### T Exemptions---1NC

T Exemptions---

#### To “strengthen” means to make stronger that which already exists.

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Angela Min Yi Hou, Julia Tops, Cindy Xinying Ou, “2018 Charlevoix G7 Final Compliance Report,” University of Toronto Munk School of Global Affairs and Public Policy, 08-23-2019, https://g7.utoronto.ca/evaluations/2018compliance-final/17-2018-G7-final-compliance-energysec.pdf

The first part of the commitment specifies that energy security must be strengthened collectively through ongoing action. “Strengthen” is defined as “to make or become stronger,” which indicates that the G7 members must act to reinforce and enhance existing energy security-related measures. “Collective” reflects that this commitment binds G7 members to strengthen collective energy security through collaboration with other G7 members or international organizations. Examples of actions that count towards compliance for the first portion of the commitment include contributing to improving the global energy security framework, bilateral or multilateral energy security treaties; addressing energy security issues in the Global South; and increasing international energy transparency. Actions taken domestically or independently of other countries or international organizations do not count towards compliance. Moreover, the word “ongoing” reflects that the G7 member must act in a way that demonstrates consistent, continuous action or long-term consideration.

#### This means topical affirmatives must increase the ability of CBR to overcome opposing interests.

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Frederick F. Schauer, David and Mary Harrison Distinguished Professor of Law at the University of Virginia School of Law and Frank Stanton Professor of the First Amendment at Harvard University's Kennedy School of Government, *Free Speech: A Philosophical Enquiry*,(New York: Cambridge UPress), 1982, at pp. 134-136

It would seem therefore relatively uncontroversial to assert that freedom of speech is not and cannot be an absolute right. This broad statement, however, must be tempered by two highly per- tinent qualifications. First, it is important to recognize not only the distinction but also the relationship between the strength of a right and the scope of a right. This terminology is but another way of expressing the distinction between coverage and protection that I discussed earlier, but the terms ‘strength’ and ‘scope’ are particularly illuminating here. The scope of a right is its range, the activities it reaches. Rights may be narrow or broad in scope. Defining the scope of free speech as freedom of self-expression is very broad, defining it as freedom of communication substantially narrower, and defining it as freedom of political communication narrower still. The strength of a right is its ability to overcome opposing interests (or values, or other rights) within its scope. This distinc- tion is nothing new, although it is often ignored in popular dialogue about freedom of speech. The point I wish to make here is that although the scope of a right and the strength of that right are not joined by a strict logical relationship, they most often occur in inverse proportion to each other. The broader the scope of the right, the more likely it is to be weaker, largely because widening the scope increases the likelihood of conflict with other interests, some of which may be equally or more important. Conversely, rights that are narrower in scope are more easily taken to be very strong within that narrow scope. It is much easier, for example, to say that there is a very strong, almost absolute, right to purely verbal political speech than it would be to say that a right to self- expression can be as strong. Any examination of rights must first recognize this interrelationship and then try to preserve someequilibrium between scope and strength. This is easiest but not necessarily best at the extremes. Meiklejohn, for example, definedfreedom of speech as freedom of political speech by those without profit motives. Within this narrow scope it was easier for him to define the right as absolute (which he did) than it would have been had he broadened the scope to include other forms of com- munication. Yet the more narrowly we define a right, the more likely we are to exclude from coverage those acts that may fall within the justification for recognizing the right. Freedom of speech as freedom of political deliberation gains simple absolutism at the cost of excluding much that a deep theory of the Free Speech Prin- ciple would argue for including.

Second, there is an important distinction between the absolute- ness of a political right and the absoluteness of a legal right. A strong but not absolute political right may still at the level of appli- cation be converted into an absolute legal right. The question con- cerns the level at which the weighing process will take place, and which people or institutions will be entrusted with the weighing process. In this respect the issues parallel the considerations involved in act-utilitarianism and rule-utilitarianism. We may balance the issues at the rule-making level, concluding that it is best to have an absolute right in order to preclude judges, juries, or (in the case of constitutional rules) legislatures from possibly giving insufficient weight to the Free Speech Principle in a parti- cularized balancing process. Or we may instead allow the balancing to take place at the level of application, thus permitting judges, for example, to determine in the individual case whether counter- vailing interests outweigh the strength of the Free Speech Princi- ple. It is commonly supposed that this type of ad hoc or particular- ized weighing results in an insufficiently strong principle of freedom of speech, that there is danger of freedom of speech being ‘balanced away’.\* This is probably true as an empirical observa- tion, but it is hardly a necessary truth. It is possible to create prin- ciples of insufficient strength at the rule-making level, and it is equally possible for a judge at the level of application to apply a principle in a way that gives it great power. A full analysis of any political principle must deal with the degree to which any insti- tution can protect that principle, and hence the problem of the strength of a principle is intertwined with the problem of design- ing institutions for the protection of political principles in general.

#### The plan violates: It grants CBR to workers which do not already have them.

#### Vote neg for limits and ground. Infinite expansion of rights to new categories is unpredictable and a disaster for neg fairness and research.

### DA---Short---1NC

Hollow Hope DA---

#### State labor reforms are booming now due to strong labor movements. That’s key to jumpstart democratic localism and create durable worker protections, but the plan trades off.

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Kate Andrias, Constitutional and Administrative Innovation Through State Labor Law, 2024 Wis. L. Rev. 1467 (2024). Available at: https://scholarship.law.columbia.edu/faculty\_scholarship/4608

Along with administrative innovation, the new labor federalism described above entails significant constitutional innovation, again with relevance beyond the workplace. Over the last few years, labor has won (1) affirmative protection of collective labor rights through constitutional amendments and (2) new labor-friendly interpretations of existing state constitutional law, with implementation by both courts and legislatures. These efforts build on a long tradition of labor constitutionalism at the state level through which labor has sought to guard against corporate capture of legislatures, limit hostile decisions from courts, and enshrine as fundamental not only traditional individual rights, but also collective and positive rights.189 Taken together, labor’s state constitutional efforts suggest some possibilities for a more democratic approach to constitutionalism.

A. State Constitutional Protection of Labor Rights

1. History of Constitutional Labor Rights

Labor’s success at constitutional lawmaking at the state level marks a sharp contrast from the federal level. With the exception of a brief period during the mid-twentieth century, the U.S. Constitution has been interpreted by the Supreme Court to provide few labor rights. The Court has held that the First Amendment protects a right to associate in unions; however, there is no constitutional right to bargain or strike, and constitutional protections for labor picketing and protest are severely limited.190

Numerous scholars have critiqued this doctrine,191 and in the mid-twentieth century it looked like the Court might go in a different direction.192 Yet there is virtually no chance the current Supreme Court will expand constitutional protections for collective labor activity. To the contrary, the Court is increasingly using the Constitution to limit labor rights and to weaken unions, as in Janus v. AFSCME, 193 where the Court held that the First Amendment protects the right of a worker not to pay any union fees even when receiving the benefits of union contracts and representation, 194 or in Cedar Point Nursery v. Hassid, 195 where the Court held that the Takings Clause prevents a state from allowing union organizers access to talk to otherwise inaccessible farmworkers about unionization.196 Moreover, amending the Constitution has become, under the current political alignments, near impossible.197

State constitutions, however, are both more protective of worker rights, including collective worker rights, and easier to amend than the Federal Constitution. This is not surprising given that, from the outset, state constitutions were designed as a device for democratic majorities to control both elected government officials and the judiciary.198 As Emily Zackin has detailed, from the Civil War to the New Deal, labor organizers established state constitutional protections for labor rights in order to respond to judicial decisions finding that legislatures lacked power to enact pro-worker legislation. 199 They also drafted state constitutional provisions to try to force legislatures to protect workers— and to constrain wayward legislators. As Zackin writes, “[s]tate legislatures were often perceived as unscrupulous and on the payroll of corporations. Thus, some labor amendments were passed with the express purpose of circumventing or controlling these corrupt legislative bodies.” 200 Late nineteenth and early twentieth-century labor amendments to state constitutions were also important for movement building, helping to raise citizen expectations.201

Most of the early labor rights provisions added to state constitutions created individual rights to fair treatment at work or enabled legislatures to enact protective legislation. 202 For example, dozens of provisions enacted between the 1880s and 1940s created rights to safe workplaces, maximum hours, and minimum wages, among other rights.203 But several states also enacted protections for collective labor rights, with some guaranteeing the right to organize and bargain collectively,204 and others prohibiting employment discrimination because of union membership. 205 The advocates for constitutional labor rights offered three main justifications for why such provisions were needed: (1) to ensure that legislatures did not succumb to corporate influence and undermine collective bargaining contrary to popular preferences; (2) to prevent courts from invalidating collective bargaining legislation as violations of existing constitutional rights, by instead making collective bargaining rights coordinate with other traditional constitutional rights; and (3) to recognize that the right to unionize had become “deep seated,” “inalienable,” and “fundamental” in the same way as traditional constitutional rights and should be placed beyond the reach of ordinary politics.206

2. Amending State Constitutions To Protect Labor

Over the last few years, the labor movement has returned to active use of state constitutions, including by seeking amendments enshrining the right to unionize—and for largely the same reasons as the early twentieth century reformers.207 Most prominently, in Illinois, the labor movement mobilized to add a “Workers’ Rights Amendment” to the state constitution in 2022. 208 It declares that “[e]mployees shall have the fundamental right to organize and to bargain collectively through representatives of their own choosing” and also prohibits legislators from restricting union rights, including by enacting right-to-work laws. 209 Because of the preemption doctrine, the provision will not change the process by which private sector workers organize and bargain, but it has expressive value. In celebrating the passage of the amendment, Illinois Governor J.B. Pritzker invoked the state’s “rich union history” from “the 1887 Haymarket Affair to the 1894 Pullman Strike” and celebrated Illinois workers for being “at the forefront of fighting for fair wages, reasonable hours, and safe working conditions.”210 The amendment also has the potential to strengthen efforts to win union rights among those not covered by preemption who currently lack such rights, such as gig workers, domestic workers, and agricultural workers; indeed, it has already been invoked to support the right of workers in the state legislature to organize.211

Numerous other states are considering similar provisions. California’s Legislature is considering Amendment 7, which would constitutionally guarantee collective bargaining rights and prohibit right-to-work. 212 The bill will need to be approved by two-thirds of the members in each chamber and then by voters on a statewide ballot.213 In Pennsylvania, a proposal is moving through the General Assembly to add a clause to the State Constitution specifying that “no law shall be passed that interferes with, negates or diminishes the right of employees to organize and bargain collectively” over certain matters, including wages, terms and conditions, and would prohibit limitations on agreements “requiring membership in an organization as a condition of employment.” 214 Vermont’s Senate unanimously passed a similar provision in April; it next goes to the House.215

3. Litigating Constitutional Rights

In addition to amending state constitutions, unions and worker advocates have been **breath**ing new life into longstanding constitutional provisions. One strategy has been to use such provisions to extend union rights to workers excluded from the NLRA. 216 In New York, for example, worker advocacy groups brought a constitutional challenge to a Jim Crow–era exclusion that denied farmworkers the right to organize and collectively bargain.217 The Worker Justice Center of New York sued the State after its member was fired from his job as a dairy worker for meeting with coworkers and organizers to discuss workplace conditions.

218 They argued that, by excluding farmworkers from the State Employment Relations Act, the State violated the New York Constitution’s guarantee of equal protection and infringed upon workers’ fundamental right to organize and collectively bargain. 219 After the workers prevailed before a state appellate court, the New York Legislature enacted the Farm Laborers Fair Labor Practices Act, providing wage and hour protections; a new tripartite committee, discussed above; and robust organizing rights, including union recognition when a majority of workers sign union cards and a compulsory arbitration process through which farmworker unions can secure first contracts.220 Since the enactment of the law, more than six hundred farmworkers in the state have successfully organized across numerous farms and with several unions.221

In a number of states, public sector workers are turning to state constitutions in an attempt to protect their right to bargain and strike. The rate of labor activity among such workers has skyrocketed since 2018, when large numbers of teachers in red states went on strike and engaged in “sick outs” in what came to be known as “Red for Ed.”222 After a court enjoined a sick out in Las Vegas, the teachers’ union there sued the State and the county school district to try to invalidate a Nevada statute that makes it illegal for public sector employees to strike.223 The union argued the statute is in violation of Article 1, Section 8 of the Nevada State Constitution, which guarantees the rights of free speech and assembly, and claims the statute “‘impinges upon the fundamental rights of speech and association of [the Clark County Education Association] and its members, is overbroad, void for vagueness, and is not narrowly tailored to achieve a compelling state interest.’”224

Unions have also relied on state constitutional provisions defensively to persuade state courts to invalidate legislation that targets specific public sector unions for disfavored treatment as a violation of equal protection and employees’ labor rights. 225 In Missouri, for example, when the Legislature in 2018 limited the rights of all unions except public safety unions to engage in collective bargaining, public sector workers challenged the law on state constitutional grounds.226 The lower court emphasized that the law discriminated based on “an employee association’s exercise of the fundamental right to organize and to bargain collectively,” and that the State could not show that the rules were “narrowly tailored to further a compelling governmental interest.”227 The Missouri Supreme Court agreed, albeit on somewhat different grounds. According to the court, the legislation violated the state’s equal protection guarantee because the State could show no rational basis for “exempt[ing] only public safety labor organizations.”228 In so holding, it noted that Missouri employees have a state constitutional right to bargain collectively “through representatives of their own choosing.”229

B. A Model for Democratic Constitutionalism

The recent experience of labor unions with state constitutional law, like the experience with worker standards boards and administrative governance, offers a model that has relevance beyond the workplace.

First and foremost, **labor**’s experience highlights the promise of focusing energy on state constitutional law; states provide important fora for contestation of rights. Even though sharply constrained by federal preemption, labor’s state constitutional efforts in courts and via the amendment process have yielded both concrete and expressive benefits. That is, labor has won court victories using existing state constitutional provisions for some of the most politically powerless groups, like farmworkers; such victories are inconceivable at the federal level and had long been elusive in legislatures. In addition, by enshrining new rights in state constitutions, labor has been able to highlight the fundamental or essential nature of its claims, while also helping to ensure that legislatures do not undermine rights contrary to popular preferences and that courts do not invalidate popularly enacted labor legislation.

Second, labor’s successes in the states go beyond the effective use of an alternate forum, **offer**ing a fundamentally different approach to constitutional rights. That is, labor’s state constitutional law amendments and court victories support claims that the American orientation around individual rather than collective rights, and negative rather than positive rights, is not inevitable. Consistent with scholarly assessments in other contexts, labor’s recent efforts underscore that constitutional rights in the United States can be conceived as **collective** in nature, protecting the rights of citizens as a group and empowering them collectively. They can also be positive rights, providing social benefits and protecting individuals from the excesses of private power, as well as state power.230

Third, labor’s successes demonstrate the possibilities of using amendments as a strategy for movement building. That is, labor has used the amendment process as a way to build support for its goals and to strengthen its organization—constitutionalism as an organizing tool. Finally, the recent experiences highlight the extent to which courts can play an important role in progressive constitutional rights articulation, particularly under a system in which they have less supremacy. In pursuing constitutional claims in states, labor has positioned courts in a dialogical role with legislatures and with the people, including through the amendment process. Court practice here offers an alternative to the current U.S. **Supreme Court**’s commitment to extreme **judicial supremacy**; it also draws into question the wholesale rejection by some progressives of constitutionalism and courts.231

CONCLUSION: ASSESSING STATE INTERVENTIONS AND THEIR FUTURE

Although state innovation in labor policy is significantly **circumscribed** by **preemption** doctrine, and although the effect of recent state innovations on worker power, labor conditions, and broader public law is hard to measure, early indications are positive. State level reforms have resulted in significant improvements in wages and benefits for a host of workers.232 They have also augmented worker voice in numerous states, while increasing union membership, chiefly among quasi-public workers and, more recently, farmworkers and industrial workers, albeit not yet in large numbers. 233 Reforms have also increased worker participation in democratic governance, helped reshape state administrative and constitutional practice, and served an important expressive function regarding states’ fundamental commitments. These state innovations are all the more **important** given recent developments at the federal level. With Donald Trump having won the 2024 presidential election, federal labor policy is likely to become markedly more anti-union and anti-worker in the coming years.234 But even apart from the change in the executive branch, in the last few years, the Supreme Court has hamstrung federal administrative agencies’ ability to govern, while at the same time employing the Constitution as a weapon against workers.

With regard to administration, the Court has usurped increasing amounts of power from both agencies and Congress. Most recently, in its 2024 decision in **Loper** Bright v. Raimondo, 235 the Court overruled the decades-old Chevron doctrine that instructed judges to accept an agency’s reasonable interpretation of ambiguous statutory language, declaring “agencies have no special competence in resolving statutory ambiguities. Courts do.”236 Also in 2024, in **Ohio v. EPA**, 237 the Court imposed stringent judicial scrutiny on administrative processes, faulting the EPA for failing to respond to alternative proposals despite the agency’s detailed response to comments.238 And in SEC v. Jarkesy, 239 the Court undermined Congress’s longstanding judgment that administrative law judges can adjudicate civil penalties, holding that the Seventh Amendment requires the use of Article III courts to adjudicate securities fraud disputes.

240 These cases build on a series of other recent Supreme Court cases that have limited agencies’ capacity to govern, restricted Congress’s ability to make reasoned judgments about how to structure agencies, and made it easier for deep-pocketed corporate litigants to challenge government action. 241 Meanwhile, conservative lower court judges have gone even further, embracing right-wing corporate arguments that longstanding agencies like the NLRB are unconstitutional because of removal protections for Board members.242

Alongside this evisceration of administrative capacity and congressional discretion, the Court has reshaped federal constitutional law in ways increasingly hostile to working people. Among its recent holdings, it has reversed longstanding First Amendment precedent to find a constitutional right of public sector workers not to pay union fees, threatening union funding;243 and it has revised the Takings doctrine to invent a new property right, making union organizers’ access to employer property more difficult. 244 Meanwhile, for several decades, it has undermined Congress’s ability to effectuate constitutional rights under the Reconstruction Amendments, declaring repeatedly that the Court alone has the authority to define the scope of such rights. 245 More recently, it has repeatedly declined to defer to legislative efforts to limit corporate power and prevent discrimination in public accommodations under the guise of the First Amendment.246

These developments at the federal level make innovation at the state level even more important. To be sure, all of the labor-led state-level efforts are coming under sharp legal challenge from the same groups that pressed for federal retrenchment. That is, conservative and corporate interests are mobilizing many of the same constitutional attacks on the administrative governance at the state level that they have achieved at the federal level, while also engaging in specifically anti-worker mobilization, as discussed above. Nonetheless, the political economy analysis offered at the outset of this Essay suggests that states will continue to be a more fruitful venue for pro-labor and pro-democratic public law innovation, at least in the near term.

