# 2NC---Darty---Round 3

Prep: 14:18

## PRoA CP

### 2NC---Overview

#### Counterplan solves the case. It creates a private right of action against government officials and persons of the United States for violations of constitutional rights. That’s sufficient to regain bargaining rights, deter agencies from pursuing unconstitutional policies, and check future constitutional violations that are critical to accountability for officials. That’s Reinhert and Leong.

#### View it through the lens of sufficiency: the counterplan is a much faster legal remedy that workers who’ve been wronged can immediately access, whereas the plan’s solvency is dependent on a flood of ongoing litigation in a defunct MSPB and FLRA, which empirically fail to effectively safeguard bargaining rights. That independently zeros solvency. That’s Handler.

#### Trump’s firing violates his constitutional duty to faithfully execute laws – the counterplan would allow enforcement to reverse firings and directly require agency effectiveness

Weintraub et al 25 [Ellen L. Weintraub is an American attorney who served as a member of the Federal Election Commission from 2002 to 2025, Kate Shaw, professor of law at the University of Pennsylvania Law School, and Melissa Murray, Frederick I. and Grace Stokes Professor of Law and the faculty director of the Birnbaum Women's Leadership Center at New York University School of Law, 12-23-2025 transcription here: https://app.podscribe.com/episode/146104286?transcriptVersionReqId=0ec81758-28e9-4047-989c-db3600b7066a]

And I think that is very dangerous. It's, it's going to mean a loss of independence. It's gonna mean a loss of independent voices. I mean, let's remember that the, the FEC is a little bit unusual in that it has an even number from, from each of the two parties. Most agencies are actually under the control of the president and his party. Yes. Because most of the independent agents, most of these multi-member boards, which is, you know, what we were talking about in the Slaughter case, have an odd number and the chair is appointed by the president. So he's got control over these agencies. It's not a question of the president being these agencies acting without any input from the president, but what you're going to lose are any independent voices.

And, and you're also going to lose, if this goes down below the very top echelons of these agencies, you're gonna lose expertise. And that's already starting to happen, obviously across government because A, the president fires people that he doesn't like their opinions, but b it's gonna be much more difficult to recruit good people to come back into government. Why would somebody wanna build a career on providing service to the American people, good public spirited people that are already throughout, working throughout the government or have been working throughout the government. How do you get those people to have the incentive to come back to government if they know that they're gonna have no job security?

And anytime they voice an opinion that's contrary to the president, it'll just, they, they could just get fired. And the firing of people like me who did speak out, I think was intended and received as a message of intimidation to other heads of agencies and to other government employees. So I think all of that is gonna be to the detriment of the American people.

Ellen, you mentioned these people that the president is firing in violation of these terms that Congress has set that now maybe the Supreme Court will make permissible going forward. How did you experience the process of being fired by the president from your post at the FEC? Some people have said that they got an email from someone, others have said that they were supposed to get an email, but the person sending the email type their name wrong. So they never got the email. And they found out from a coworker who was CC'd, like, I mean, it just sounds like, you know, they're really doing this government thing at a really high level, like a plus work here.

Can you tell us your Trump firing story?

Yeah, I got an email. I actually was not in the office. It was late on a Thursday afternoon and I was out of the office, so I was not staring at my email. It was a two sentence letter, you're removed, effective immediately. Thank you for your service. They did say thank you. You

Did get a thank you, thank, not everyone did.

I did get a thank. Yeah, I was called. But, but a, the, the letter was dated a week earlier, so I don't know where it was during that week, but it was dated January 31st. I didn't get it until February 6th. And then it was copied to both the staff director and the general counsel of the agency. And I think, as I've said before, I think that was intended and received as a message like, we are watching you too. So this person is the first to go and if you don't make sure that she's outta the building, then you know, other people could follow. And I was subsequently cut off from my email.

