American public. Even if the majority of the House supports Ukraine assistance, McCarthy could choose not to bring it to a vote if part of his caucus strongly opposes it.

This is why the Biden administration has asked Congress to pass a large assistance package during the lame duck session, while both houses are still under Democratic control. If passed, this will significantly insulate the administration’s policy decisions toward Ukraine in the near term. Since the administration has done a sound job so far balancing U.S. interests and risks involved in this war, that’s good news for U.S. policy.

After Ukraine, the most watched area of U.S. foreign policy is China, but that contentious relationship isn’t likely to change much. The Biden administration’s combative approach is popular on both sides of the aisle, though some in the Republican Party have a knack for escalating negative rhetoric. This may have partly driven Biden’s more measured approach in his recent meeting with Chinese President Xi Jinping. It won’t get any easier navigating the fine line of competition and cooperation with China with a divided Congress, so the change in tone is welcome.

The midterm results could impact U.S. foreign policy in other important but less obvious ways.

The only place the red wave seemed to hit was Florida. (Coincidence or inevitable given its vulnerability to rising waters and hostility to renewable energy?) This could actually open up foreign policy options for the Biden administration in Latin America.

Since Florida was considered a critical purple state key to securing the presidency, The powerful Latino constituency in Florida has long played an outsized role in the direction of U.S. policy toward Cuba, Venezuela and other Latin American countries. Upsetting this voting bloc was considered politically unwise, but if a Democratic administration has no hope of winning Florida’s electoral votes or Senate seats, that calculation changes, and our relationship with those countries could as well. The Biden administration today might be more willing to pursue diplomatic and economic engagement in countries there where our bilateral relationships have been strained.

Pay attention to the administration’s reassessment of the relationship with Saudi Arabia too. After the kingdom slashed oil production in October, considered by many an intentional snub to Biden, administration officials were livid, but hesitant to take major action so close to the midterms.

With the election behind them, Biden’s national security team might have enough breathing room to confront a longtime partnership with an authoritarian government that hasn’t delivered. A shift with Saudi Arabia could reinvigorate talks with Iran as well, but Iran’s ongoing protests, and subsequent crackdowns, will remain an obstacle to thawing relations there for now.

The most notable and public foreign policy impact of the new Congress will likely be congressional hearings. A Republican-controlled Congress has previewed the many ways it hopes to be a thorn in Biden’s side, and hosting weeks of hearings to critique Biden’s policy record is high on that list. At a minimum, expect the withdrawal from Afghanistan to be put on public trial, consuming the administration’s time and attention, at the expense of other domestic and foreign policy priorities.

#### That causes extinction.

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Bijan Sabet, “America Needs Its Allies—Trump Is Pushing Them Away,” Bijan, 02-02-2025, https://bijansabet.com/2025/02/02/america-needs-its-allies-trump-is-pushing-them-away/

The truth is that our European allies have led the global response to Putin’s war of aggression against Ukraine. The EU has implemented over a dozen rounds of sanctions on Russia, often at great economic sacrifice. Despite Putin weaponizing energy, European nations have refused to waver. They have also provided more military and humanitarian assistance to Ukraine than the United States, standing firm against Russian expansionism when democracy itself is at stake.

I saw this firsthand as U.S. Ambassador to the Czech Republic. Every U.S. bipartisan congressional delegation that visited Prague thanked the Czechs—and by extension, the entire European Union—for their critical role in supporting Ukraine. EU nations have also taken tough stands on China, confronting Beijing on human rights abuses and its continued support of Putin’s war machine. These aren’t enemies or adversaries—they are partners working in lockstep with us to defend democracy.

Yet Trump treats them as punching bags, pushing away allies who share our values, our security priorities, and our vision for the world. His actions aren’t just reckless; they make America weaker.

One of the things that has always made America great is the deep, enduring people-to-people ties we have with our allies. These relationships are what give our diplomacy real strength. But now, Trump’s hostility has created a new and dangerous dynamic: our allies are beginning to question whether the United States is still a reliable partner.

Make no mistake—this doubt has consequences.

We need our allies to confront Russian aggression, to fight terrorism, to ensure secure and resilient supply chains, to combat climate change, to respond to global health crises, and to navigate the complexities of artificial intelligence and emerging technologies. NATO—under President Biden’s leadership—became bigger, stronger, and more unified than ever. And yet Trump, by signaling disdain for our partners, is unraveling that hard-earned progress.

What’s his endgame? We don’t yet know. But we do know the damage has already begun.

As President Biden has said, “America’s alliances are our greatest asset. And leading with diplomacy means standing shoulder to shoulder with our allies and key partners once again.”