#### Even minor labor victories cause labor movements to turn their energy and efforts towards the federal courts.

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Tommaso Pavone citing Michael McCann, “Michael McCann, Rights at Work: Pay Equity Reform and the Politics of Legal Mobilization,” Rights at Work, 04-03-2015, https://static1.squarespace.com/static/5d653034873abb0001dd9df5/t/5d6ee3a224a0c50001004009/1567548323238/McCann-+Rights+at+Work.pdf

At first, pay equity advocates won what were perceived to be some important victories. Two examples in particular are worth mentioning. First, the Supreme Court’s Griggs v. Duke Power Co. (1971) “provided new language that shifted the focus of fighting discrimination from discrete acts of individual “ill will” to systematic biases in institutional practices and policies. . . This judicial recognition of “systemic discrimination” provided a direct catalyst of unparalleled significance to new thinking and action on pay equity issues (Ibid: 50). Second, in County of Washington v. Gunther (1981) the Supreme Court “extended substantial support to the pay equity idea . . .While refusing to explicitly endorse the comparable worth idea, the majority’s willingness to extend Title VII provisions to cover discrimination among different jobs opened a potentially large crack in the door to future legal claims” (Ibid: 53). These courtroom cases generated a “tremendous amount of mainstream media attention,” which tellingly focused disproportionately on litigation rather than other political actions by the pay equity movement, such as labor strikes, union negotiation battles, and electoral campaigns (Ibid: 58-59). In short, these court cases contributed to women’s “perception of expanded opportunities for effective political challenge” (Ibid: 94).

4.2 The Closing of Political Opportunities for Litigation

Under the auspices of the Reagan Administration, in the mid-1980s the conservative legal movement had begun to permate American jurisprudence, and “the courts began closing the door of access to gender-based comparable worth claims” (Ibid: 84). It seemed that “all employers had to do to win judicial vindication in most cases during the 1980s . . . was simply to invoke a “free market” defense at every turn. . . and, if all else fails, to justify discriminatory policies as a legitimate business practice even where a prima facie case has been made” (Ibid: 41). Short of “smoking gun” evidence that “employers consciously designed action to exploit women,” judges were increasingly hostile to the claims of the pay equity movement (Ibid: 39). Hence in the final analysis the pay equity movement achieved “only limited success in federal courts,” and McCann’s interviewees recalled “much bitterness about the palpable conservative turn of the judiciary and government generally,” along with a sense that legal mobilization had been “sapped of its earlier energy” (Ibid: 47; 279). Once courtroom defeats became frequent, movement-associated lawyers were “quick to halt or revise their reliance on the courts” (Ibid: 294).

5 The Constitutive Power of Legal Mobilization for Pay Equity

Despite the short-lived, and ultimately minor, courtroom successes obtained by the pay equity movement, McCann argues that litigation strategies had a series of profound - and ultimately beneficial - effects, to which we now turn.

5.1 Providing Politicizing Experiences

Activists are not born - they are forged by social experience. Most of the pay equity activists interviewed by McCann “recounted. . . remarkably parallel stories about specific politicizing experiences that transformed them into committed activists” (Ibid: 132). In particular, McCann found that a “large majority” of his interviewees “credited the [County of Washington v. Gunther ] decision and other early cases as primary educational cues that generated their own initial personal interest and involvement in the cause” (Ibid: 56)

5.2 Legitimizing Claims via Rights Discourse

Drawing from previous litigation efforts by the civil rights movement, pay equity activists drew upon a rich and empowering legal discourse. “Rights discourse,” argues McCann, “empowered women workers by enabling them to “name” - i.e. to identify and criticize - hierarchical relations in familiar, “sensible” ways” (Ibid: 65). Hence the pay equity movement was able to strategically draw on a language imbued with legitimacy to advance its claims. As economist and pay equity advocate Heidi Hartmann noted, “once the idea of comparable worth or pay equity could be framed by lawyers in terms of rights against wage discrimination, it took on a lot of credibility and power” (Ibid: 51).

5.3 Forging Political Opportunities and Raising Expectations

Early courtroom victories enabled pay equity activists to reference litigation “as a tactical resource to raise expectations among women workers that wage reform was possible. As a result, legal action greatly enhanced the opportunities for effective political organizing around the pay equity issue” (ibid: 48). Rights discourse empowered women to re-imagine the real, or to “imagine an act in light of rights that have not been formally recognized or enforced” (Ibid: 7). This, in turn, expanded the structure of political opportunities for further legal mobilization, as “new hopes and possibilities opened up by early litigation were translated into a generative force at the grassroots level” (Ibid: 58).

5.4 Cultivating an Enduring Legal Consciousness

What may have originated as the tactical referencing of courtroom victories to raise expectations and legitimate the pay equity movement eventually provoked a profound identity transformation. McCann’s interviewees “repeatedly emphasized. . . that perhaps the single most important achievement of the movement has been the transformations in many working womens understandings, commitments, and affiliations - i.e., in their hearts, minds, and social identities” (Ibid: 230). In particular, union activists repeatedly spoke “in enthusiastic and expansive terms” about how the benefits of legal mobilization for pay equity “transcended “mere” economic redistribution” (Ibid: 258). This “legal consciousness” was instilled not so much via “abstract intellectual inquiry” but from the “practical experience in political struggle for new rights” that followed initial courtroom victories (Ibid: 272). Importantly, this identity-transformation endured the closing of opportunities for litigation in the 1980s.

#### That structurally dooms labor movements.

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Ben Depoorter, “The Upside of Losing,” Columbia Law Review, 04/2016, https://columbialawreview.org/wp-content/uploads/2016/04/Depoorter-B..pdf

Conventional understanding holds that winning is the name of the game in litigation. Many fundamental social rights and liberties were established in historic court victories and influential judicial precedents.2 Constitutional law casebooks highlight the landmark decisions in which courts outlawed segregation, combated gender discrimination, improved labor conditions, created fundamental rights of privacy and free speech, and so forth.3 Historic judicial victories are considered an essential component in the process of developing social change.4

However, after the initial success of public interest litigation in, among others, the New Deal labor movement, the civil rights movement in the 1940s, and the women’s rights movement in the 1960s, contemporary scholarship now expresses a deep skepticism about the effectiveness of pursuing social change on the basis of litigation.5 First, there is a widespread perception that courts have become increasingly reluctant to adopt sweeping and progressive social changes in judicial decisions.6 Some have argued that this has greatly reduced the role of courts as agents of social change. Because judges are perceived as reluctant to declare new, controversial rights, social movements and legal reform communities are being cautioned about the pursuit of legal strategies and court-based activism.7 There is a fear that repeated losses not only strengthen adverse precedents but also reduce the support for the underlying cause.8 If so, litigation in pursuit of social change may prove futile and possibly counterproductive by draining movements of scarce resources. Second, it has been argued that rights-based strategies tend to produce narrow remedies that apply only in limited circumstances and provide no assurance about broader rights-based implementation and enforcement. Questioning the capacity to bring about social change on the basis of litigation, some have argued that legal strategies mostly provide false, “hollow hope” to social movements.9 Critics doubt the ability to bring about social change in litigation because it creates a process of legal cooptation of a social movement, a process by which “the focus on legal reform narrows the causes, deradicalizes the agenda, legitimizes ongoing injustices, and diverts energies away from more effective and transformative alternatives.”1

Other scholars and commentators remain more optimistic about the potential role of litigation in the pursuit of social change. The ultimate value of litigation, it is argued, is not determined by the outcome in court but rather by the ability of litigation to bring attention to and to induce support for the social causes at issue in the litigation.11 From this viewpoint, any individual case outcome is but a small step in a larger, multisequence process in which litigation can be a powerful tool to attract public attention, to communicate a legal and political agenda, and to place pressure on various levels of government and society.12 Accordingly, if the power of public interest litigation lies in generating attention and garnering political support, much of the criticism of rights- and courtbased strategies is misplaced. If an adverse decision can be used to mobilize support for a cause effectively,13 advocates and social movements should push on and litigate even in the face of likely defeat.14

This Essay presents the first examination of the ex ante strategic decisions faced by litigation entrepreneurs who pursue litigation with the awareness that losing the case can provide substantial benefit. It argues that adverse court decisions may be particularly salient in raising awareness about an underlying social cause. Unfavorable litigation outcomes can be distinctively powerful in highlighting the misfortunes of individuals under prevailing law, while presenting a broader narrative about the current failure of the legal status quo. The resulting public backlash may mobilize public and political forces and ultimately slow down legislative trends, and can even prompt legislative initiatives that reverse the unfavorable judicial decisions or induce broader reform.

The analysis presented here revises some common wisdom on litigation. First, the dynamics of successful defeat in litigation provide new and counterintuitive insights into the potential role of courts in the pursuit of social change. While it is traditionally understood that legal reform activists must persuade courts into recognizing unattended rights or to confirm new rights and activist positions,15 this Essay’s analysis suggests, to the contrary, that social changes can be obtained in litigation without requiring the involvement of courts as policymakers. Counterintuitively, as the Essay explains in more detail below, passive courts and judicial deference can even strengthen the mobilizing effect of litigation. Judicial deference clearly shifts the burden to policymakers and their constituents. First, for social movements, an adverse judicial outcome is an opportunity to construct a narrative about the routine failure of courts to effectuate desirable changes.16 This allows social movements to utilize antijudicial sentiments in order to mobilize the public. Also, passive courts and judicial deference render the pursuit of strategic litigation more predictable because courts are more likely to adhere to existing precedent. Additionally, if courts insist that their hands are tied by legislation, some of the public attention and pressure shifts to legislators.17

Second, standard models of litigation describe how a private litigant’s choice between settlement and litigation depends on the probability that he or she will obtain a favorable precedent.18 According to conventional wisdom, parties should only litigate when a favorable outcome is likely.19 Conversely, a litigant is more inclined to settle if the odds of losing are high.20 Similarly, the common understanding is that time and resources should be directed toward those legal disputes that have the best chance of success21 and that litigation is to be avoided if it may establish or strengthen unfavorable precedent.22 This Essay amends this elementary view of litigation. The mobilizing effect of litigation expands the considerations that figure into the decision to settle or litigate. The strategic potential of litigation complicates the decision of when or how to litigate or settle. A settlement eliminates the chance of establishing a favorable precedent but, in some circumstances, may also remove the opportunity to obtain the socially mobilizing effects of an unfavorable precedent. At the same time, in considering whether to pursue mobilizing litigation, a plaintiff must weigh the costs of an unfavorable judicial outcome against the uncertain benefits generated by the mobilizing effect of the adverse decision.

Third, the mobilizing potential of adverse court decisions presents a fascinating conflict between the immediate interests of the actual plaintiff and those of the litigation entrepreneur that supports the litigation with an eye on the underlying long-term goals of a social cause. Because a losing effort imposes immediate costs on the plaintiff, the litigation described in this Essay often features the active presence of a third party providing legal strategy advice and financial counsel to the plaintiff. As shown below,23 ideologically motivated litigation entrepreneurs often actively control the litigation process, making strategic decisions while keeping in mind the overall impact of the litigation on the underlying cause.

Finally, the potential benefits of adverse outcomes in litigation refute some of the criticism about the limitations and downsides of pursuing social change through courts. For instance, some commentators argue that court victories might be counterproductive because they create a false sense of security among supporters, who tend to overestimate the impact of court decisions.24 By the same token, however, the overestimation of the impact of judicial decisions might work to the benefit of movement mobilization because it makes an adverse outcome more salient and likely to generate substantial concern.25

The analysis presented here highlights the relative nature of legislative or judicial accomplishments. Major victories can instill a false sense of security in supporters of a cause, while inspiring opposing groups, who might have an easier road going forward, to erode the benefits of the judicial victory.26 Moreover, when a social movement obtains public support because of an unfavorable verdict, the resulting political reversal of the judicial outcome may in turn become a source of agitation and political mobilization for supporters of the initial court decision.27 Overall, the ongoing process of reaction and counterreaction may increase the degree of polarization in society.

#### Otherwise, those movements unlock gig worker protections.

Dewey 23 – Labor Correspondent at Stateline.

Caitlin Dewey, “States and cities eye stronger protections for gig economy workers,” Stateline, 09-19-2023, https://stateline.org/2023/09/19/states-and-cities-eye-stronger-protections-for-gig-economy-workers/

Joshua Wood remembers days during the COVID-19 lockdown when New York City’s streets were practically empty, save for workers like him.

That experience convinced the 25-year-old Brooklynite — who makes deliveries for both Uber Eats and a package delivery service — that the gig economy needed some urgent changes.

Roughly 1 in 6 American adults have engaged in gig work for platforms such as Uber, Lyft and DoorDash, according to a 2021 report by the Pew Research Center. But while those jobs promise flexibility and a low barrier to entry, they often pay less on an hourly basis than the prevailing minimum wage and lack basic protections such as overtime, sick pay and unemployment insurance.

“There was a sense among workers, coming off the pandemic, that something really needed to be done,” said Wood, a member of the labor group Los Deliveristas Unidos, which fights for gig worker benefits in New York City. “So much of the city is dependent on the work that we do — but if we want to make the conditions better for us, we have to be the ones to do it.”

New York City has since passed a package of legislation guaranteeing a minimum wage and other benefits for app-based food deliverers, and communities across the country are following suit. In the past five years, lawmakers in at least 10 jurisdictions — including cities such as Chicago and Seattle, and states such as Colorado, Connecticut and Minnesota — have proposed new protections for ride-share drivers and food delivery workers.

At least 10 states have also considered programs that would make it easier for gig workers to access traditional workplace benefits, such as retirement or paid family leave. Meanwhile, regulatory agencies and courts in states including Massachusetts, New Jersey and Pennsylvania have sought to force Uber, GoPuff and other tech platforms to grant their drivers the same benefits as regular employees.

The push comes amid a resurgent workers’ rights movement in the United States and a global reconsideration of labor rights in the age of the gig economy. Since the start of the summer, both Australia and the European Union moved to strengthen workplace protections for gig workers, while the U.S. Department of Labor is expected to finalize a new rule that may reclassify some gig workers as employees as soon as October.

But gig companies fiercely oppose any effort to reclassify gig workers, a change that would grant the workers new rights and protections under state and federal law. In public statements, legal filings and elaborate marketing campaigns, gig platforms have argued that any significant shake-up to their current labor arrangement would jeopardize workers’ flexibility and independence — as well as raise consumer costs.

In a statement, Uber spokesperson Alix Anfang told Stateline the company “supports comprehensive legislation that protects the flexibility drivers tell us they want while providing important benefits and protections.”

“They don’t want to pay drivers,” said James Parrott, an economist at The New School whose analyses of driver wages informed New York’s new pay standard. “But their pockets are infinitely deep when it comes to fighting regulations they disagree with.”

Pandemic spurred organizing

Tech companies and their detractors can at least agree that gig platforms forever changed work, for better or for worse.

Since their launch in the late 2000s, platforms such as Uber and Airbnb have spawned a sprawling ecosystem of on-demand digital marketplaces, spanning services from food delivery to therapy to child care and education.

For consumers, such marketplaces offer flexibility and convenience, and may fill gaps in existing transportation, logistical or social support systems. Workers flock to gig platforms for similar reasons: In a 2016 Pew Research survey of gig workers whose households relied on their platform income, 45% said they needed control over their schedules and 25% said they lacked other job options.

At the same time, gig work comes with an unusual level of precarity, said Daniel Ocampo, a legal fellow at the National Employment Law Project. Workers generally have no job security, no traditional benefits, no consistent income, and little opportunity to organize or advocate for themselves.

But that last part is changing in the wake of the COVID-19 pandemic, Ocampo said. Spurred by falling wages and growing safety concerns, new advocacy organizations have sprung up in cities from New York to Los Angeles to push for laws that establish minimum wages and mandate paid sick leave, among other protections.

“There’s been a real wave of legislative action, especially in the last year,” Ocampo said. “It’s a very difficult group of workers to organize … but people are fed up with the conditions.”

In addition to New York City — which approved a minimum wage for ride-share drivers in 2018, and for food deliverers in 2021 — gig workers have also notched a string of significant victories in Seattle. The city unanimously passed a minimum pay floor for ride-share drivers in 2020 and app-based delivery workers in 2022. Earlier this year, Seattle mandated paid sick leave and due process procedures for a broader swath of gig workers if they are suspended from the apps.

Lawmakers in Chicago also expect to pass a minimum wage ordinance for ride-share drivers in the coming months, said city Alderman Michael Rodriguez, a Democrat who introduced the bill with 25 co-sponsors. As of 2021, Uber and Lyft drivers in the city earned an average hourly wage of $12.72 after expenses, according to an analysis of 22 million trips by the University of Illinois at Urbana-Champaign and the Illinois Economic Policy Institute.

“Many of these workers have had issues with their pay and with deactivation,” Rodriguez said. “We’re working to get new protections for the people toiling day in and day to provide rides in a city that desperately needs better transportation.”

#### Otherwise, precarity in the gig economy causes extinction.

Parfitt 20 – PhD Candidate in Department of Political Economy at the University of Sydney; Economic Sociologist and Senior Research Fellow at the Institute for Humanities and Social Sciences at Australian Catholic University.

Claire Parfitt and Tom Barnes, “Precarity and the Politics of Existential Crisis,” Marxist Sociology Blog, 05-13-2020, https://marxistsociology.org/2020/05/precarity-and-the-politics-of-existential-crisis/]

What new meanings does the concept of precarity adopt when society is suddenly plunged into a deep, prolonged, even existential crisis? While it has been used for decades, the publication of Guy Standing’s The Precariat in 2011 was critical to popularizing this concept. Today, precarity seems to be everywhere. The erosion of the 9-to-5 working day, the emerging gig economy, zero-hours contracts, rising self-employment and agency work are all signs that contingent work is the new normal. In Australia, where we write from, at least half of the workforce can now be regarded as contingent. This figure is much higher in many other places around the world.

But for many, there is nothing ‘new’ about this normal. Feminists in particular have pointed out that ‘standard’ employment relationships were always an exception enjoyed primarily by white men in wealthy economies. Arguments that hinge on the novelty of precarious work have unsurprisingly drawn criticism for their failure to acknowledge the diversity of economic lives across time and space.

In contrast to those who say that this concept has been stretched too far, our recent special issue in Critical Sociology emphasizes the value of a broad, multidimensional understanding of precarity. Following Nancy Ettlinger, we see precarity as a ‘condition of vulnerability relative to contingency and the inability to predict’. Although our work was compiled prior to the coronavirus pandemic, this broad orientation is useful in a context where lives and livelihoods are exposed to so many manifestations of risk. It invites us to think about what makes for vulnerability and resilience, the different types of risks we are exposed to, and how these can be negotiated individually and collectively.

What emerges through this kind of analysis is that exposure to risk and its social and economic impacts are widespread, even in wealthy economies and populations. Many of us find ourselves living in a ‘speculative life-world’ in which we are ‘condemned to decision making under uncertain levels of uncertainty, and to thus precarity and insecurity’. But just as we find exposure to risk in unlikely places, we also observe unexpected instances of resilience and collectivization of risk.

For us, a keynote example which preceded the coronavirus pandemic were the bushfires which ravaged Australia from September 2019 to January 2020. The destruction of forests released hundreds of millions of tonnes of carbon from the ground and increased emissions. In Australia, the coronavirus pandemic emerged on the back of the devastating experience of these bushfires, deepening a sense of widespread anxiety about the future.