I was removed from all, I couldn't get access to the databases. They, they decommissioned the chip in my ID that allowed me access to the building. You know, I was given a little bit of time to clear out my office, which, you know, was nice I guess. But it was, I was not surprised to be removed by the president, but I thought that what would happen would be that I would be replaced in the normal course, right. As would have been consistent with the law. But that is not in fact what happened. And by the way, the other, another ramification of all of these firings is that the, it's a, it's a death by decapitation of various agencies including the FEC.

The FEC has is supposed to have six commissioners, four is a quorum, and now it's down to two. All of the Republican commissioners left This year, one to join the administration, one to go into private practice, one to run for Congress, and then I was fired. So they don't have a quorum and there are no nominations pending. So this is another way that the president fails in his constitutional duty to take care that the laws be faithfully executed. That's the sentence that the originalists don't quote quite so often also from the constitution. But Congress set up this agency, they set it up in particular as a bipartisan body.

And if the president can just fire people willy-nilly so that there is no functional quorum, the agency can't enforce the law, it can't interpret the law, it can't do anything that it's any of its major important jobs. And, and the FEC is not the only commission that's been effectively decommissioned. Yeah. You know, the NLRB- I think is in the same situation. There are probably others.

I think the ccp SC maybe lacks a quorum too. Yeah.

But, but Ellen, this is so interesting. I mean, the point about yeah, dismantling by decapitation. So Ramon Martinez in the argument said that this case was basically moot because the administration wasn't going to enforce it. He might have actually been exactly right, but for a different reason. Like, they're not going to enforce it because there's not going to be an FEC.

Yeah. I think he or he's doubly he's right for even more reasons that he was identifying. But it, it did that, when you were talking Ellen, it made me think that, you know, their effort to completely sort of slash and burn federal government under the leadership of Elon Musk and Doge was actually pretty unpopular in certain respects. But I wonder whether this reflects a kind of effort to, in more, you know, kind of gentil looking ways, like to just exercise the president's rightful article to power, but essentially get to the same place, which is agencies that can do none of the work that Congress empowered them to do. And that the people often really need to go back to the first thing you said, to do things like protect consumers, prevent corporate consolidation, protect laborers, and so much more.

#### That solves fed workers – the private right of action provides them a remedy to enforce their CBRs and get their jobs back

Newhouse 25 [Sean Michael Newhouse staff writer at Government Executive, 10-8-2025 https://www.govexec.com/management/2025/10/federal-employee-appeals-board-gets-quorum-after-senate-confirms-new-member/408701/]

The return of a quorum to the Merit Systems Protection Board may undercut the rationale behind a new Democratic bill that would enable federal employees who appeal disciplinary actions taken against them to the three-member panel to move their cases to a civil court if the quasi-judicial agency is experiencing delays.

MSPB had been without a quorum since the spring when the Supreme Court temporarily permitted President Donald Trump’s firing of Democratic board member Cathy Harris. The justices are scheduled during their current term to consider a related case, which could expand the president’s power to remove leaders of historically independent agencies with leaders from both parties, over the firing of Rebecca Slaughter, a Democratic member of the Federal Trade Commission.

The Senate on Tuesday, however, confirmed the nomination of James Woodruff to be a member of the MSPB. He was considered in an en bloc package of nominees that was approved in a 51-47 party-line vote.

Woodruff joins Henry Kerner, who is also a Republican and had been the board’s sole member following Harris’ removal and the end of Democratic MSPB board member Raymond Limon’s term in February. No more than two members of the panel can be from the same political party.

The new board member is a professor at an online law school who said in his opening statement during his confirmation hearing that he has argued cases before MSPB as a lawyer for the Air Force. According to Woodruff’s LinkedIn, he is pursuing a Master of Liberal Arts degree in digital media design and a graduate certificate in front end web development at Harvard’s Extension School.

Also on Tuesday, Senate and House Democrats introduced the Fair Access to Swift and Timely Justice Act (S. 2977), which would grant a private right of action to federal employees if MSPB does not act on an appeal after 120 days.

“Our measure helps federal employees who have been illegally fired by the Trump administration get the justice they deserve,” the bill’s sponsor, Sen. Richard Blumenthal, D-Conn., said in a statement. “The Trump administration’s efforts to undermine the independent MSPB have already resulted in significant delays for fired federal workers seeking relief.”

The measure is cosponsored by 11 Senate Democrats. Rep. James Walkinshaw, D-Va., is planning to introduce companion legislation in the House, according to a press release. Walkinshaw has continued the legislative focus on federal employees of his predecessor, and former boss, Rep. Gerry Connolly, D-Va., who died from cancer in May.

The bicameral bill is endorsed by the American Federation of Government Employees, the nonprofit Government Accountability Project and the National Active and Retired Federal Employees Association.

“If the MPSB has no quorum, appeals to its authority may languish without action,” NARFE National President William “Bill” Shackelford said in a statement. “This bill provides an alternative remedy when the MSPB is unable to hear a case in a timely manner, allowing public servants who may have been terminated for political reasons to file an action in federal court.

### 2NC---S---National Security

#### The counterplan expands the pool of plaintiffs in national security cases and creates offensive and defensive standing to sue. That ensures agency accountability.

Kent 14 [Andrew, Professor, Fordham Law School; Faculty Advisor, Center on National Security at Fordham Law School, “ARE DAMAGES DIFFERENT?: BIVENS AND NATIONAL SECURITY”, 2014, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1522&context=faculty_scholarship>]

Under current doctrine, offensive litigation seeking injunctions or injunctive-type relief (habeas) are widely, but by no means universally, available for individuals affected by U.S. national security policies. But, as this Article has discussed, offensive money damages remedies (Bivens) have not been provided in most circumstances. Allowing Bivens in the national security area will substantially increase the size of the pool of potential plaintiffs—meaning the pool of persons who can raise constitutional claims offensively or defensively, whether or not they initiate civil lawsuits as formal plaintiffs. Rules about Article III standing and matters of timing mean that there is an enormous difference between the size of the pool of potential plaintiffs in offensive versus defensive constitutional litigation, and between suits seeking retrospective versus prospective remedies. There will always be a much larger number of individuals who potentially could raise claims against the government offensively compared to defensively, and a much larger number of individuals who can sue for damages than for injunctive relief.

To simplify somewhat, an individual may seek injunctive relief only for so long as the government harm is occurring. That might be just a few instances. After it is over, the injured party will not have standing to sue for injunctive-type relief unless it can be shown that the government harm is objectively likely to recur.263 Even if the harm occurs over a longer period of time, and therefore, there is a greater time window during which to sue for injunctive relief, the government misconduct might be of a type which prevents the individual from reaching a lawyer or court.264 Therefore, there will generally be a somewhat narrow time window in which an injured party can be a plaintiff seeking injunctive relief against government misconduct. The time window during which an individual injured by government officials may seek to be plaintiffs in a money damages suit is substantially, often exponentially, larger—probably at least several years under the relevant statute of limitations.265 In addition, it is significantly easier to establish standing to sue for damages than for an injunction.266

### 2NC---AT: Perm: Do Both

**Perm do both links to net benefits – still includes federal action. 2AC said three words.**

No shielding argument sufficient to solve the link in the short term and the 1AR is too late because of neg block selection

**It can’t be perceived as follow-on since fiat is immediate**

**Summers 94** (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn16)

[CONTINUES – TO FOOTNOTE]

[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as **more** than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or **"must"** when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or ***immediately effective***, as opposed to something that *will* or *would* become effective *in the* ***future*** *[in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

**Simultaneous action of states and federal action still links – need time to build political power and support** – that’s consistent with all of our follow-on ev

### 2NC---AT: Perm: Do Counterplan

**Perm do the counterplan severs USFG**

**Thomson 7** [Alex Thomson, A Glossary of US Politics and Government 2007 p 72]

federal government The term used to refer to the central, national government of the United States, based primarily in Washington DC. The federal government **differs from the fifty state** governments in that it has a **national jurisdiction**, and it governs in separate policy areas from those of the states.