Australia’s bushfires fires rendered material the existential threat of climate change in unprecedented ways. A textbook example of Ettlinger’s ‘condition of vulnerability relative to contingency and the inability to predict’, the fires revealed the limits of humanity’s control over nature, our inability to predict it, and the extent of our vulnerability to it.

The bushfires had a profound impact on the continent’s environment and population. Fires killed dozens of people, over one billion animals, and razed over 12.6 million hectares of forest. Around 3500 homes and countless livelihoods were destroyed while millions of people choked on smoke. The bushfires thrust the precarity of life to the forefront and generated a new national mood in which summer. Once a time to look forward to, it became a time to dread. This broader sense of fear intersected with the fields of work and education to generate new types of precarity. The fear of allowing children to play outdoors with hazardous air quality increased pressure on parents and educators. Outdoor-based workers in construction or horticulture were expose to the risk of respiratory illness from smoke haze. This reinforces the findings of one paper in our collection regarding the workplace as a site of ecological struggle.

Having endured the anxieties of the worst bushfire season on record, Australia was immediately drawn into the coronavirus pandemic. The full impact of this crisis is still being understood. But, like in many other countries, it has been met with an economic shutdown which has induced potentially the worst social and economic conditions since the Great Depression. Unemployment is predicted to triple to 15 percent, with some predicting a figure as high as 20 percent.

The depth of the crisis has brought about policy shifts which were unthinkable only weeks ago: the politically-conservative Australian Government has doubled the rate of payment for unemployment insurance, fully subsidised childcare for most households who need it, proposed a moratorium on evictions due to financial distress, and issued income support for businesses to continue paying their workers.

The policy response primarily defends capital from precarity by supporting on-going accumulation, while reinforcing established divisions within labor. The government has promised that the above measures are temporary features. A return to the old ‘normal’ is to be expected, including Australia’s punitive and workfarist model of unemployment insurance. There is no income support for more than a million migrant workers and short-term casual workers. Many migrant workers as well as international students have been denied access to healthcare. Refugees are confined to hazardous detention camps, as they are around the world.

For low-paid workers in Australia, the government’s asset-based approach to welfare is an empty gesture. Australia has a compulsory private pension system—known as superannuation – through which roughly ten per cent of workers’ wages is surrendered to financial institutions and held until retirement. This system enables those in secure, high-paid jobs to amass large savings with generous tax concessions, while denying low-paid workers cash when they need it. During the pandemic response, the Australian Government has encouraged workers to access their retirement savings. But those who are most in need of emergency funds, such as workers in tourism, hospitality and retail, tend to have some of the lowest savings balances. Furthermore, given the recent collapse in financial markets, superannuation accounts have been decimated. Workers who are required to draw on those funds will be forced to realize their losses rather than wait for a resurgence in the market.

The crisis is also generating precarity among seemingly stable sections of the population—so-called ‘Middle Australia’. Australia’s high levels of private home ownership are accompanied by unprecedented levels of household debt. Australia’s central bank has repeatedly warned of the risk these debt levels pose, not only to particular households, but to financial stability in the economy. Mass unemployment, and the prevalence of contingent work throughout the economy, has pushed millions of households to the brink of default on mortgages, rent and other debts.

While the financial dimensions of the crisis reflect familiar conflicts of interest between the wealthy and the poor, these interests manifest differently in an economy built on debt and financial assets. Several papers in our special issue consider the role of finance in a world of constantly shifting risks, exploring the ways in which finance can be both a tool for managing risk and a vehicle for its accentuation.

Perhaps unsurprisingly, those most able to manage the economic impacts will be those with access to household wealth, a conclusion that is brought into sharp relief by a paper in our special issue on the experiences of retrenched workers. At the same time, the social crisis of the pandemic, following the socio-ecological crisis of the bushfires, highlights different aspects of precarity. New iterations of vulnerability emerge and are filtered through familiar distinctions of class, gender and race.

### CP---1NC

Distinguish CP---

#### The United States Federal Government should narrow exemptions for religious freedom but clarify that factors specific to collective bargaining rights render it inapplicable in that context.

#### That solves and avoids the DA.

Rice 19 – Associate, Institute for Constitutional Advocacy and Protection, Georgetown University Law Center.

Daniel B. Rice and Jack Boeglin, Associate, Covington & Burling LLP, “Confining Cases to Their Facts,” Virginia Law Review, Vol. 105:865, 2019, https://www.virginialawreview.org/wp-content/uploads/2020/12/RiceBoeglin\_Book.pdf

Perhaps this hypothetical is not as far-fetched as it seems. Through the little-known practice of “confining a case to its facts,” courts can achieve the near-equivalent of overruling with only a fraction of the trouble. Under our definition, when a court engages in confining, it repudiates the legal principle underlying a case, replacing it with a new, “correct” principle.5 In this respect, confining is very much like overruling. But unlike overruling, confining preserves the precedential force of a repudiated principle for future cases presenting the same facts as the one being confined.6 Confining thus splits a doctrinal area in two. When a confined case’s facts recur, the case will continue to be treated as good law. In all other factual scenarios, however, the confined case will be regarded as having been overruled. 7

How, one might ask, does creating this doctrinal fissure reduce the costs of overruling? Remember first that courts’ desire not to disturb reliance interests ordinarily functions as a brake on legal correction.8 Confining eases off this brake by enabling certain reasonable expectations— those formed in reliance on the particular facts of the confined case—to remain unaffected by a principle’s repudiation. Under certain conditions, then, confining can permit a court to move the law in its preferred direction and avoid overly disrupting reliance on an earlier decision.

Of course, respect for reliance interests is not the only reason courts maintain fealty to precedent. The pace of legal change is slowed, too, by the formal constraints courts have imposed on themselves when deciding whether to overrule a case. Confining has found use as an effective mechanism for casting off these constraints. Consider the Supreme Court’s avowed commitment to overruling a case only when it can articulate a “special justification” for doing so—one that transcends mere disagreement with the case’s reasoning. This requirement has not been understood to apply to confining,9 even though confining eviscerates everything a case stands for except its precise result.10 Similarly, although each federal court of appeals forbids three-judge panels from overruling circuit precedent, panels have frequently gutted earlier decisions through the use of confining.11 By labeling these deviations from precedent “confining,” in short, courts have successfully skirted the formal requirements of stare decisis.

Confining likewise enables federal courts to sidestep the Supreme Court’s prohibition on “prospective overruling”—i.e., continuing to treat a case as good law only with respect to conduct predating its overruling.12 During the Warren Court era, prospective overruling was often called upon to soften the blow to reliance interests occasioned by the Court’s doctrinal course-corrections.13 The Court’s retroactivity doctrine has since made clear, however, that federal courts may not apply new principles selectively in order to accommodate reasonable expectations.14 But this is precisely what happens with confining.15 This discrepancy— oddly—appears to have gone unnoted by jurists and scholars alike. Finally, courts may have engaged in confining precisely because it is so poorly understood. Judge for yourself the more eye-grabbing headline: “Supreme Court Overrules Smith v. Jones” or “Supreme Court Confines Smith v. Jones to Its Facts.” Confining’s relative lack of name recognition has allowed courts to quietly sweep aside disfavored precedents. A confining judge can say “with a straight face, ‘I didn’t vote to overrule it. I simply limited the earlier decision to its facts.’”16

Confining can thus embolden courts to depart from precedent even when overruling might come at too dear a price. But the very features of confining that make it so appealing to judges also pose considerable— and strangely underexplored—threats to a judicial system predicated on principled adjudication. By providing a method for courts to carve out exceptions to generally applicable doctrinal rules, confining encourages judges to decide cases based purely on pragmatic concerns, rather than on principle. By creating an easy workaround to the formal obligations that attend overruling precedent, confining dangerously loosens the constraints of stare decisis. And by allowing courts to undermine precedent in a low-visibility manner, confining impairs the public’s ability to oversee the work of the judiciary.

Confining also runs headlong into fundamental concerns about the nature and scope of judicial authority.17 The practice of confining entails a marked departure from the ordinary judicial role in two key respects. First, it causes courts to decide future cases in a concededly unprincipled manner. Once a case has been confined to its facts, the operative question becomes whether a new case is factually distinguishable from it in any respect—even if the cases cannot be distinguished in any principled manner. And second, confining requires courts to continue applying principles that they have already held to be invalid. In this way, confining causes incompatible legal principles to coexist with one another, with each regarded as “good law” in some sense. No other method of treating precedent calls upon courts to engage in purely fact-bound adjudication, or to construct a jurisprudence at war with itself.18

### DA---1NC

IEEPA DA---

#### The United States Federal Government should side with Trump in V.O.S. Selections vs Trump.

#### The United States Federal Government should side against Trump in V.O.S. Selections vs Trump.

#### The court narrowly rules against Trump in the IEEPA case now. That’s key to prevent otherwise inevitable economic collapse.

Khardori 25 – former Federal Prosecutor for the Department of Justice, Senior Staff Writer at POLITICO, J.D. from Columbia Law School.

Ankush Khardori, “The Supreme Court May Not Step in and Save Trump’s Tariffs,” POLITICO, 05-29-2025, https://www.politico.com/news/magazine/2025/05/29/trump-tariffs-court-defeat-00374194

The U.S. Court of International Trade’s unanimous ruling against Trump’s signature tariffs is not the first judicial rebuke of Trump’s second term administration — and it will not be the last — but it may be the most serious and consequential to date. For the time being, the decision provides a major source of relief to the large majority of Americans who opposed Trump’s tariffs; to the U.S. businesses, both large and small, whose operations were existentially threatened by a policy that changed by the day; to the country’s foreign trading partners, whose economies were thrown into disarray; and to international financial markets, which quickly rose after the decision came down.

It was also not particularly surprising. The administration’s legal position was precarious from the start, and as the inevitable litigation unfolded, it did not get better over time.

The ruling on Wednesday came down in two cases — one filed by a group of small businesses and the other by 12 Democratic state attorneys general. There are at least five other cases challenging the tariffs pending at the Court of International Trade and other courts throughout the country (including one that dealt Trump another defeat Thursday), but Wednesday’s decision was importantly the first ruling on the merits that Trump had exceeded his authority in imposing such sweeping tariffs. It will also likely pave the way for a more definitive resolution — the administration quickly filed notices of appeal and moved to stay the ruling — perhaps going all the way up the Supreme Court.

There were recent signs of desperation on the part of the administration as the court’s skepticism became increasingly evident over the course of lengthy oral arguments in the two cases.

Late last week, Justice Department lawyers told the court that a ruling against the government would undermine the administration’s “leverage” and “unravel the complex and delicate foreign-affairs negotiations unfolding around the globe.” “Interfering with the negotiations in their present state,” DOJ added, “would create a foreign-policy disaster.”

The argument was backed by declarations from three Cabinet secretaries — Secretary of State Marco Rubio, Treasury Secretary Scott Bessent and Commerce Secretary Howard Lutnick — along with U.S. Trade Representative Jamieson Greer. The gambit — arguably a not-so-subtle form of political blackmail — evidently flopped with the three judges, who are appointees of Trump, Barack Obama and Ronald Reagan.

The litigation is not over, but the legal terrain is probably not going to get any better for Trump. In some respects, it may actually get worse as the case moves up on appeal.

And although Trump has a Supreme Court that is heavily skewed in his favor — a 6-3 super-majority of Republican appointees that includes three named by Trump — it is far from clear that they will bail him out when all is said and done.

To fully understand the legal headwinds that continue to face the administration, it is helpful to zero in on a 50-year-old decision that quickly emerged as a central point of contention among the parties — and that the Court of International Trade relied upon heavily in ruling against Trump.

The case in question is known as United States v. Yoshida International, which affirmed President Richard Nixon’s power to impose a 10 percent tariff on imports that he announced in August 1971, under a statute known as the Trading with the Enemy Act (TWEA). The TWEA was the predecessor statute to the International Emergency Economic Powers Act (IEEPA), which Trump invoked to support his tariffs.

Nixon justified the tariff by claiming that an overvaluation of the U.S. dollar at the time had contributed to a trade imbalance and a deficit in America’s “balance of payments” (a broader economic measure that includes both trade and capital flows). The tariff was short-lived — Nixon terminated it in December 1971 after negotiating a realignment of exchange rates with a group of developed countries — but in the meantime, U.S. importers that paid the additional tax challenged Nixon’s legal authority.

One of those companies was Yoshida — now known as YKK — which challenged the tariff on zippers imported from Japan. The company filed a lawsuit and won in the lower court, but the decision was overturned on appeal several years later. (The lower court was then known as the Customs Court, and the appellate court was known at the time as the Court of Customs and Patent Appeals. Those courts have since been renamed the Court of International Trade and the U.S. Court of Appeals for the Federal Circuit, respectively. As a result, the decision binds the current Court of International Trade.)

Yoshida at first glance appeared to be quite helpful to the Trump administration.

The court concluded that the tariff was legally justified under the TWEA to address the trade imbalance and pointed to language in the statute that authorized the president to “regulate” the “importation” of foreign goods in the event of an emergency. That language was carried over into IEEPA as part of a much longer list of actions permitted by the president, though that list does not explicitly mention either tariffs or taxes (a point to which we will return).

In light of the parallel statutory language in TWEA and IEEPA, the Justice Department argued that Yoshida “continues to control today” and requires the Court of International Trade to rule in favor of the Trump administration.

As Wednesday’s decision makes clear, it was not so simple.

In several crucial respects, the Yoshida decision cut sharply against the administration’s position. That put the Justice Department in the awkward — and generally unenviable — position of having to pick and choose which parts of the decision that it likes, and which parts of the decision the courts should ignore.

For starters, the Yoshida decision rejected a key proposition that is at the heart of the government’s defense of Trump’s tariffs — the notion that courts have no power to review a president’s actions under IEEPA.

The court ruled in Yoshida that each presidential action under the statute “must be evaluated on its own facts and circumstances.” The court went on to emphasize that its ruling, while favorable to the Nixon administration, was not a blanket approval of “any future surcharge of a different nature, or any surcharge differently applied or any surcharge not reasonably related to the emergency declared;” that the president’s actions under the statute “must also bear a reasonable relation to the particular emergency confronted;” and that “emergencies are expected to be shortlived.”

In other words, the facts matter. But the facts then under Nixon — and the facts now under Trump — are markedly different.

Nixon’s tariff was fixed at 10 percent and in place for less than five months. Trump’s tariff framework is far more ambitious, open-ended and has been all over the place since his inauguration — with the effective dates and applicable countries, rates, exceptions and concessions under seemingly constant revision.

And if Trump and some of his advisors are to be believed, there would be no end in sight. “If President Trump succeeds like he wants to succeed,” Trump’s trade adviser Peter Navarro said earlier this year, “we are going to structurally shift the American economy from one over-reliant on income taxes and the Internal Revenue Service, to one which is also reliant on tariff revenue and the External Revenue Service.” That is a far cry from a five-month, supplemental 10 percent tariff like what Nixon imposed.

Two other, subtler points in the Yoshida decision made things worse for the administration.

First, Nixon’s tariff did not apply to all imports — only those that had been the subject of prior concessions under the government’s tariff schedule — and Nixon made clear in announcing the policy that the rates would nevertheless be capped at levels that Congress had previously set for the relevant goods. As a result, the court concluded in Yoshida that “the congressionally established rates remained untouched” and that Nixon was not claiming the power to simply impose “whatever tariff rates he deems desirable.”

Trump made no such concessions, which made it a relatively straightforward matter for the court on Wednesday to contrast Nixon’s “limited” tariffs with those imposed by Trump. Indeed, given the administration’s position that the courts cannot review Trump’s emergency declarations in support of the tariffs or circumscribe his authority to issue tariffs under IEEPA, he has effectively claimed the power not just to issue “whatever tariff rates he deems desirable” but to impose those tariffs whenever he wants, for any reason that he wants and for however long he wants.

Second, as a footnote in the Yoshida decision notes, Congress later enacted a specific statutory provision to address the problem that attracted the Nixon administration’s attention. That provision authorizes the president to impose tariffs in response to “large and serious … balance-of-payments deficits,” but it caps those tariffs at 15 percent and limits them to a duration of just 150 days unless Congress authorizes an extension.

Needless to say, the Trump administration did not invoke that statute, and Justice Department lawyers sought to downplay its significance given the fact that Congress kept the statutory language at issue in Yoshida on the books in IEEPA.

This argument also did not move the three judges on the Court of International Trade. They concluded that the existence of the statute demonstrated that “even ‘large and serious United States balance-of-payments deficits’ do not necessitate the use of emergency powers” and that they “justify only the President’s imposition of limited remedies subject to enumerated procedural constraints.”

The argument was rooted in the conclusion in Yoshida that if a president wanted to impose a similar tariff in the future, he must “comply with the statute now governing such action.”

Trump, of course, had no interest in doing that.

There is no way to definitively predict how the appellate court — and eventually the Supreme Court — will approach the matter. But there is good reason to question whether Yoshida will spur them to come to Trump’s rescue.

To start, the country’s federal courts — led by the Supreme Court — have become more committed to textualism as a mode of statutory interpretation. That has generally led to more fine-grained and narrower readings of statutes passed by Congress.

It is far from clear, for instance, whether the current Supreme Court would agree with the conclusion in Yoshida that the power to “regulate” the “importation” of foreign property under the relevant U.S. law includes even a limited power to impose tariffs or otherwise tax those goods. The textual analysis of that position was debatable even at the time and, if anything, is even shakier now.

To take just one example: In 2015, the Supreme Court threw out a conviction under the Sarbanes-Oxley Act in a case involving the captain of a commercial fishing boat who had attempted to obstruct a federal wildlife investigation by tossing out fish he was not legally permitted to capture.

In the plurality decision in Yates v. United States, Justice Ruth Bader Ginsburg concluded that the relevant statutory provision — which prohibits the destruction of “tangible object[s]” — did not cover fish. She pointed to the rest of the statutory text and the relevant historical context (the Sarbanes-Oxley Act was passed in the wake of corporate accounting scandals) in concluding that the provision covers “only objects one can use to record or preserve information, not all objects in the physical world.”

It is not hard to see how a similar interpretive approach could yield the conclusion that the language in IEEPA authorizing the president to “regulate” foreign imports does not include the unilateral and unfettered power to impose taxes or tariffs on them. That is particularly true given the fact that IEEPA was passed in the 1970s as part of an effort to limit the president’s emergency economic powers, not expand them.

As it happens, Chief Justice John Roberts joined the Yates decision, as did Justice Sonia Sotomayor; Justice Samuel Alito supported the result in a concurring opinion that focused heavily on textual analysis. Four of the justices currently on the court were not seated at the time — Justices Neil Gorsuch, Brett Kavanaugh, Amy Coney Barrett and Ketanji Brown Jackson — but in a book published last year, Gorsuch strongly implied that he agreed with the result in Yates.

#### But, they only have limited bandwidth to challenge Trump. The plan uses it up.

Vladeck 25 – Agnes Williams Sesquicentennial Professor of Federal Courts at the Georgetown University Law Center, J.D. from Yale Law School.