**It can’t be states**

**Krutz & Waskiewicz 21** [Glen Krutz (Content Lead), PhD from Texas A&M University. He currently serves as Professor of Political Science, Sylvie Waskiewicz (Lead Editor), PhD, from the Institute of French Studies at New York University, “American Government 3e” Textbook distributed by OpenStax, Chapter “The Division of Powers”, Module 11, First published Jul 28, 2021, https://openstax.org/books/american-government-3e/pages/3-1-the-division-of-powers]

Modern democracies divide governmental power in two general ways; some, like the United States, use a combination of both structures. The first and more common mechanism shares power among three branches of government—the legislature, the executive, and the judiciary. The second, federalism, apportions power between two levels of government: national and subnational. In the United States, the term federal government refers to the government at the national level, while the term states means governments at the subnational level.

#### Severance creates a moving target and destroys neg ground and predictability. Reject it.

### 2NC---Conditionality

#### Condo is good---C/I: what we did.

#### 1. Neg flex---Aff sandbagging and side bias means the Neg needs more conditional advocacies to have reactive strategy.

#### 2. Processing---debates with multiple worlds challenge the Aff to sift through information and make tactical in-round decisions, which increases critical thinking skills.

#### 3. Argument Innovation---debaters won’t introduce new strategies unless they have a fallback option---alternatives overburden Neg research.

#### 4. Logic---proving the counterplan is bad does not prove the plan is good.

#### No offense:

#### 1. Condo is inevitable---new affs, add-ons, link turns, and perm re-explanations.

#### 2. Diminishing marginal utility---infinite condo is unstrategic---arguments inevitably overlap.

#### 3. Dispo’s bad. Lets the 2AC determine block strategy and there’s no community consensus on what it is even if they defined it.

## Solvency

### 2NC---No Solvency---Experts

#### There’s enough protections to void illegal orders in the status quo. Simply saying no, appealing to the OSC, and Congressionally mandated whistleblower protections are sufficient to provide policy autonomy. That’s Gotbaum.

#### Also, can’t solve Trump purposefully appointing people to destroy an agency. Empirically proven by the Department of Education.

#### You can lead Trump to experts, but you can’t make him follow their advice.

Kelly ’25 [Mary Louise, Selena Simmons-Duffin, and Domenico Montanaro; August 8; American broadcaster and author; reports on health policy for NPR; NPR's senior political editor/correspondent; NPR, "How a distrust of experts is shaping government policy under Trump," https://www.npr.org/2025/08/08/nx-s1-5494569/how-a-distrust-of-experts-is-shaping-government-policy-under-trump]

MARY LOUISE KELLY, HOST:

Last week, the Trump administration canceled approximately $500 million in contracts to develop mRNA vaccines that protect the nation against future viral threats. The move alarmed public health experts. That was big news. But disregarding the advice of experts is nothing new for this administration, whether it's about health policy or other areas of government work like, say, the economy or foreign aid, just to name two. We want to hear more about the broader implications of that distrust of science and expertise, so for the next few minutes, we're going to turn the microphone over to two NPR reporters who have been following this closely - health policy correspondent Selena Simmons-Duffin and senior political editor and correspondent Domenico Montanaro.

DOMENICO MONTANARO, BYLINE: This decision at HHS canceling all this money for mRNA vaccines is kind of wild to me because it feels like a reversal from Trump's first term. He pushed to develop these vaccines in the first place.

SELENA SIMMONS-DUFFIN, BYLINE: Yeah, you know, it is, in some ways, a dramatic U-turn from the first Trump administration, which was in place when the COVID-19 pandemic began. So under Trump, the National Institutes for Health and private pharmaceutical companies collaborated to create vaccines incredibly fast. And you remember that effort was called Operation Warp Speed. And the speed was possible because the vaccines were built using this relatively new mRNA platform. The vaccines weren't perfect. There were a lot of breakthrough infections, but they are credited with saving many, many lives and preventing hospitalizations. And since that success, many scientists have been excited to figure out what else mRNA technology can do.