Stephen Vladeck, “Bonus 165: The Appeasement Thesis,” One First, 07-10-2025, https://www.stevevladeck.com/p/bonus-165-the-appeasement-thesis

The defense, perhaps best articulated by University of Chicago law professor Will Baude in a written exchange with me and University of Pennsylvania law professor Kate Shaw in the New York Times, is that the justices in the majority in all of these cases, especially the Roberts/Kavanaugh/Barrett trio, are picking their battles—that they are wary of the Court’s ability to withstand repeated confrontations with President Trump, and so are using (mostly) unexplained grants of emergency relief as a way of lowering the interbranch temperature. On this theory, by letting the President carry on with much of what he is doing without (in most cases) committing to substantive endorsements of the executive branch’s behavior, the justices preserve their capital to repudiate the actions on the merits if and when they have no choice but to rule up or down on their substantive validity.

In essence, this a thesis of appeasement—that the Court is letting the President win these “small” fights in the hope that it will either moot the need for big fights down the road or, at the very least, arm the Court with a larger reservoir of goodwill and capital to spend when those big fights come. Indeed, one can find examples throughout the Court’s history of similar behavior—where, faced with a case presenting a choice between two equally unattractive institutional outcomes, the justices simply punted. (Ex parte McCardle is an especially revealing case in point.) Like Joshua says to Matthew Broderick’s character in WarGames about Tic-Tac-Toe (and “Global Thermonuclear War”), sometimes, the only winning move is “not to play.”

#### Economic decline guarantees extinction.

Wishart et al. 24 – MPhil, Head of Global Risks at the World Economic Forum; M.A., Lead of Global Risks at the World Economic Forum; M.A., Specialist in Global Risks at the World Economic Forum; MPhil, Managing Director of the World Economic Forum.

Elissa Cavaciuti-Wishart, Sophie Heading, Kevin Kohler, and Saadia Zahidi, “Global Risks 2024: At a Turning Point,” & "Global Risks 2034: Over the Limit," in The Global Risks Report 2024, Chapter 1 & 2, January 2024, pg. 14-39, https://www.weforum.org/publications/global-risks-report-2024/

Weakened systems only require the smallest shock to edge past the tipping point of resilience. In the second time frame covered by the survey, respondents were asked to rank the likely impact of risks in the next two years. The results suggest that corrosive socioeconomic vulnerabilities will be amplified in the near term, with looming concerns about an Economic downturn (Chapter 1.5), resurgent risks such as Interstate armed conflict (Chapter 1.4), and rapidly evolving risks like Misinformation and disinformation (Chapter 1.3).

As discussed in last year’s *Global Risks Report*, less predictable and harder-to-handle inflation heightens the risk of miscalibration of efforts to balance price stability and economic growth (Chapter 1.5: Economic uncertainty). Economic risks are notable new entrants to the top 10 rankings this year, with both Inflation (#7) and Economic downturn (#9) featuring in the two-year time frame (Figure 1.3). Economic risks are prioritized in particular by public- and private-sector respondents (Figure 1.5). Geoeconomic confrontation (#14) is a marked absence from the top 10 rankings this year (Figure 1.4) and has decreased in perceived severity compared to last year’s scores. However, like related economic risks, it features among the top concerns for both public- and private-sector respondents (at #10 and #11, respectively) as a continuing source of economic volatility.

[Figures omitted]

Misinformation and disinformation has risen rapidly in rankings to first place for the two-year time frame, and the risk is likely to become more acute as elections in several economies take place this year (Chapter 1.3: False information). Societal polarization is the third-most severe risk over the short term, and a consistent concern across nearly all stakeholder groupings (Figures 1.5 and 1.6). Divisive factors such as political polarization and economic hardship are diminishing trust and a sense of shared values. The erosion of social cohesion is leaving ample room for new and evolving risks to propagate in turn. Societal polarization, alongside Economic downturn, is seen as one of the most central risks in the interconnected “risks network”, with the greatest potential to trigger and be influenced by other risks (Figure 1.7).

[Figures omitted]

Interstate armed conflict (#5) rises in the rankings for the two-year horizon, across nearly all stakeholder groups, except for government respondents. This divergence may simply reflect different views around defining conflict: interstate armed conflict in the strict definition has remained relatively rare thus far, but international interventions in intrastate conflict are on the rise (Chapter 1.4: Rise in conflict).

Extreme weather events, a persistent concern between last year and this year, is at #2, Cyber insecurity at #4, Involuntary migration at #8 and Pollution at #10, rounding out the top 10 concerns in respondents’ risk perceptions through to 2026. Overall, global risks have lower severity scores compared to last year’s results.7 Further down in the two-year time frame rankings, Critical change to Earth systems comes in at #11, Debt in 16th place, and Adverse outcomes of AI technologies and other frontier technologies in 29th and last place, respectively.

The following sections explore some of the most severe risks that many expect to play out over the next two years, focusing on three entrants to the top 10 risks list over the short term: Misinformation and disinformation (#1), Interstate armed conflict (#5) and Economic downturn (#9). We briefly describe the latest developments and key drivers for false information, a rise in conflict and economic uncertainty, and consider their emerging implications and knock-on effects.

False information

[Figure omitted]

* Misinformation and disinformation may radically disrupt electoral processes in several economies over the next two years.
* A growing distrust of information, as well as media and governments as sources, will deepen polarized views – a vicious cycle that could trigger civil unrest and possibly confrontation.
* There is a risk of repression and erosion of rights as authorities seek to crack down on the proliferation of false information – as well as risks arising from inaction.

The disruptive capabilities of manipulated information are rapidly accelerating, as open access to increasingly sophisticated technologies proliferates and trust in information and institutions deteriorates. In the next two years, a wide set of actors will capitalize on the boom in synthetic content,8 amplifying societal divisions, ideological violence and political repression – ramifications that will persist far beyond the short term.

Misinformation and disinformation (#1) is a new leader of the top 10 rankings this year. No longer requiring a niche skill set, easy-to-use interfaces to large-scale artificial intelligence (AI) models have already enabled an explosion in falsified information and so-called ‘synthetic’ content, from sophisticated voice cloning to counterfeit websites. To combat growing risks, governments are beginning to roll out new and evolving regulations to target both hosts and creators of online disinformation and illegal content.9 Nascent regulation of generative AI will likely complement these efforts. For example, requirements in China to watermark AI-generated content may help identify false information, including unintentional misinformation through AI hallucinated content.10 Generally however, the speed and effectiveness of regulation is unlikely to match the pace of development.

Synthetic content will manipulate individuals, damage economies and fracture societies in numerous ways over the next two years. Falsified information could be deployed in pursuit of diverse goals, from climate activism to conflict escalation.

New classes of crimes will also proliferate, such as non-consensual deepfake pornography or stock market manipulation.11 However, even as the insidious spread of misinformation and disinformation threatens the cohesion of societies, there is a risk that some governments will act too slowly, facing a trade-off between preventing misinformation and protecting free speech, while repressive governments could use enhanced regulatory control to erode human rights.

Mistrust in elections

Over the next two years, close to three billion people will head to the electoral polls across several economies, including the United States, India, the United Kingdom, Mexico and Indonesia (Figure 1.9).12 The presence of misinformation and disinformation in these electoral processes could seriously destabilize the real and perceived legitimacy of newly elected governments, risking political unrest, violence and terrorism, and a longer-term erosion of democratic processes.

Recent technological advances have enhanced the volume, reach and efficacy of falsified information, with flows more difficult to track, attribute and control. The capacity of social media companies to ensure platform integrity will likely be overwhelmed in the face of multiple overlapping campaigns.13 Disinformation will also be increasingly personalized to its recipients and targeted to specific groups, such as minority communities, as well as disseminated through more opaque messaging platforms such as WhatsApp or WeChat.14

The identification of AI-generated mis- and disinformation in these campaigns will not be clear-cut. The difference between AI- and humangenerated content is becoming more difficult to discern, not only for digitally literate individuals, but also for detection mechanisms.15 Research and development continues at pace, but this area of innovation is radically underfunded in comparison to the underlying technology.16 Moreover, even if synthetic content is labelled as such,17 these labels are often digital and not visible to consumers of content or appear as warnings that still allow the information to spread. Such information can thus still be emotively powerful, blurring the line between malign and benign use. For example, an AI-generated campaign video could influence voters and fuel protests, or in more extreme scenarios, lead to violence or radicalization, even if it carries a warning by the platform on which it is shared that it is fabricated content.18

The implications of these manipulative campaigns could be profound, threatening democratic processes. If the legitimacy of elections is questioned, civil confrontation is possible – and could even expand to internal conflicts and terrorism, and state collapse in more extreme cases. Depending on the systemic importance of an economy, there is also a risk to global trade and financial markets. State-backed campaigns could deteriorate interstate relations, by way of strengthened sanctions regimes, cyber offense operations with related spillover risks, and detention of individuals (including targeting primarily based on nationality, ethnicity and religion).19

[Figure omitted]

Societies divided

Misinformation and disinformation and Societal polarization are seen by GRPS respondents to be the most strongly connected risks in the network, with the largest potential to amplify each other. Indeed, polarized societies are more likely to trust information (true or false) that confirms their beliefs. Given distrust in the government and media as sources of false information,20 manipulated content may not be needed – merely raising a question as to whether it has been fabricated may be sufficient to achieve relevant objectives. This then sows the seeds for further polarization.

As identified in last year’s *Global Risks Report* (*Chapter 1.2: Societal polarization*), the consequences could be vast. Societies may become polarized not only in their political affiliations, but also in their perceptions of reality, posing a serious challenge to social cohesion and even mental health. When emotions and ideologies overshadow facts, manipulative narratives can infiltrate the public discourse on issues ranging from public health to social justice and education to the environment. Falsified information can also fuel animosity, from bias and discrimination in the workplace to violent protests, hate crimes and terrorism.

Some governments and platforms, aiming to protect free speech and civil liberties, may fail to act to effectively curb falsified information and harmful content, making the definition of “truth” increasingly contentious across societies. State and non-state actors alike may leverage false information to widen fractures in societal views, erode public confidence in political institutions, and threaten national cohesion and coherence. Trust in specific leaders will confer trust in information, and the authority of these actors – from conspiracy theorists, including politicians, and extremist groups to influencers and business leaders – could be amplified as they become arbiters of truth.

Defining truth

False information could not only be used as a source of societal disruption, but also of control, by domestic actors in pursuit of political agendas.21 Although misinformation and disinformation have long histories, the erosion of political checks and balances, and growth in tools that spread and control information, could amplify the efficacy of domestic disinformation over the next two years.22 Global internet freedom is already in decline and access to wider sets of information has dropped in numerous countries.23 Falls in press freedoms in recent years and a related lack of strong investigative media, are also significant vulnerabilities that are set to grow.24

Indeed, the proliferation of misinformation and disinformation may be leveraged to strengthen digital authoritarianism and the use of technology to control citizens. Governments themselves will be increasingly in a position to determine what is true, potentially allowing political parties to monopolize the public discourse and suppress dissenting voices, including journalists and opponents.25 Individuals have already been imprisoned in Belarus and Nicaragua, and killed in Myanmar and Iran, for online speech.26

[Figure omitted]

The export of authoritarian digital norms to a wider set of countries could create a vicious cycle: the risk of misinformation quickly descends into the widespread control of information which, in turn, leaves citizens vulnerable to political repression and domestic disinformation.27 GRPS respondents highlight strong bilateral relationships between Misinformation and disinformation, Censorship and surveillance (#21) and the Erosion of human rights (#15), indicating a higher perceived likelihood of all three risks occurring together (Figure 1.10).

This is a particular concern in those countries facing upcoming elections, where a crackdown on real or perceived foreign interference could be used to consolidate existing control, particularly in flawed democracies or hybrid regimes. Yet more mature democracies could also be at risk, both from extensive exercises of government control or due to trade-offs between managing mis- and disinformation and protecting free speech. In January last year, Twitter and YouTube agreed to remove links to a BBC documentary in India.28 In Mexico, civil society has been concerned about the government's approach to fake news and its implications for press freedom and safety.29

Rise in conflict

[Figure omitted]

* Escalation in three key hotspots – Ukraine, Israel and Taiwan – is possible, with high-stakes ramifications for the geopolitical order, global economy, and safety and security.
* Geographic, ideological, socioeconomic and environmental trends could converge to spark new and resurgent hostilities, amplifying state fragility.
* As the world becomes more multipolar, a widening array of pivotal powers will step into the vacuum, potentially eroding guardrails to conflict containment.

The world has become significantly less peaceful over the past decade, with conflict erupting in multiple regions last year.30 Active conflicts are at the highest levels in decades, while related deaths have witnessed a steep increase, nearly quadrupling over the two-year period from 2020 to 2022 (Figure 1.12), largely attributable to developments in Ethiopia and Ukraine. While difficult to attribute to a single cause, longer-term shifts in geopolitical power, economic fragility and limits to the efficacy and capacity of international security mechanisms have all contributed to this surge.

Interstate armed conflict (#5) is a new entrant to the top 10 risk rankings this year. Specific flashpoints could absorb focus and split the resources of major powers over the next two years, degrading global security and destabilizing the global financial system and supply chains. Although war between two states in the strict definition remains relatively rare (Figure 1.12), this could contribute to conflict contagion, leading to rapidly expanding humanitarian crises that overwhelm the capacity to respond.

[Figure omitted]

High-stakes hotspots

Over the next two years, the attention and resources of global powers are likely to be focused on three hotspots in particular: the war in Ukraine, the Israel-Gaza conflict and tensions over Taiwan. Escalation in any one of these hotspots would radically disrupt global supply chains, financial markets, security dynamics and political stability, viscerally threatening the sense of security and safety of individuals worldwide.

All three areas stand at a geopolitical crossroads, where major powers have vested interests: oil and trade routes in the Middle East, stability and the balance of power in Eastern Europe, and advanced technological supply chains in East Asia. Each could lead to broader regional destabilization, directly drawing in major power(s) and escalating the scale of conflict. All three also directly involve power(s) reckoned to possess nuclear capabilities.

Over the next two years, the war in Ukraine could sporadically alternate between intensifying and refreezing. Despite sanctions, Russia has continued to benefit from energy profits and commodity exports – and this could increase further if the conflict in the Middle East widens.31 Pro-Russian or neutral sentiment in Eastern and Central Europe could soften support from Ukraine’s European allies,32 while support in the United States could wane under domestic pressures, other international priorities, or under a new government. Global divisions with respect to the Middle East conflict may also complicate efforts by Ukraine to maintain unity with Western allies, while also garnering support from the Global South.33 If the conflict intensifies, it is still more likely to do so through conventional rather than nuclear means, but it could also expand to neighbouring countries. While post-conflict scenarios for both Ukraine and Russia are difficult to predict, the war could ‘refreeze’ into a prolonged, sporadic conflict that could last years or even decades.34

Proximate developments in the Middle East are a source of considerable uncertainty, risking further indirect or direct confrontation between global powers. If the Israel-Gaza conflict destabilizes into wider regional warfare, more extensive intervention by major powers is possible, including Iran and the West.35 Beyond potentially seismic shocks to global energy prices and supply chains, escalation could split the attention and resources of the EU and the United States between Ukraine and Israel.36 The scale of Gulf countries’ or Western intervention is uncertain; it’s likely to continue to be deeply polarizing domestically and hold significant political sway.

Numerous GRPS respondents also cited Taiwan and disputed territories in East and South-East Asia as areas of concern. In contrast to Russia, which doubled its defense spending target to more than $100 billion in 2023, and the United States, which allocated over $113 billion in assistance relating to the war in Ukraine alone,37 China has largely acted as a non-interventionist power in both the Ukraine and Middle East conflicts, avoiding the risk of overstretch.38 While there is no evidence to suggest that escalation is imminent, there remains a material possibility of accidental or intentional outbreak of hostilities, given heightened activity in the region.39

Conflict contagion

As high-stakes hotspots undermine global security, a wider set of trends may fuel a combustible environment in which new and existing hostilities are more likely to ignite. As conflicts spread, guardrails to their containment are eroding and resolve for long-term solutions have stalled.40 In parallel, the internationalization of conflicts by a wider set of alternate powers will accelerate ‘multipolarity’ and the risk of inadvertent escalation.

First, simmering tensions and frozen conflicts that are proximate to existing hotspots could heat up. For example, spillover impacts from a high concentration of conflicts, such as in Asia and Africa (Figure 1.13), could range from more readily available arms trafficking to conflict-driven migration. Other states could also deliberately stoke tensions in neighbouring countries to divert attention and resources, through disinformation campaigns or the deployment of state-backed militia groups, for example. Frozen conflicts at risk could include the Balkans, Libya, Syria, Kashmir, Guyana, the Kurdish region and Korean peninsula.41 These risks are well-recognized by business leaders: Interstate armed conflict features as a top-five risk in 20 countries (18%) surveyed in the Forum’s Executive Opinion Survey (EOS, see Appendix C: Executive Opinion Survey: National Risk Perceptions), including Egypt, Iraq, Kazakhstan and Serbia, and is the top risk in Armenia, Georgia, Kyrgyzstan and Japan.

Second, resource stress, economic hardship and weakened state capacity will likely grow and, in turn, fuel conflict.42 There may also be a rise of ‘ungoverned countries’, where non-state actors fight for control over large swathes of territory, or where parties not recognized by the international system gain full control. For example, resource-rich countries could become caught in a battleground of proxy warfare between multiple powers, including neighbouring economies, organized crime networks and paramilitary groups (Chapter 2.6: Crime wave).43

[Figure omitted]

Third, with instant information networks and reinforcing algorithms, the symbolism of high-stakes hotspots could trigger contagion beyond conflict geographies. Deeply ingrained ideological grievances are in some cases driving hostilities, and these divisions are resonating with communities and political parties elsewhere. This expands beyond religious and ethnic divisions to broader challenges to systems of governance. National identities, international law and democratic values are coming into question, contributing to civil unrest, threatening human rights, and reigniting violence, including in advanced democracies and between the Global North and South.

North-South rift

Dissatisfaction with the continued political, military and economic dominance of the Global North is growing, particularly as states in the Global South bear the brunt of a changing climate, the aftereffects of pandemic-era crises and geoeconomic rifts between major powers. Historical grievances of colonialism, combined with more recent ones regarding the costs of food and fuel, geopolitical alliances, the United Nations and Bretton Woods systems, and the loss and damage agenda, could accelerate anti-Western sentiment over the next two years. In conjunction with more thinly spread resources and tighter economic conditions, military power projection by the West could fade further, potentially creating power vacuums in parts of Africa, the Middle East and Asia. France, for example, has withdrawn troops on request from Mali, Burkina Faso and Niger over the past two years.44

As the dominance of long-held power centres wanes, alternate powers will compete for influence in interstate and intrastate conflicts, potentially leading to deadlier, prolonged proxy warfare and overwhelming humanitarian crises.45 There are a number of incentives to this involvement, from access to raw resources, such as minerals and oil, to the protection and promotion of trade, investment and security interests. Pivotal powers will also increasingly lend support and resources to garner political allies, taking advantage of this widening rift between the Global North and the Global South.

As a new set of influences in global affairs takes shape, political alliances and alignment within the Global South will also shape the longer-term trajectory of internationalized conflicts. A deep divide on the international stage could mean that coordinated efforts to isolate ‘rogue’ states may be increasingly futile, while international governance and peacekeeping mechanisms shown to be ineffective at ‘policing’ conflict could be sidelined.

Economic uncertainty

[Figure omitted]

* The near-term outlook remains highly uncertain due to domestic factors in some of the world's largest markets as well as geopolitical developments.
* Continued supply-side pressures and demand uncertainty could contribute to persistent inflation and high interest rates.
* Small- and medium-sized companies and heavily indebted countries will be particularly exposed to slowing growth amid elevated interest rates.

According to one narrative, the global economy has shown surprising resilience in the face of the most aggressive global tightening of monetary policy in decades. Despite widespread predictions of a recession in 2023 (Figure 1.15),46 the perception of a ‘softer landing’ appears to be prevailing. Inflation is falling amid tight labour markets and stronger-than-anticipated consumer spending and growth, particularly in the United States.47

In another version, persistently elevated inflation in many countries and high interest rates are weighing heavily on economic growth, particularly in export- and manufacturing-led markets. An already visible economic downturn is likely to spread, with a risk that new economic shocks would be unmanageable in such fragility and debt passes the tipping point of sustainability.

[Figure omitted]

These contrasting narratives encapsulate the highly uncertain economic outlook. Fears of an Economic downturn are widespread among private-sector respondents, featuring as a top-five risk in 102 countries (90%) surveyed in the EOS, a significant uptick from 2022 (Figure 1.16). A slowdown in global growth is already occurring, but it is taking place under a different set of economic parameters than previous cycles, heightening uncertainty. Over the next two years, there may be a lack of coherence in forward projections within and between economies, particularly with respect to inflation, interest rates and growth rates. With contrasting views about the future, the risk of miscalibration by central banks, governments and companies will rise accordingly, potentially deepening and prolonging economic risks. Additionally, continued trade conflicts and geoeconomic rifts between the United States, European Union and China add to the significant economic uncertainty ahead.

### CP---1NC

States CP---

#### The fifty states and all relevant sub-federal entities should

[Plank 1]

#### should limit religious exemptions from mandatory collective bargaining with employees in accordance with the Religious Freedom Restoration Act of 1993.

[Plank 2]

#### create sector-wide worker standards boards for religious schools composed of workers, industry experts, and employers tasked with making tailored recommendations on workplace standards and other relevant policies,

#### commit to abide by board recommendations,

#### require public disclosure of meeting minutes and all decisions rendered by the board,

#### require mandatory investigations into employer conduct when 150 or more workers sign a petition,

#### publicly announce and provide financial rewards for workers who successfully report employers,

[Plank 3]

#### require councils of workers promulgate workplace policies and standards related to religious schools,

#### enforce the decisions of worker councils in the manner outlined by plank 2,

[Plank 4]

#### expand teacher pay and benefits,

[Plank 5]

#### state that, if preempted, the states will withhold cooperation with federal initiatives.

[Plank 6]

#### Pursuant to Article V of the Constitution, at least two-thirds of the States should call a constitutional convention and at least three-fourths of the States should ratify a constitutional amendment that limits religious exemptions from mandatory collective bargaining with employees in accordance with the Religious Freedom Restoration Act of 1993.

#### The CP solves and is not preempted.

Basila 25 – J.D. Candidate, University of Pennsylvania.

Sadie Basila, “Reforming Labor Law,” The Regulatory Review, 03-23-2025, https://www.theregreview.org/2025/03/23/spotlight-reforming-labor-law/

Sachs: One of the best things that states and cities can do today is to enact organizing and bargaining rights for workers who are excluded from the NLRA. I say this for two reasons. First, workers excluded from the NLRA are badly in need of state and local labor law, and second, preemption rules do not interfere with state and local efforts on behalf of NLRA-excluded workers.

#### Amendment solves and avoids politics.

Nichols 19 – National Affairs correspondent, The Nation. Co-author, It’s OK to Be Angry About Capitalism.

John Nichols, “Labor Rights Are Human Rights — It’s Time We Guaranteed Them in the Constitution,” The Nation, 09-02-2019, https://www.thenation.com/article/archive/labor-rights-human-rights/

This is the history of American support for the premise that labor rights are human rights. When this country has counseled other countries and the international community on how to forge a civil and democratic society, it has long recognized that the right to organize a trade union and to have that trade union engage in collective bargaining as an equal partner with corporations and government agencies must be protected.

Unfortunately, the bipartisan embrace of this ideal—MacArthur and Eisenhower would eventually be Republican presidential contenders; the Roosevelts were definitional Democrats—is a thing of the past. Republican governors like Wisconsin’s Scott Walker and Michigan’s Rick Snyder made assaults on labor rights a top priority of their tenures, as did GOP leaders in Washington. Democrats have been better on the issues, but too frequently they have lacked the necessary enthusiasm. The general theory, at least for a time, seemed to be that Americans were losing faith in unions as vehicles for addressing injustice and inequality. That was never as true as the Republicans imagined, or the Democrats feared. But, in recent years, unions have seen their popularity surge.

Gallup’s Labor Day 2019 polling tells us that

Sixty-four percent of Americans approve of labor unions, surpassing 60% for the third consecutive year and up 16 percentage points from its 2009 low point. This comes 125 years after President Grover Cleveland signed a law establishing the Labor Day holiday after a period of labor unrest in the U.S.

Union approval averaged 68% between Gallup’s initial measurement in 1936 and 1967, and consistently exceeded 60% during that time. Since 1967, approval has been 10 points lower on average, and has only occasionally surpassed 60%. The current 64% reading is one of the highest union approval ratings Gallup has recorded over the past 50 years…

This is a point at which Democrats should be talking not just about reversing the anti-labor legislation of recent years but also reversing anti-labor legislation of the past 75 years. To their credit, some Democratic presidential contenders are doing so. Candidates such as Bernie Sanders and Beto O’Rourke have taken up Service Employees International Union president Mary Kay Henry’s call for reforms that upend so-called “right to work” laws and make it dramatically easier to organize and maintain unions.

Reforms are necessary, but so, too, are concrete guarantees. For this reason, the Democrats who are seeking the presidency—along with progressives who are running state and federal races in 2019 and 2020—should start talking about amending state constitutions and the US Constitution to proclaim as clearly as does the Japanese constitution that “the right of workers to organize and to bargain and act collectively is guaranteed.”

### DA---1NC

Midterms DA---

#### Big tech supports Republicans now, but Trump’s pro-business agenda is key. That determines who wins the midterms.

Levin and Nigrelli 25 – Political News Producer at Straight Arrow News; News Journalist at Straight Arrow News.

Dan Levin and Craig Nigrelli, “Silicon Valley leans historically left, so why the sudden shift to the right?,” Straight Arrow News, 08-15-2025, https://san.com/cc/silicon-valley-leans-historically-left-so-why-the-sudden-shift-to-the-right/

President Donald Trump had a lot of support in his return to the White House. Leading that charge was Tesla CEO Elon Musk, and following not far behind him came other leaders from Silicon Valley. While the tech industry leaders have historically backed blue candidates, a sudden swing to the GOP has some Democratic party leaders concerned.

But what caused that swing?

Silicon Valley goes right

Straight Arrow News spoke with longtime California Democratic strategist Darry Sragow, who said it really comes down to basic economics.

In the beginning of Silicon Valley, the work being done was considered more liberal and unconventional and aligned more closely with the Democratic party and candidates like former President Bill Clinton.

But things have certainly changed since the early ‘90s.

“We’re talking about the founders, the owners, having accumulated incredible amounts of wealth and incredible amounts of economic power, and so, at some point, that’s why this is not a surprise. It’s inevitable that they’re going to want to protect what they’ve gotten, because they’ve gotten a lot,” Sragow said. “So that’s where the Republicans come in.”

Historically, the wealthy have supported GOP candidates because of Republicans’ typical support of tax cuts for wealthier Americans and corporations.

Between Musk, Meta CEO Mark Zuckerberg and Amazon CEO Jeff Bezos, there’s nearly $1 trillion of net worth, with each having companies that have more than $1 trillion market cap.

“Generally speaking, the Republicans will be more likely than the Democrats to favor lower taxes and to favor less regulation of all this industrial or technological activity,” Sragow said.

Sragow said people with money tend to want to hold onto it.

“It should come as no surprise that they will share that wealth to protect their own interests,” Sragow said. “They have every right to do that, and their interests are, in general, not to be taxed and not to be regulated. I mean, there’s nothing wrong with that, that’s just the position they’re in.”

2024 campaign season

While the shift has gradually taken place over the years, the biggest swing seemed to come during the 2024 campaign season, led by Musk.

Musk had not played much of a role in politics up until that point, leading the charge of new big-money players into the political sphere.

“That was a really interesting shift — that it was, at least during that cycle, initially not the big tech names that we had known to support the Democratic Party starting to support Trump and other conservatives or Republicans, but these new faces and new voices,” Anna Massoglia, a political influence researcher and the author of “Influence Brief,” told Straight Arrow News.

Musk is a good representation of that. He had donated to politicians before and even seemed to be somewhat close to former President Barack Obama.

But the more than $275 million he spent helping Trump get elected represents one-third of all the money Obama raised in total during the 2008 campaign. Obama’s campaign haul in 2008 preceded the landmark 2010 Citizens United v. FEC ruling that deemed corporate donations a form of protected speech.

It was the new political investors like Musk who helped push Trump back into power.

“The earlier investors in Donald Trump and conservatives during the 2024 cycle were new investors,” Massoglia said. “So those were tech executives coming out of the woodwork. The Elon Musks, who hadn’t given in the past.”

Once it became clear Trump was retaking the White House, some of the other typical players jumped into the game.

“That is when the big tech CEOs, that we know, the big-name CEOs, started to then give to Trump, and to some extent to other Republicans,” Massoglia said.

Names like Zuckerberg and Bezos, who joined Trump on stage at the inauguration.

There’s also the power of what money buys.

“Political contributions are not necessarily just a show of support,” Massoglia said. “They’re also a way to gain access, to amplify the views that they had and to effectively further their agenda, whether it’s in Congress or with the Trump administration.”

Should Democrats be concerned about the switch?

“Yes, there is a concern,” Sragow said. “There absolutely is a concern. But, I mean, there’s nothing new here.”

Nobody gets elected president without financial backing. While today it’s Silicon Valley, 100 years ago it was railroad and oil tycoons.

In 1904, Charles W. Fairbanks, the vice president of former President Theodore Roosevelt, was a railroad industry lawyer. Oil tycoon Harry F. Sinclair donated $160,000 (equivalent to about $2 million today) to former President Warren G. Harding’s campaign in 1920.

“It’s just history repeating itself,” Sragow said.

While big money in politics is nothing new, many of the people with those big checkbooks are — and the politicians have noticed.

“We are already seeing at the congressional level, candidates starting to make more active ties with Silicon Valley players who have not traditionally been as involved in political giving spaces,” Massoglia said.

Sragow said while money for campaigns is important, so is getting the electorate on your side and not worrying about this “predictable” change.

“[Democrats] gained power in this country back in the relatively early part of the 20th century by fighting for workers, for the people employed by the large companies,” Sragow said. “And that’s not presently part of this very superficial discussion that’s taking place.”

Things can change very quickly in America. In Silicon Valley, change is the name of the game.

Change is also a staple of the White House in recent decades. No party has managed to elect two different presidential nominees consecutively since the 1980s, with former presidents Ronald Reagan and George H.W. Bush.

So, could things switch up again?

“It’s been such a quick shift already, just during the 2024 cycle, I think that just in the final months of that cycle, it completely changed the face of who Silicon Valley supports in elections,” Massoglia said. “And so I think that it’s hard to say what shift happens next? Because it has been so quick, which very much echoes the rest of the tech world.”

#### The plan demonstrates Republicans have taken a pro-labor and anti-Silicon Valley turn. That causes industry to flip its support.

Hill 25 – Senior Fellow at New America, Assistant Director at the Center for Voting and Democracy.

Steven Hill, “Trump and Musk mounting furious attack on labor rights and workers,” Mitbestimmungsportal, 04-16-2025, https://www.mitbestimmung.de/html/donald-trump-and-elon-musk-mounting-47571.html

President Joe Biden was the most pro-labor US president in many decades. Now, with Donald Trump as president, America is experiencing severe political whiplash, as the Trump administration has unleashed the most furious attack since Ronald Reagan on labor rights, labor unions and workers.

Led by anti-labor billionaire Elon Musk and his Department of Government Efficiency (DOGE), the attack has targeted 19 federal oversight agencies, including ones regulating trade, banks, the stock market, elections, the media, Big Tech, and more. Several agencies in the presidential crosshairs are those charged with protecting workers’ rights, the two most prominent being the Department of Labor and the National Labor Relations Board.

The anti-labor attack has followed the familiar blueprint that Trump/Musk have used to paralyze these other federal agencies. They are placing thousands of Department of Labor employees on leave and crippling operations and enforcement capabilities. They also have tried to seize highly sensitive data and information systems, and to illegally fire congressionally-appointed labor commissioners.

Contrary to the appearance of a scattershot approach, Trump and Musk are actually following a strategy that was laid out a year ago as part of a far-right manifesto from the ultra-conservative Heritage Foundation, known as Project 2025. The thirty-seven-page chapter in Project 2025 on the Department of Labor contains numerous recommendations to weaken not only the labor agencies but also labor unions and their advocacy for workers. And President Donald Trump, through his informal “prime minister” Elon Musk, is implementing a number of these recommendations.

Attack on the independence of federal labor agencies

The National Labor Relations Board (NLRB), which was formed in 1935 as part of President Franklin Roosevelt’s New Deal, oversees employee-employer relations and guarantees the right of workers to organize into trade unions. The White House fired NLRB Chair Gwynne Wilcox and General Counsel Jennifer Abruzzo on January 27. The firing of the general counsel was widely expected as part of normal administration turnover, but the removal of a board member is without modern precedent. NLRB members are Senate-approved and can only be removed for “neglect of duty or malfeasance,” and not over political disagreements.

By firing the chair, Trump essentially shut down the NLRB because he left the board membership below the quorum it needs to operate. The fired chair sued Trump for exceeding his presidential authority and requested reinstatement. While Wilcox’s case was pending before the court, the NLRB was unable to perform its duties protecting the rights of workers and monitoring union elections. As a result of this purge, Amazon demanded that the Trump administration overturn a 27 January union election at its subsidiary grocery chain Whole Foods, when the workers voted overwhelmingly to unionize, arguing that “in the absence of a Board quorum,” the NLRB lacked statutory authority to certify the results.

Other businesses hoped to take advantage of the NLRB chaos, one of them being Musk’s company SpaceX. Showing Musk’s clear conflict of interest, SpaceX has been trying to get the federal courts to declare that the very existence of the NLRB is unconstitutional. The Trump-captured NLRB actually sent the court a letter indicating that, since it was below the quorum needed to make decisions, it was withdrawing its legal defense of its own constitutionality.

These federal agencies were congressionally-mandated many decades ago to be independent of the presidential office, and its commissioners are protected from removal by a 1935 unanimous Supreme Court ruling that said the president may not fire them solely over policy disagreements. Nevertheless, President Trump has insisted that he has the authority to fire whomever he wants within the executive branch, overriding any previous Supreme Court rulings or laws.

But in NLRB chair Wilcox’s appeal of her firing, the judge harshly slapped down the president. The judge called her dismissal “a blatant violation of the law” and wrote that Trump’s “interpretation of the scope of his constitutional power is flat wrong … An American President is not a king.” On 6 March, the judge ordered Wilcox’s reinstatement.

However the legal game did not end, since the White House appealed this decision to a higher court. A federal appeals court ruled in favor of Wilcox, but then days later the Chief Justice of the Supreme Court overruled the appeals court, halting Wilcox’s reinstatement in a one-page order until the entire Supreme Court can hear the case. So the NLRB is once again below quorum and administratively paralyzed. Trump/Musk are not going to give up their blatant attempt to neuter the NLRB.

More labor agencies undermined

The next labor agency axe to fall was at the Office of Federal Contract Compliance Programs, which requires federal contractors and subcontractors to commit to nondiscrimination toward workers and tracks compliance by these businesses. Established by President Lyndon Johnson in 1965, it has long been on the conservatives’ kill list – and a major priority of Project 2025 -- since for decades this program has audited the nation’s largest companies, including Amazon, Google, Meta, Lockheed Martin and Boeing, to ensure fair pay and hiring practices for workers of all races and gender.

President Trump’s acting Labor Secretary Vincent Micone issued an order to the OFCCP to “immediately cease and desist” enforcing government contractors’ adherence to anti-discrimination laws and affirmative action initiatives, and stop ensuring workplaces are free from illegal discrimination. Using various pressure tactics, 90 percent of the OFCCP’s 500 staff are in the process of resigning or being terminated. It hardly seems coincidental that Meta, Google, and Amazon, which were scheduled for anti-discrimination compliance evaluations, all contributed $1 million to Trump’s personal inauguration fund. In another executive order, President Trump directed that the Federal Mediation and Conciliation Service, which mediates labor disputes in the public and private sectors, be reduced "to the minimum presence and function required by law.” In response, more than a dozen major unions filed suit seeking to block this shutdown. Trump also fired the leaders of two other labor-related boards that hear petitions from federal workers contesting their firing and protect federal workers against illegal employment practices. A court temporarily reinstated one of these leaders, but the Chief Justice of the Supreme Court overturned that reinstatement (in the same order overturning the reinstatement of the NLRB chair) until the full Supreme Court can hear the case. Rollback of Biden executive orders Other rollbacks of labor rules passed under the Biden administration are in the works, including ones targeted by Project 2025. These include decreasing the number of workers eligible for overtime pay, decreasing protections for people working in extreme heat, decreasing protections for teenagers hired to do dangerous jobs, undermining a worker’s right to not be subject to manipulative noncompete clauses that lock you in a job, and overturning regulations that would allow more workers to hold their employers accountable for labor violations. Trump also is moving to end the legal defense of a Biden rule on independent contractor status, which will make it easier to treat workers as contractors instead of regular employees and deny them Social Security, Medicare, unemployment compensation and other labor protections. Targeting data analysis capabilities Like it has done with other federal agencies, DOGE has taken aggressive moves to target labor- related databases that include crucial private information, including about whistleblowers. Among the targeted agencies are the Occupational Safety and Health Administration (OSHA), the Bureau of Labor Statistics, the Wage and Hour Division and the Federal Employees Compensation Act Claims Administration, all of which hold sensitive worker information, including about labor law violations. These agencies are key sources of data measuring fundamental gauges of the US economy, which shape how policymakers and businesses view the economic outlook. A coalition of unions, including the American Federation of State, County & Municipal Employees (AFSCME), the American Federation of Government Employees (AFGE), the Service Employees International Union (SEIU) and the Communications Workers of America (CWA), have filed a lawsuit seeking to keep Musk and his computer moles out of the Labor Department’s internal systems. But it’s hard to predict how the conservative supermajority on the Supreme Court will ultimately rule. Trump tries to fire – illegally – tens of thousands of federal workers It’s likely no coincidence that the White House launched its attacks on labor-supportive federal agencies at the same time that it initiated layoffs in February and early March of tens of thousands of the nation’s more than 2 million federal workers. Then in late March, the Trump administration issued a new executive order stripping collective bargaining and union rights from 700,000 workers across the federal government, claiming that federal employee unions have „declared war on President Trump’s agenda." These moves echo past attacks on federal and public sector unions, including President Ronald Reagan firing of 11,000 striking members of the Professional Air Traffic Controllers Organization (known as PATCO), in 1981. The Trump administration has been clear about its objectives, which are far more ambitious than merely reducing the size of the federal workforce. Trump/Musk are looking to undermine the nonpartisan foundation of the federal civil workforce, and to shed workers who are not personally loyal to the president and his brand of politics. These acts, if allowed by the courts, would undo over 100 years of civil service reform and protections. In the next phase, the Trump administration has ordered most federal agencies to prepare to lay off anywhere from 10 to 50% of their employees. But the workers themselves and their labor union representatives are defiant and fighting back. AFL-CIO President Liz Shuler blasted the White House, saying “Straight out of Project 2025, this executive order is the very definition of union-busting. It strips the fundamental right to unionize and collectively bargain from workers across the federal government…The labor movement is not about to let Trump and an unelected billionaire destroy what we’ve fought for generations to build. We will fight this outrageous attack on our members with every fiber of our collective being.“ Numerous lawsuits have been filed by unions, claiming that the Trump administration has drastically overstepped its presidential authority. Unions representing federal employees sued the Trump administration to block an executive order that has turned tens of thousands of career civil servants into at-will employees with no labor protections. The lawsuit alleges that Trump has politicized the federal bureaucracy by stripping federal workers of their job protections. Also, Trump’s Mine Safety and Health Administration (MSHA) rescinded enforcement of a Biden administration rule requiring a reduction in miners’ exposure to dangerous silica particulate to improve respiratory protection; recently the unions United Mine Workers and United Steelworkers, who collectively represent thousands of miners affected by the pause of the silica rule, filed a lawsuit to force reinstatement of the rule. The American Federation of Government Employees and two other unions filed a lawsuit arguing that the administration lacked any statutory basis for a buyout offer as a tactic to shed workers, particularly as the buyout notification threatened that many employees would be stripped of civil service protections if they refused, and dangled the use of loyalty tests for those who remain. Federal law generally requires 60 days’ notice for a reduction in force and prohibits new probationary employees from being fired for reasons unrelated to performance or conduct. So the Trump administration got slapped down hard by the courts. On 13 March, two different federal judges in California and Maryland ordered the Trump administration to reinstate tens of thousands of probationary federal workers who were mass fired at 19 different agencies, including the Department of Labor. The back-to-back court rulings were the most significant blow yet to Trump and Musk’s anti-labor efforts. The federal judges used unusually strong language. One judge wrote “The sheer number of employees that were terminated in a matter of days belies any argument that these terminations were due to the employees’ individual unsatisfactory performance or conduct.” The other judge was even more scathing, writing, “It is a sad day when our government would fire some good employee and say it was based on performance when they know good and well that’s a lie.” Of particular concern is that the layoffs axe could cause a number of dangers for everyday Americans. There have been large dismissals at the Centers for Disease Control and Prevention (CDC) – several thousand employees, about a tenth of its workforce – just as flu cases have spiked and a potential bird flu pandemic is raising alarms. Also targeted has been the Federal Aviation Administration, with hundreds of employees fired who maintain critical air traffic control, only weeks after a horrific midair collision over Washington, D.C. that killed 67 people. Trump officials also fired more than 300 high level staffers at the National Nuclear Security Administration, apparently unaware that this agency oversees America’s nuclear weapons stockpile. Elon Musk and his DOGE assistants decided to fire as many federal workers as they could without making any effort to find out what these workers actually do, and whether dismissing them might actually make the American public less safe.

Elon Musk and Big Tech CEO’s anti-labor history

The fact that Elon Musk, the world’s wealthiest individual, would be the main agitator for these labor reversals is hardly surprising. Musk’s own companies have a long history of anti-labor management practices. The Department of Labor has 17 open investigations into Tesla and SpaceX. Tesla assembly workers have accused the company of overwork, speed-up and injuries, sub-standard industry pay, and anti-union harassment.

OSHA has repeatedly fined Musk’s companies for serious safety violations, including exposing Tesla workers to hazardous chemicals and an incident at SpaceX where a worker fell to his death. A judge’s ruling in September 2019 stated Tesla illegally and systematically threatened and retaliated against pro-union workers. At the peak of the COVID pandemic, Musk flouted public health orders, calling California safety officials “fascist.” While the rest of California businesses were only semi-open, Musk fully reopened his Tesla assembly plant and ordered his 10,000 employees back to work, in violation of the law.

Other US tech titans have fallen in line behind the Trump stampede. The CEOs of Facebook, Google, Amazon, Apple, OpenAI and others, some of them the wealthiest people in the world, all heeded Trump’s demand that they attend his inauguration party and donate a million dollars to his private fund. It was an alarming display of an American oligarchy composed of a handful of tech billionaires wielding dangerous levels of power and influence, just as President Joe Biden had warned in his presidential farewell speech in January. Yet the tech titans all kissed the ring of the new unpredictable and vindictive king whose political strategy threatens retribution to those who displease him.

Germany, Sweden and other EU countries also have had their complaints over Musk’s brash leadership style. Recently IG Metall accused Tesla of withholding salaries of sick workers at its Grünheide assembly plant and intimidating workers over absentee and sickness rates. And in 2023, mechanics at Tesla repair shops in seven Swedish cities walked off the job because Tesla refused to engage in collective bargaining negotiations.

The Trump administration, led by Musk and his DOGE guided by the extreme directives of Project 2025, is waging a scorched-earth campaign against the Department of Labor, affiliated labor agencies, unions and workers that goes well beyond anything Trump did in his first term. Many labor advocates are worried that Trump and Musk will roll back worker standards and labor enforcement that have taken many decades to painstakingly craft. Fortunately, the pushback by Democratic leaders, labor unions and workers has begun. But it is difficult to predict who will prevail in the present and coming battles.

#### Dem win guarantees Trump lashout. That crushes global stability.

Machidori 25 – Professor of Political Science at Kyoto University's Graduate School of Law, specializing in Comparative Political Studies.

Satoshi Machidori, “American democracy will weather the Trumpist storm,” Institute of Geoeconomics, 3/4/25, https://instituteofgeoeconomics.org/en/research/2025030404/

The key is that Trump’s presidency is constitutionally limited to four years. If it enters a lame-duck phase after the midterms, as is likely, the administration might prioritize cementing its legacy by embarking on disruptive international and security-related policies, potentially undermining global trust in U.S. democracy and stability.

Yet despite Trump’s authoritarian tendencies, his populist nature makes constitutional collapse unlikely so long as pluralism in society endures.

#### That causes great power World War III.

Panetta et al. 25 – former Secretary of Defense, former Director of the CIA, former White House Chief of Staff, Director of the Office of Management and Budget, Co-Founder of the Panetta Institute for Public Policy, J.D. from the Santa Clara University School of Law.

Leon E. Panetta, “It’s Trump’s Messy, Dangerous World Now,” The New York Times, 01-20-2025, https://www.nytimes.com/2025/01/20/opinion/trump-foreign-policy-defense.html

We live in an increasingly dangerous and threatening world. There are more flashpoints in today’s global geopolitics than we have seen in decades, presenting a generational challenge to the incoming administration of Donald Trump and all of America’s elected leadership.

At the Panetta Institute for Public Policy, I tell students that in our democracy, we govern either by leadership or by crisis. If leadership is there and willing to take the risks associated with responsibility, we can avoid, or certainly contain, crisis. But if leadership is absent, we will inevitably govern by crisis. The same is true when it comes to foreign policy.

As President-elect Trump is about to be inaugurated for his second term, a fundamental question being asked around the world is whether he will repeat the unpredictable and chaotic approach to foreign policy that defined his first term or embrace the idea that he stressed repeatedly during his campaign of “peace through strength.”

President-elect Trump cannot adopt that foreign policy concept, which holds that a strong military can prevent conflict, without also embracing the definition that President Ronald Reagan so eloquently gave it in his speech marking the 40th anniversary of the Normandy invasion. “We in America have learned bitter lessons from two world wars,” said Mr. Reagan, who made the idea famous. “It is better to be here ready to protect the peace than to take blind shelter across the sea, rushing to respond only after freedom is lost.” He also made clear that “the strength of America’s allies is vital to the United States.”

The world that awaits Mr. Trump is far different from and more threatening than what he had to confront in his first four years. Autocrats that once operated in their own spheres of influence have now joined together in an axis of mutual support and aggression: Vladimir Putin of Russia is not just a temperamental bully but also a tyrant who invaded the sovereign democracy of Ukraine and continues to threaten democracies in the West; Xi Jinping of China has made clear that he is prepared for a potential Taiwan invasion and wants to compete with the United States as a leading military power; Kim Jong-un of North Korea is not just threatening democracy in South Korea but has also sent drones and thousands of troops to Russia to fight Ukrainians; Iran, weakened by Israel, continues to enrich uranium and is ever closer to developing a nuclear weapon; and ISIS has once again raised its ugly head by inspiring a lone-wolf attack in New Orleans.

Mr. Trump has always prided himself on being a dealmaker, pledging in his campaign that he would resolve such conflicts in the first few days of his presidency. But precisely because it is a more dangerous world, that’s unlikely to happen. And if he tries and fails, the United States will appear weak. There is concern that Mr. Trump may have already started off badly by threatening Greenland, the Panama Canal Zone and Canada. Those are the kind of careless and disruptive comments that only undermine American credibility when it comes to dealing with real-world crises.

This is, however, a time when “peace through strength” could actually work. It will require strong, serious and stable leadership to turn the current multipolar crisis into an opportunity for America. The incoming president can be a dealmaker, but it must be from a position of strength. And strength begins with the United States remaining the strongest military power on the face of the earth.

To ensure that, the new administration must be willing to increase military investments in recruitment, training, readiness, nuclear weapons systems, the U.S. defense industrial base and research and technology. To accomplish all of this, the defense budget cannot rely on the unpredictability of continuing resolutions. There must be a five-year budget that makes clear our defense priorities and achieves savings in duplication, procurement and bureaucracy.

On Ukraine, it is becoming clear that Ukraine and Mr. Putin must find a way to a negotiated settlement to the war. Mr. Trump must make clear that the United States will continue to work with NATO to support Ukraine and that Mr. Putin will not be allowed to succeed. If that message is clear to Mr. Putin and if Ukraine can gain traction against Russia, President Volodymyr Zelensky will have the leverage to negotiate a settlement that provides for Ukraine’s sovereignty and security, allows Russia to remain in Crimea and other limited areas and achieves an end to the war. That would be peace through strength.

Mr. Trump should tell China that it will help Taiwan defend itself, that the South China Sea will remain open pursuant to international law and that the United States will support a strong alliance of Japan, South Korea, Australia, India and other Asian countries to protect the freedom of the seas and commerce in the Pacific. From a position of greater military strength, the United States would have leverage for a more productive dialogue with China on trade, cybersecurity, fentanyl, satellites and other economic issues. To simply expand tariffs on China and start a trade war will result in an economic backlash among unhappy consumers in the United States. Retribution is not dealmaking.

Iran is yet another opportunity. Tehran has been weakened by Israel both militarily and economically; it could very well be open to negotiations on limiting nuclear enrichment and stopping support for proxies in exchange for relief from economic sanctions. Since the previous Trump administration was critical to the establishment of the Abraham Accords, Mr. Trump could work with Israel to bring Saudi Arabia into the deal, along with other moderate Arab nations. Building a Middle East alliance would be important to dealing with Iran and terrorism, and establishing an approach to peace in the Middle East.

The president, as commander in chief, has the power and responsibility to determine America’s future security. If he is careless with that awesome power, the United States could very well find itself in another world war. But if the president understands his power, as Mr. Reagan did, he can provide strong leadership and build alliances that steer the world out of war. The key to peace is strength, and the key to strength is leadership.

### K---Really Short---1NC

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#### The 1AC’s embrace of labor law greases the wheels of capitalism. Collective bargaining rationalizes exploitative capitalist relations and temporarily manages its inevitable crises, which both legitimizes it as a political economic system AND forestalls working class revolution.

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Ahmed White. “Chapter 17: Marxism, labour and employment law, and the limits of legal reform in class society.” Research Handbook on Law and Marxism. Edited by Paul O’Connell and Umut Özsu. 2021. https://doi.org/10.4337/9781788119863.00023.

Labour Law

To a great extent, the success of reforms on this front must be understood as a victory for workers, the culmination of a sustained and wide-ranging surge in labour organising and social protest that extended across the industrial world from the first years of the twentieth century to the Second World War. But reform in this area also represented for capitalists a way to forestall the threat of radicalism apparent in this ‘Great Upsurge’. And it clearly represented a means, too, of rationalising the workings of the profit system, including the aim—prominently intellectualised as Keynesian economics—to better manage capitalism’s crisis tendencies through government-sponsored efforts to sustain demand. These efforts were made in the context of the rapid increases in productivity and capital accumulation which defined capitalist production through much of the twentieth century.41

Moreover, these later reforms, like their predecessors, continued to subordinate labour rights to the essential needs of capital. So it is that limits on the right to strike have extended into the present day. Even in countries whose labour laws are relatively generous to workers, it is quite common for government workers or other ostensibly ‘essential’ employees to be denied the right to strike or required to serve notice or undergo mediation before striking. And it is not uncommon for these workers to be subjected to criminal prosecution if they defy these strictures. Indeed, all relevant jurisdictions broadly limit the right to strike, and do so with respect to all workers. Labour laws worldwide prohibit strikes that occur while collective bargaining agreements are pending, that are conceived as ‘sympathy’ strikes or otherwise undertaken in a way that implicates ‘neutral’ employers, or that impinge on national interests. Every jurisdiction also permits a considerable degree of police intervention in strikes, as well as criminal and sometimes civil prosecution of strikers or unions themselves for violence or other disruptive behaviour on picket lines. In line with the persistence of employers’ free labour prerogatives, and the conceit of protecting workers’ freedom not to strike, the right to strike also entails some range of authority for employers to discharge unruly strikers as well as those who participate in illegal strikes.42

In fact, in continued deference to either the letter or spirit of employment-at-will, quite a few jurisdictions broadly recognise the right of employers to constructively discharge strikers even without any particular cause. In some cases, this prerogative is limited to the use of temporary replacements who must make way for the strikers when the strike ends. In other jurisdictions—notably, the United States—employers may hire permanent replacement workers, effectively making job loss an immediate risk of going out on strike. Of course, no jurisdiction that broadly recognises the right to strike simply precludes employers from hiring replacement workers. Doing so would essentially guarantee the success of most every strike, and also violate the basic prerogatives of capital and the conception of free labour that is essential to its juridical legitimacy. Instead, those that prohibit the use of replacement workers, whether temporary or permanent, typically impose significant limits on when workers can strike, often by subjecting labour disputes to the jurisdiction of more elaborate administrative or judicial proceedings that closely involve the state in arbitrating the merits of the underlying conflict and resolving competing claims within a framework that presupposes capitalist rule.43 The state thereby protects workers and employers alike from the implications of free labour, preserving the functionality of the market by subjecting all parties to explicitly authoritarian control.

These different approaches to the right to strike reflect a broader distinction that emerged in the mid-twentieth century between systems of labour law whose strongly interventionist tendencies lend them a corporatist character and those at the opposite extreme, which render the state a more distant referee of labour disputes. This difference in approach extends beyond the handling of strikes to include whether the state takes an active role in the collective bargaining process and the enforcement of any contracts that the parties might enter. Some jurisdictions leave these matters to be decided by the relative economic power of the parties while others reserve to the state the authority to intervene. But despite a rough correlation between a country’s commitment to labour corporatism and overall union membership, the logic of this approach is also compromise. It seems clear that neither approach accords workers any decisive advantage over their capitalist employers in the struggle to define the terms of exploitation.

The result is a system of labour rights which, despite ubiquitous rhetoric about the ‘co-operation’ or ‘partnership’ that the law supposedly ensures, affirms the fundamentally subordinate position of workers. And still, worldwide, employers’ support for this system remains quite contingent. In the face of escalating opposition to unions, shaped around changes in political economy, union membership and collective bargaining have declined dramatically since the 1970s. It is telling that in the United States and France, where many of the freedoms thought essential to capitalism were forged, membership has reached negligible levels.44

Employment Law

Although these developments in labour law reflected early notions of free labour, they were also premised juridically on a partial repudiation of the doctrine of employment-at-will. This change in the degree of deference to employment-at-will was in turn reflected in an expansion of employment law, which is to say a broad constellation of ‘protective’ legislation and legal rules oriented around individual employee rights or imposed outside the parameters of collec- tive bargaining.

Among the earliest of these laws were those concerning excessive hours of work. The English Statute of Artificers of 1562, for instance, limited hours of work. But like many early enactments on this front, that statute had a narrow jurisdiction. Broader legislation would not come until later, in the nineteenth century, and particularly in Australia and New Zealand, where more or less comprehensive minimum wage laws were enacted in the 1890s. England followed with a similar regime in 1909, and so did France, adopting in 1919 a law decreeing an eight-hour working day. Revolutionary Mexico went even further, legislating both a living wage and an eight-hour day in its 1917 constitution.45

Not until 1938 did the United States effectively legislate on this front, with Congress enacting the Fair Labor Standards Act. The statute combined regulations of wages and hours, but its approach to the latter was relatively weak, as it did not set upper limits on hours of work. Instead, in a compromise with capital that also accommodated the practical interests of reformist labour organisations that wished to preserve an option to bargain over such matters, the statute addressed the problem of overwork by mandating overtime compensation.46

The Fair Labor Standards Act was one of many statutes that advanced the agenda of the International Labour Organisation (ILO). Established in 1919 at the Versailles Peace Conference and under the umbrella of the League of Nations, and now the United Nations, the ILO has been, from its inception, a tireless proponent of bourgeois reformism in this realm.47 Indeed, the organisation was established around an endorsement of a ‘living wage’, which it affirmed by its Minimum Wage-Fixing Machinery Convention Number 26 of 1928. Having already endorsed a similar position on hours of work in its Conventions Number 1 and 30, the ILO adopted in 1936 Convention Number 47, the Forty-Hour Week Convention, which ‘declares its approval of … the principle of a forty-hour week applied in such a manner that the standard of living is not reduced in consequence’.

Since its inception, the ILO has adopted nearly 400 conventions, recommendations, and protocols on labour and employment. These are not directly enforceable against employers, however. Instead, the ILO relies on a ‘principle-agent’ relationship to enforce its standards, a scheme by which the organisation’s 185 member countries are obliged to report on their efforts to enforce ILO standards and the ILO is authorised to investigate complaints about their violation. The organisation has no authority over private employers, and cannot impose any sanctions on countries either, even if they or their employers violate these standards. Its power, such as it is, resides mainly in the force of negative publicity.

By the end of the twentieth century, the vast majority of countries had adopted statutes regulating both hours and wages, with the most notable exceptions being those that relied on labour unions to maintain labour standards in these realms. Today about 75 per cent of coun- tries limit weekly hours of work for workers employed outside the home, usually by statutes restricting ‘normal’ weekly employment at any one employer (and sometimes overall weekly employment) to some particular number of hours—usually between 40 and 49.48 A majority of countries have also adopted legislation establishing a minimum wage, at least for some workers.49

Reforms on this front have been more the product of worker agitation and calculated attempts by capitalists and their allies to forestall revolutionary uprisings, rationalise labour markets, and sustain their legitimacy than they have been the result of ILO agitation or other exogenous expressions of bourgeois concern for workers. They also reflect the interests of capital in another, very direct way: by ensuring the efficiency, and even survival, of the people on whom capital relies for labour-power. Indeed, a similar point can be made about the prac- tical function of child labour laws, which also, with the backing of the ILO, flourished in this period, and which not only advanced the interests of children but facilitated their better train- ing for future employment. As Marx observed in volume one of Capital, ‘[t]he maintenance and reproduction of the working class remains a necessary condition for the reproduction of capital’. And while some of this might be left to the workers’ ‘drives for self-preservation’, this approach to the problem would only go so far.50

Indeed, what Marx called the ‘reproduction of the working class’ is essential to the reformist logic of modern labour and employment law—and not just in regard to workers’ need for rest, sustenance, shelter, and the like, or even education at a young age, but also in the most basic sense of human reproduction, which emerged at an early stage as an area of both agitation and accommodation. Industrial capitalism, at its most anarchical and rapacious, had proved relatively incompatible with the efficient employment of women. Among the reasons for this was that pregnancy, child-rearing, and care for male workers conflicted with the commodi- fication of women’s working time, especially as industrial capitalism reordered work around rigid schedules. These conflicts unfolded in a context in which motherhood and domestic work remained socially necessary labour, which it fell to women to perform.51

The English Factory Acts, which reduced the maximum working time of women and children, represented a compromise on this issue, albeit one that conceded much to a sexual division of labour under capitalism. Amid continued growth in the demand for labour-power and the progressive evisceration of extended family structures and customary privileges in the workplace, reconciling the burdens of maternity with the mandates of production remained important. The result was a long struggle for further reforms, spearheaded by women them- selves, which developed in earnest during the late nineteenth century. As reflected in the ILO’s early and consistent support for its initiatives, this broad agenda was largely endorsed by bourgeois reformers by the 1920s. But this did not mean that capitalists simply acceded to this program, least of all when it imposed on them direct costs that they, as individuals or entities, would just as soon let someone else bear. Nevertheless, by the end of the last century, an overwhelming majority of states had adopted laws requiring pregnancy or maternity (and sometimes paternity) leave, usually with some measure of continued compensation, just as they adopted child labour laws paired with compulsory, usually state-subsidised education systems.52

These developments demonstrate clearly that the reformist impulses underlying labour and employment law remain captive to the mandates of capitalism, even when they yield tangible improvements for workers. On the one hand, reforms have proven to be of immeasurable value in protecting childhood from the most destructive effects of wage labour and abetting the lib- eration of women from what Lenin famously characterised as domestic slavery.53 On the other hand, these same reforms made it possible for women to occupy the ranks of wage labour, and to be exploited in that capacity, that much more effectively.

#### Capitalism produces a series of unsustainable, planetary crises, and locks in certain extinction from escalating fascism, imperial warfare, and ecological destruction.

Çağlı 25 – Revolutionary and author of books such as "Interrogating a historical period in the light of Marxism" and "Responding to those who say 'Farewell to the proletariat'" about the growing working class.

Elif Çağlı, “Only Revolution Can Cleanse This Filth,” Marksist Tutum, 02-20-2025, https://marksist.net/node/8456

The capitalist system, floundering in its historical crisis, continues to exist alongside the immense unemployment it has created, the deepening poverty of the masses, and the imperialist wars of division it has spread. The rulers of this system, which is turning our world into an increasingly chaotic and hellish place, maintain their dominance by intensifying their oppression of the masses and spreading authoritarian regimes. The United States, which presented itself as the champion of democracy to the world after the Second World War, is now, under the reckless leadership of the madman Trump, trying to bring countries into line with astonishing audacity. While Trump challenges the institutions that limit the powers of the president in the US and secures his seat of dominance, his crony Elon Musk puts on a show with Nazi salutes in his speeches. The bourgeois democracies that accompanied the rise of capitalism are increasingly giving way, in capitalism’s era of decay, to a general reality of authoritarianism and fascism in political life. What defines our era is the dominance of plutocracy shaped by dictators like Trump and Putin and the pinnacles of financial capital. There is no need to dwell on this point for too long. Because it is clear that wherever we look, filth is oozing from the seams of the capitalist system. Writers who have not sold their conscience to capitalism enough to ignore this reality cannot help but ask, “How will this filth be cleaned up?”

In the current period we are living through, due to the disorganisation of the working class and the ideological barrage of the bourgeoisie that have weakened the idea of revolution, it is strangely still within this system and this order that people seek a way out, a search for democracy. Yet, as the current state of the US, the hegemonic power of the capitalist system, most strikingly reveals, bourgeois democracy has long since eroded even in advanced capitalist countries, and bourgeois governments have transformed into a hegemony of a rich men’s club, an oligarchic form of domination we can call plutocracy. Leaving Turkey aside, the situation in countries once renowned for their bourgeois democracy is clear for all to see. Capitalism has decayed, exhausted its potential to advance humanity, and thus a return to its former days is utterly impossible. Today, the salvation of humanity depends on revolutions achieved through the organised power of the working class, and democracy can only come to the world through the rule of the masses, who are overwhelmingly proletarianised. This is the reality, but unfortunately, we know that for now, these words will seem like a fantasy to the broad masses. However, it must also be understood that as long as the only realistic solution to these problems is dismissed in deep obliviousness, billions of workers around the world will continue to be scorched by the cruelty of the struggle for survival and the flames of imperialist wars.

Remembering basics

To determine the strategic and tactical objectives of the revolutionary struggle of the working class, it is necessary to understand the fundamental characteristics and main trends of the global capitalist system we live in. At this point, let us emphasise without further ado that we have been striving to fulfil this necessity in various studies and articles published on our website, Marksist Tutum, which has been in publication since 2002. If one were to review or recall these studies and articles, the key points we have emphasised since the beginning of the new millennium remain valid today and reveal the kind of world we live in. In this context, our comprehensive writings on the historical crisis of the capitalist system, the struggle for hegemony among the major imperialist powers, the resulting intensification and spread of the Third World War, the chaotic world order, and the rising global trend of authoritarianism can be read or revisited.

To briefly recap here, as we have repeatedly emphasised in various articles since the early 2000s, the immense level reached by productive forces and technology today is incompatible with the narrow framework of capitalist private property relations. The capitalist mode of production has long since lost its progressive dynamism. This system has decayed, degenerated, and turned into a capitalist scourge that gnaws at human society. Capitalism has escalated the exploitation of humans by humans, social inequality, the resulting environment of social decay, and the destruction of nature to such unbearable levels that our planet stands on the edge of an abyss. Many years have passed since the American socialist writer Jack London witnessed the poverty of East London and wrote his novel The People of the Abyss, but today the entire capitalist world has become a place filled with billions of people of the abyss. Capitalism now unfolds alongside capital’s global assault on workers’ rights and global wars. Global capitalism is driving humanity, the greatest productive force, and nature toward global-scale destruction. These signs indicate that the capitalist mode of production has reached a point of historical exhaustion, threatening the development of productive forces and the very existence of the world. Regardless of the periodic ups and downs in economic functioning, capitalism will never be young again. On the contrary, as the aging and dying body is kept alive through forced measures, the process of agony will only become more prolonged and painful.

To give another example, one can recall the assessments we made years ago regarding imperialist wars. In fact, following the collapse of real socialism in the Soviet Union and similar regimes (bureaucratic regimes that had nothing to do with socialism), major powers like Russia and China were integrated into the imperialist system. However, the growing rivalry between the old hegemon, the US, and new competitors like Russia and China, along with the US’s attempts to control the EU, brought imperialist redivision wars to the forefront. The Balkan Wars between 1991 and 1995, which led to the disintegration of former Yugoslavia, were the precursor and embodiment of this imperialist redivision. Later, in September 2001, US President Bush, using the suspicious plane attacks on the Twin Towers as a pretext, effectively declared the beginning of a new world war. The war launched by America in the Middle East under the guise of a “war on international terrorism” was, in fact, an expression of American imperialism’s attempt to reshape the region according to its hegemonic interests (the Greater Middle East Project). The invasion of Iraq in 2003, which spread to other Middle Eastern countries over the years, marked the first major phase of the Third World War.

Starting from that period, we pointed out that under globalised capitalism, the hegemony wars between rival imperialist powers, while appearing regional in scope, had taken on the character of a world war in content. Emphasising that the means, techniques, and forms of war have evolved throughout history, we highlighted that a new world war would not unfold as a mere repetition of the first and second imperialist wars of division. One of our key observations was that the Third World War, developing in its own unique way, tends to spread in a chain-like manner, jumping from one region to another before the destruction in the previous region has even ended.

Today, the chain of wars that the US has expanded in the Middle East by targeting the Ba’ath regime in Syria and adding countries like Iraq and Iran to its list, stretching across vast regions from the Pacific to Greenland, along with the Russia-Ukraine war and other potential conflicts, starkly reveals the reality of the Third World War in its most painful form. Consequently, the number of people referring to the current situation as the Third World War is rapidly increasing. As for those who close their eyes to this reality and remain in the delusion of only calling a future war a “world war” if it resembles the previous world wars, we have nothing more to say!

It is clear that the bipolar world and the Cold War era, dominated by the USSR and the US in the 20th century, are now behind us. Following the collapse of the Soviet Union and similar regimes, the world has become entirely capitalist. The struggle for hegemony between the US, China, and Russia entered a new phase with Trump’s return to the presidency. The US stepped onto the stage to end the Ukraine war in Russia’s favour. With this move, Trump aimed to both halt the rising threat of China and prevent a potential future rapprochement between Russia and China. The US policy of keeping Europe on its side during the 2003 Iraq invasion and Biden’s presidency has now been replaced, under Trump’s leadership, by an approach that turns its back on the EU and speaks of leaving it to its own fate. The US-Russia alliance now forming before our eyes proves, as we have reiterated on various occasions, that the era of imperialist wars of division is accompanied by the crumbling of old alliances and the formation of new ones. This phenomenon will continue to manifest itself with new examples. Although Trump’s America’s displays of power are a regressive factor, it is clear that powers like the UK and the EU will not meekly submit to this situation, saying “as you command, my lord,” and step aside. On this basis, new tensions, conflicts, and wars are on the horizon.

Under the dictatorship of Trump, the US’s attempts to assert its hegemony have plunged the world into an extremely uncertain and utterly chaotic period. Some writers define this era as unique to Trump’s leadership. However, saying “this is Trump’s era” creates an expectation of transience. Trump is precisely the dictator suited to this rotten phase of capitalism. In the role of Big Brother, he seeks to shape the world. Like Hitler in Charlie Chaplin’s The Great Dictator, he plays with the world as he pleases. The reality we live in today is one of shifting global balances, changing alliances, rising militarism, racism, fascism, and war expenditures that condemn billions to hunger. Modern weapons that drive masses to their deaths, new technologies serving not humanity but the madness of capitalism, and artificial intelligence in the hands of figures like Elon Musk, which pose terrifying scenarios for humanity, all represent a significant threat to the world’s working class and labouring masses. The choice once encapsulated in the phrase “socialism or extinction” now stands squarely before us!

#### Thus, the alternative is a socialist political economy that rejects private corporations, the profit motive, and capitalist labor relations.

Angus and Antunes 25 – Canadian Ecosocialist Activist; Environment Researcher and Reporter.

Ian Angus and Claudia Antunes, “An Ecological Civilization Will Have to Be Socialist,” Monthly Review, 01-01-2025, https://monthlyreview.org/2025/01/01/an-ecological-civilization-will-have-to-be-socialist/

IA: Let us start off with capitalism. The main driving force of capitalism is to make a profit, to increase the wealth of a small layer of people. That is its whole objective. Many things follow from that. One of them is a society with a short-term view of everything. From the point of view of a capitalist, if I can make money today, it is better than making money tomorrow, and I am always competing with other capitalists in order to increase my wealth or income, or even just to stay in business. I must constantly find ways to generate more capital, more revenue to make my capital bigger. It is a society that ultimately cannot plan except for short-term gains in wealth.

Only by eliminating the profit motive as the driver of the economy is it going to be possible to stop large-scale destruction of the environment, because ultimately, the way you get richer is by destroying the environment, taking the natural world and converting it into money. That is what socialism aims to change, eliminating the profit motive as the central driver of the economy.

Many other things, obviously, go along with socialism, but that is fundamental: shift the drivers of economic and social decisions to, in Burkett’s term, “sustainable human development.” Our aim is a better world for humans to live in that is sustainable in the long term.

Marx says that we do not own the earth, we are just its temporary possessors, and we must leave it in good condition for future generations. We only have to look at our world now to recognize that we are in a social and economic system for which future generations just do not count. It is today that counts. You never see a politician give a speech that does not talk about economic growth. They say we need more, but it is not more leisure time, or more and better medical care for everybody. It is not more literature or a better way of life. It is more wealth, specifically, more capital.

CA: When you say an ecological society has to be socialist, that we have to remove profit and growth from the equation, do you also identify with the movement calling for “degrowth”?

IA: It is important to understand that the ecosocialist movement that started in the 1990s developed in parallel to the degrowth movement, which was happening mainly in Europe. A lot of the early work in degrowth assumed that all of this growth was just a problem of bad ideas; all we have to do is tell everybody: “No, do it this way,” and everybody will. They tended not to have a social or economic analysis. Some of them did very good work describing what the problems were but not explaining them.

That has shifted over time. I do not agree with everything Hickel writes, but I think that he is hitting the right points. Foster recently wrote a major article about the need to plan for degrowth. He took the idea that we need degrowth but put it in the context of the social and economic changes that are necessary to get there. It is not going to happen because you wish for it. It is only going to happen when we have a society that breaks with the profit motive and moves toward planning for sustainable human development.

### Adv 1

1. No education impact. Its been resilient for decades OR other countries fill in. The impact card also never says extinction.

#### 2. No Military Leadership impact.

McCallion 24, MS @ the London School of Economics and Political Science, fellow at Defense Priorities. (Christopher, 5-23-2024, "Grand Strategy: Geography," Defense Priorities, https://www.defensepriorities.org/explainers/grand-strategy-geography/)

The folly of pursuing global hegemony After the collapse of the Soviet Union, the fundamental logic of U.S. grand strategy changed. Rather than seeking to maintain a balance of power in Eurasia, the United States endeavored to preserve its post-Cold War position of military primacy and to establish its hegemony on a global scale.29 The United States expanded its military commitments in Europe and Asia and established a new presence onshore in the Middle East, the latter leading to a string of ill-fated wars to reshape the region according to U.S. policymakers’ designs.30 The United States’ post-Cold War grand strategy leaned heavily on the assumption that U.S. technological supremacy (the “revolution in military affairs”) would allow it to occupy territory and populations in faraway parts of the world, without having to commit the resources that distant military endeavors normally demanded.31 To the extent that distance still blunted power projection, so it was argued, the United States would need to rely on its global archipelago of forward military bases.32 But even with unprecedented capabilities, the United States was forced to confront the limits of its military power. The post-9/11 wars in the Middle East proved to be not only costly but fruitless, thwarted by some of the least wealthy and powerful societies on the planet.33 Indeed, the relative costs of wars in the periphery seem to have risen conspicuously in recent decades.34 There are at least two salient reasons why U.S. military-technological supremacy failed to overcome geography. The first is that advances and diffusion of military technology benefit defense as well as offense, with the balance favoring the former the more distance increases. The second is the durability of local political-cultural identification, which as a shorthand can be called “nationalism.” Nationalism creates asymmetry between the interests of local populations, on the one hand, and the far more tenuous interests of the distant United States in their affairs, on the other. The “strategic distance” over which the United States must project power has grown. Far more formidable than the Taliban or Iraqi insurgents, great or regional powers like China, Russia, and Iran can counter the United States at a lower cost in their own backyards, altering the costs and risks ratio for the United States to intervene in a local contingency. This is especially true if U.S. interests are conditional enough for it to not commit the full weight of its national resources to the fight. The United States’ grand strategy should be recalibrated to reflect a more rigorously prioritized set of interests and more modest expectations regarding the political outcomes that can be achieved by the use of U.S. military power abroad.

3. No Governance impct. Dutta doesn’t say intellectual solves. Big tech companies make info dissonance inevitable.

#### 4. Pandemics won’t cause extinction.

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.”

#### 5. 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.”

### Adv 2

#### No civil war. Data, history, and academic consensus.

Jensen and Young 25 – Professor of Strategic Studies at the Marine Corps University School of Advanced Warfighting, Director of the Futures Lab and a Senior Fellow for the Defense and Security Department at the Center for Strategic and International Studies, PhD and M.A. from the American University School of International Service; Professor at the University of Kentucky and Director of the Patterson School of Diplomacy and International Commerce, PhD in Political Science from Florida State University.

Benjamin Jensen and Joseph K. Young, “Is the United States Headed Toward a Civil War?,” Center for Strategic and International Studies, 09-16-2025, https://www.csis.org/analysis/united-states-headed-toward-civil-war

Is the United States Headed Toward a Civil War?

The answer is no. These Critical Questions use core findings from the academic literature on civil wars and political violence to situate recent tragic events and fundamentally challenge the notion that the United States is on the verge of an internal conflict. The risks of an actual U.S. civil war in 2025 are negligible, and rhetoric to the contrary is counterproductive and inflammatory when analyzed in relation to studies of political violence. The greatest risk on the horizon is not a civil war, but social media⁠–induced tit-for-tat cycles of sporadic violence by lone gunmen.

Q1: What is a civil war?

A1: Not all political violence is organized or a harbinger of a civil war. Modern scholarship defines a civil war as a state-based armed conflict between a government and an internal opposition group that results in 1,000 battlefield-related deaths. This cumulative death toll separates civil war from other forms of political violence like terrorism. Furthermore, there needs to be at least some proportion of deaths from both sides of the conflict, or it isn’t a civil war. It is a one-sided violence that, in the extreme, becomes genocide.

Second, civil conflict involves incompatibility over the government or territory between a government and an organized opposition. Without a sufficient number of battlefield deaths and the presence of an organized opposition, a conflict does not meet the definition of a civil war. There will be political violence, which is sadly a constant across U.S. history, but even most tragic acts like those witnessed in the assassination of Charlie Kirk aren’t indicative of civil war without these above factors.

Q2: What causes a civil war?

A2: Most literature on civil wars tends not to find ideology or political polarization as a primary catalyst. Identity is rarely the cause of this kind of conflict. Rather, the causes of civil wars are often tied to low GDP per capita, a weak central government, safe havens (i.e., harsh terrain where rebels can hide), access to natural resources that rebels can take, and other structural concerns. Furthermore, many civil wars need a cycle of violence in which states repress citizens, leading to dissent and even armed opposition. Even this cycle often tends to lead to protest movements rather than rebellions.

Seen in this light, there are few structural incentives for a second U.S. civil war. The economy is strong, the U.S. government and military are capable, and no group is trying to secede or annex territory to secure natural resources. Instead, the United States has social media and other voices amplifying differences, leading to a sense of polarization. For this polarization to evolve into a civil war, based on literature and hundreds of years of history, it would likely require years of organized violent conflict between the government and a resistance group, a major split or defections at the upper levels in the military, and likely either an economic collapse or major authoritarian consolidation of power.

Q3: How does recent political violence in the United States compare to historical patterns?

A3: A people “numerous and armed” are bound to have a history defined by periodic waves of political violence and civil conflict. From the 1791 Whiskey Rebellion to Bleeding Kansas and the U.S. Civil War, there were numerous small and larger-scale violent episodes in the formation of the nation.

The United States did fight a bloody Civil War that was a secessionist variety that included large splits in the military, battle deaths on both sides that were well above 1,000 people, and lasted four years. The end of the Civil War led to a decisive victory by the North, a common outcome in civil wars. Reconstruction followed, but political violence—particularly in the South, targeting Republicans and newly enfranchised African Americans—remained widespread.

The 1960s and early 1970s, another volatile political time period, saw daily incidences of political violence on college campuses, the bombing of the U.S. Capitol by the Weather Underground, and the assassinations of President John F. Kennedy, Martin Luther King Jr., and Robert F. Kennedy.

All of these periods likely had more heightened levels of polarization and violence within U.S. society than today. One period that may be more similar to ours is the early 1900s. On the left, anarchists perpetrated attacks like the Wall Street Bombing in 1920, which killed 38 people and injured hundreds more. President McKinley was killed by an anarchist in 1901. During this period, the United States also witnessed a series of mail bombings in 1919 that targeted wealthy industrialists, including John D. Rockefeller. While these high-profile events were tragic and deadly, other violence during this period was from the far-right, including a major resurgence by the Ku Klux Klan in the 1920s. Additionally, the Palmer Raids and First Red Scare were organized repressions by the U.S. government against immigrants and suspected radicals. While these events were tragic and violent, this period was never close to what scholars or observers would characterize as a civil war.

Q4: Do Americans think a civil war is coming?

A4: Regardless of what academic studies find, fears can prevail across the population. Yet, there appears to be a disconnect between media coverage, what trends on social media, and the actual opinions of American citizens.

A 2023 national survey found that only 5.7 percent of Americans strongly or very strongly agree that “there will be a civil war here in the next few years.” Also, only 3.8 percent strongly or very strongly think “a civil war is needed to set things right.” In short, few members of the public concur that we are headed towards civil war or that we need to be. The survey was repeated in 2024 with similar results.

Q5: So, is the United States headed toward another civil war?

A5: Based on data, history, academic literature, and scholars who study political violence, the United States is not headed towards a second U.S. civil war. That does not mean the nation will be spared episodic political violence and other unnecessary loss of life. It does mean that the likelihood of a large-scale battle between the government and an organized rebel group that goes on for years, and claims thousands of lives on both sides, is highly unlikely.

Facts matter in these conversations. There is a distinct need at this juncture to lower the temperature of online rhetoric and calm people’s fears. Polarization and hostile rhetoric and actions at all levels of U.S. society are sadly part of modern politics, but they don’t need to be the defining features. After all, despite its turbulent history, dialogue, engagement, debate, and formal nonviolent disagreement are at the heart of the grand American experiment.

OR its inevitable. CBR can’t solve the turn to conservatives who are angry.

No escalation. Where do they get nukes? Who fights who? Who draws in?

#### No LIO/SOI impact — states are won’t risk war and resolve issues economically.

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,

It could be argued that the policies proposed here to deal with the international problems, whether real or imagined, presented by China, Russia, and Iran constitute exercises not only in complacency, but also in appeasement. That argument would be correct. As discussed in the Prologue to this book, appeasement can work to avoid military conﬂict as can be seen in the case of the Cuban missile crisis of 1962 . As also discussed there, appeasement has been given a bad name by the experience with Hitler in 1938

Hitlers are very rare, but there are some resonances today in Russia’s Vladimir Putin and China’s Xi Jinping. Both are shrewd, determined, authoritarian, and seem to be quite intelligent, and both are fully in charge, are surrounded by sychophants, and appear to have essentially unlimited tenure in office. Moreover, both, like Hitler in the 1930 s, are appreciated domestically for maintaining a stable political and economic environment. However, unlike Hitler, both run trading states and need a stable and essentially congenial international environment to flourish. 128 Most importantly, except for China’s claim to Taiwan, neither seems to harbor Hitler-like dreams of extensive expansion by military means. Both are leading their countries in an illiberal direction which will hamper economic growth while maintaining a kleptocratic system. But this may be acceptable to populations enjoying historically high living standards and fearful of less stable alternatives. Both do seem to want to overcome what they view as past humiliations – ones going back to the opium war of 1839 in the case of China and to the collapse of the Soviet empire and then of the Soviet Union in 1989– 91 in the case of Russia. Primarily, both seem to want to be treated with respect and deference. Unlike Hitler’s Germany, however, both seem to be entirely appeasable. That scarcely seems to present or represent a threat. The United States, after all, continually declares itself to be the indispensable nation. If the United States is allowed to wallow in such self-important, childish, essentially meaningless, and decidedly fatuous proclamations, why should other nations be denied the opportunity to emit similar inconsequential rattlings? If that constitutes appeasement, so be it. If the two countries want to be able to say they now preside over a “sphere of influence,” it scarcely seems worth risking world war to somehow keep them from doing so – and if the United States were substantially disarmed, it would not have the capacity to even try.

If China and Russia get off on self-absorbed pretensions about being big players, that should be of little concern – and their success rate is unlikely to be any better than that of the United States. Charap and Colton observe that “The Kremlin’s ide ´ e fixe that Russia needs to be the leader of a pack of postSoviet states in order to be taken seriously as a global power broker is more of a feel-good mantra than a fact-based strategy, and it irks even the closest of allies.” And they further suggest that The towel should also be thrown in on the geo-ideational shadow-boxing over the Russian assertion of a sphere of influence in post-Soviet Eurasia and the Western opposition to it. Would either side be able to specify what precisely they mean by a regional sphere of influence? How would it differ from, say, US relations with the western-hemisphere states or from Germany’s with its EU neighbors?

Applying the Gingrich gospel, then, it certainly seems that, although China, Russia, and Iran may present some “challenges” to US policy, there is little or nothing to suggest a need to maintain a large US military force-in-being to keep these countries in line. Indeed, all three monsters seem to be in some stage of selfdestruction or descent into stagnati on – not, perhaps, unlike the Communist “threat” during the Cold War. Complacency thus seems to be a viable policy. However, it may be useful to look specifically at a couple of worst-case scenarios: an invasion of Taiwan by China (after it builds up its navy more) and an invasion of the Baltic states of Estonia, Lithuania, and Latvia by Russia. It is wildly unlikely that China or Russia would carry out such economically self-destructive acts: the economic lessons from Putin’s comparatively minor Ukraine gambit are clear, and these are unlikely to be lost on the Chinese. Moreover, the analyses of Michael Beckley certainly suggest that Taiwan has the conventional military capacity to concentrate the mind of, if not necessarily fully to deter, any Chinese attackers. It has “spent decades preparing for this exact contingency,” has an advanced early warning system, can call into action massed forces to defend “fortified positions on home soil with precision-guided munitions,” and has supply dumps, booby traps, an wide array of mobile missile launchers, artillery, and minelayers. In addition, there are only 14 locations that can support amphibious landing and these are, not surprisingly, well fortified by the defenders. 130

The United States may not necessarily be able to deter or stop military attacks on Taiwan or on the Baltics under its current force levels. 131 And if it cannot credibly do so with military forces currently in being, it would not be able to do so, obviously, if its forces were much reduced. However, the most likely response in either eventuality would be for the United States to wage a campaign of economic and military (including naval) harassment and to support local – or partisan – resistance as it did in Afghanistan after the Soviet invasion there in 1979 . 132 Such a response does not require the United States to have, and perpetually to maintain, huge forces in place and at the ready to deal with such improbable eventualities.

The current wariness about, and hostility toward, Russia and China is sometimes said to constitute “a new Cold War.” 133 There are, of course, considerable differences. In particular, during the Cold War, the Soviet Union – indeed the whole international Communist movement – was under the sway of a Marxist theory that explicitly and determinedly advocated the destruction of capitalism and probably of democracy, and by violence to the degree required. Neither Russia nor China today sports such cosmic goals or is enamored of such destructive methods. However, as discussed in Chapters 1 and 2 , the United States was strongly inclined during the Cold War massively to inflate the threat that it imagined the Communist adversary to present. The current “new Cold War” is thus in an important respect quite a bit like the old one: it is an expensive, substantially militarized, and often hysterical campaign to deal with threats that do not exist or are likely to selfdestruct. 134

It may also be useful to evaluate terms that are often bandied about in considerations within foreign policy circles about the rise of China, the assertiveness of Russia, and the antics of Iran. High among these is “hegemony.” Sorting through various definitions, Simon Reich and Richard Ned Lebow array several that seem to capture the essence of the concept: domination, controlling leadership, or the ability to shape international rules according to the hegemon’s own interests. Hegemony, then, is an extreme word suggesting supremacy, mastery, preponderant influence, and full control. Hegemons force others to bend to their will whether they like it or not. Reich and Lebow also include a mellower designation applied by John Ikenberry and Charles Kupchan in which a hegemon is defined as an entity that has the ability to establish a set of norms that others willingly embrace. 135 But this really seems to constitute an extreme watering-down of the word and suggests opinion leadership or entrepreneurship and success at persuasion, not hegemony.

Moreover, insofar as they carry meaning, the militarized application of American primacy and hegemony to order the world has often been a fiasco. 136 Indeed, it is impressive that the hegemon, endowed by definition by what Reich and Lebow aptly call a grossly disproportionate military capacity, has had such a miserable record of military achievement since 1945– an issue discussed frequently in this book. 137 Reich and Lebow argue that it is incumbent on IR scholars to cut themselves loose from the concept of hegemony. 138 It seems even more important for the foreign policy establishment to do so.

There is also absurdity in getting up tight over something as vacuous as the venerable “sphere of influence” concept (or conceit). The notion that world affairs are a process in which countries scamper around the world seeking to establish spheres of influence is at best decidedly unhelpful and at worst utterly misguided. But the concept continues to be embraced in some quarters as if it had some palpable meaning. For example, in early 2017 , the august National Intelligence Council opined that “Geopolitical competition is on the rise as China and Russia seek to exert more sway over their neighboring regions and promote an order in which US influence does not dominate.” 139 Setting aside the issue of the degree to which American “influence” could be said to “dominate” anywhere (we still wait, for example, for dominated Mexico supinely to pay for a wall to seal off its self-infatuated neighbor’s southern border), it doesn’t bloody well matter whether China or Russia has, or seems to have, a “sphere of influence” someplace or other.

More importantly, the whole notion is vapid and essentially meaningless. Except perhaps in Gilbert and Sullivan’s Iolanthe . When members of the House of Lords fail to pay sufficient respect to a group of women they take to be members of a ladies’ seminary who are actually fairies, their queen, outraged at the Lords’ collected effrontery, steps forward, proclaims that she happens to be an “influential fairy,” and then, with a few passes of her wand, brushes past the Lords’ pleas (“no!” “mercy!” “spare us!” and “horror!”), and summarily issues several edicts: a young man of her acquaintance shall be inducted into their House, every bill that gratifies his pleasure shall be passed, members shall be required to sit through the grouse and salmon season, and high office shall be obtainable by competitive examination. Now, that’s influence. In contrast, on December 21 , 2017 , when the United States sought to alter the status of Jerusalem, the United Nations General Assembly voted to repudiate the US stand in a nearly unanimous vote that included many US allies. Now, that’s not influence.

In fact, to push this point perhaps to an extreme, if we are entering an era in which economic motivations became paramount and in which military force is not deemed a sensible method for pursuing wealth, the idea of “influence” would become obsolete because, in principle, pure economic actors do not care much about influence. They care about getting rich. (As Japan and Germany have found, however, influence, status, and prestige tend to accompany the accumulation of wealth, but this is just an ancillary effect.) Suppose the president of a company could choose between two stories to tell the stockholders. One message would be, “We enjoy great influence in the industry. When we talk everybody listens. Our profits are nil.” The other would be, “No one in the industry pays the slightest attention to us or ever asks our advice. We are, in fact, the butt of jokes in the trade. We are making money hand over fist.” There is no doubt about which story would most thoroughly warm the stockholders’ hearts.

No migration impact. It’s either inevitable abroad OR thumped into oblivion. Only terminal is civil war which answered on adv 1.

#### Terrorism is terminally non-unique and counterintelligence solves

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John Mueller, “Don’t Hype the Terror Threat”, Foreign Affairs, 10 September 2024, https://www.foreignaffairs.com/united-states/dont-hype-terror-threat

Despite the dire official warnings that Allison and Morrell cite, it is not at all clear that the threat to the United States from international terrorism has increased of late. There continue to be jihadi plots, but the authorities have managed to roll them up with familiar tactics. For example, a recent effort from Iran to enlist someone in the United States to assassinate John Bolton, who served as national security adviser in the Trump administration, was foiled by the FBI.

It is true that jihadi organizations around the world urge like-minded Americans into action, but this is scarcely new. Twenty years ago, bin Laden and other al Qaeda operatives were given loudly to proclaim that the United States “needs further blows” and warned that they could come at any moment. For the most part, however, such blows failed to materialize.

Wray and others are concerned that terrorists will join the large numbers of migrants who illegally cross the U.S.-Mexican border. Yet of the hundreds of millions of foreign visitors who were admitted legally into the United States in the two decades after 2001 and the millions more who entered illegally, few if any were agents smuggled in by al Qaeda or ISIS. In recent years, some migrants seeking entry have shown up among the two million names in the FBI’s terrorism watch list, but this seems to reflect the fact that the list itself is overly inclusive rather than suggesting constant attempts by jihadis to penetrate the U.S. homeland.

Meanwhile, there has been a great deal of outrage worldwide over American complicity in Israel’s destructive response to the vicious Hamas raid. But nearly a year later, that anger has yet to produce the increase in terrorist activity in the United States that Wray and others have cited as a potential threat.

More generally, the post-9/11 experience suggests that despite official alarm, even if such an increase did occur, it would be manageable without extraordinary actions. Allison and Morrell, however, call for significant policy steps: a review of “all previously collected information related to terrorism,” the use of “national emergency authorities” to prevent terrorists from entering via the southern border, and stepped-up covert U.S. actions all over the world to disrupt jihadi groups. In reality, there is little reason to believe that such measures are necessary.

#### Democracy’s resilient. No risk of fascism in the US.

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Ross Barkan, “Can the United States resist fascism? Whether Elon Musk’s salute was intended or not, America is too big for authoritarianism to take hold,” The New Statesman, 01-21-2025, https://www.newstatesman.com/international-politics/2025/01/can-the-united-states-resist-fascism

Many commentators and analysts warn of the dark spectre of fascism that a second Trump term brings. With fewer guardrails, can the American republic survive? Is this like late Weimar, right as the Nazis took power? Should the UK, with their staid Labour government, fear the rise of a far-right tyrant across the ocean? Elon Musk, who many have quipped is Trump’s co-president, just performed what looked like a Nazi salute at a Trump inauguration event. No matter his intention, that alone is unnerving.

Fear, with Trump, is always warranted. He is unreliable and unpredictable. For now, he talks peace, and appears to have pressured Benjamin Netanyahu to accept a ceasefire deal in the war in Gaza. But violence is never far from his mind. The Western world has every right to be wary. An isolationist Trump is preferable to a classic neoconservative — if Trump had any of George W. Bush’s adventurism in him, it’d mean cataclysms across the globe – but one can never know where his id will take him.

Here’s the truth of Trump, though, and the United States itself: the nation is simply too big for fascism. Many liberals in the US rarely acknowledge this, preferring to imagine their federated sprawl is the equivalent of a small European nation living under the yoke of a strongman like Viktor Orbán. The closest America ever came to fascism was on 12 September 2001, and even then – with the febrile conditions virtually perfect, never again to be repeated – democracy did not die. There’s a spectral American patriotism that flickers to life whenever there’s war on the horizon. Yet the United States remains a country of regions and counties and townships, of miniature republics and fiefdoms.

Yet experiencing America online, through Twitter or any other social media platform, allows us to believe otherwise, especially when Musk is there to pollute so much of it. If Musk represents oligarchy run amok – he was deeply intertwined with the American government through both SpaceX and Tesla even before Trump handed him the Department of Government Efficiency to run – he has no serious governing programme. He’d rather post 50 times a day than go through the effort to subdue the world’s richest nation.

Those who speak of American fascism tend to do so from the airy citadels of media and academia. They barely seem to understand how the US functions. Consider public education. Any American fascist worth his bright red tie would be able to subdue the schools and begin to teach MAGAdemics, or at least get all those pesky liberal books banned – all of them, because fascism doesn’t demand anything less. In the US, there are nearly 14,000 separate public school districts with more than 94,000 elected board members. Some of the larger counties, like the battleground of Loudoun in Virginia, have a single board. Others are carved up into so many segregated duchies that consensus can never be achieved. On New York’s Long Island, among just two counties, there are 125 public school districts. There is no such thing as a centralised educational system in America. The US’s educational sprawl is Hapsburgian, with no single monarch able to dictate its direction for very long.

How is Trump supposed to actually make the Democratic governors and legislatures listen to him? Most crucial American law-making is done at the local level. It is state and county governments setting tax rates, managing healthcare networks, and overseeing public transport. Presidents, certainly, can be a hindrance to governors, and there’s no doubt liberal New York and California will fare worse under another Trump presidency than they did under a Biden one. The governors could see their federal cash allotments dwindle and find communication with the White House mostly impossible. Any infrastructure project that does require federal approval could be dead on arrival.

But this doesn’t mean the democratic project is over. Trump, who loses focus easily and lacks managerial competence, will struggle to get much legislation passed in a Congress that Republicans only narrowly control. If he strains, like in 2020, to hold onto power illegally as his term winds down, the party will be newly incentivised to boot him aside. He’ll be in his eighties then, and other ambitious Republicans like Vance long for the Oval Office.

US democracy is more durable than it appears. It must be remembered that the Weimar republic, at the time of its dissolution, had barely lasted 14 years. Putin’s Russia toyed with democracy for ten. Xi’s China has never known anything approaching mass elections. The US, for all its absurdities and manias, has been a functioning republic for more than two centuries. It will take more than Donald Trump to break it.