However, mRNA vaccines have also been a longtime target of Robert F. Kennedy Jr., who is now the U.S. health secretary. He built his reputation and fortune by disparaging vaccines and suing drugmakers and regulators. He once tweeted that the COVID vaccines were, quote, "a crime against humanity." And even though he reassured senators during his confirmation hearing he wasn't going to bring his anti-vaccine activism to this new, very powerful role, that's exactly what he has done, and this is the latest example of that. And President Trump seems to be happy with this development, even though he used to call Operation Warp Speed and the vaccines it produced a miracle.

MONTANARO: Yeah. I mean, he's not going to put his neck out there, you know, to stand up for them anymore as a miracle, as he did describe them. But, you know, the fact is COVID was a huge political problem for Trump. He was trying to find anything that would help solve the problem and help him politically. But his handling overall of that is arguably why he lost in 2020. You know, many in his base turned on the vaccines. So Trump had to wind up walking this very fine line.

There was a huge overlap with RFK Jr.'s base of people who'd long, you know, been seen as on the fringe, and Trump needed them in 2024. But Trump really doesn't have very strongly held beliefs on this topic. You know, remember, he's also expressed his own skepticism about vaccines, so now Trump's allowing RFK Jr. the room to run, regardless of the best science because his movement and that of so many right-wing populist movements around the world, by the way, are dependent on this distrust of expertise.

SIMMONS-DUFFIN: Yeah. And, you know, Secretary Kennedy has really disparaged the Department of Health and Human Services, which he now oversees. He's laid the blame for American population - the American population's relatively poor health on rank-and-file HHS employees. He says they failed to improve America's health for decades. He's pointed to that as justification for abruptly firing approximately 10,000 workers, shutting down federal labs, canceling billions in funding for public health departments and researchers. And he doesn't just say these experts are ineffective. He told Lara Trump on Fox News that they're deliberately manipulating the truth.

(SOUNDBITE OF ARCHIVED RECORDING)

ROBERT F KENNEDY JR: There's all kinds of biases, and we need to have a system in place that will account for those biases and that will produce the best gold-standard science for Americans and evidence-based medicine.

SIMMONS-DUFFIN: Kennedy talks about gold-standard science constantly, but he doesn't really define what he means. He said in his confirmation hearings this isn't just a label he uses for research whose results fit with his preconceived beliefs. He says it's more objective than that. But gold-standard science is not a term that's used among scientists, and he seems to be using it as a filter for what research gets funding and credibility and what can be brushed aside.

MONTANARO: Yeah. And Kennedy isn't the only member of this administration with a deep distrust of experts. You know, there's this anti-elitism, anti-intellectualism, this distrust in the experts. It's really something that's fueled Trump's politics. That was made explicit in the October vice presidential debate. Listen to now-Vice President JD Vance then strongly disagreeing with the idea that it's important to listen to the experts - in this case - about health.

(SOUNDBITE OF ARCHIVED RECORDING)

VICE PRESIDENT JD VANCE: So many of the drugs, the pharmaceuticals that we put in the bodies of our children are manufactured by nations that hate us. This has to stop, and we're not going to stop it by listening to experts. We're going to stop it by listening to common sense wisdom, which is what Donald Trump governed on.

MONTANARO: Yeah. In other words, don't believe the experts. Believe Donald Trump. And look, they told us. They've been telling us. Think about trade, which was the first part of JD Vance's answer, as well as health care - what we're talking about here. And the strategy here is undermine institutions and experts and believe in that one person, then they can sell you anything.

SIMMONS-DUFFIN: You know, it is striking to me how Secretary Kennedy seems to assume bad intent among experts, as if expert consensus is a kind of collusion, and only outsiders without expertise in certain fields have the bravery to see things clearly. You know, think about how he fired the outside panel of vaccine experts and replaced them with his own handpicked roster, including people who have spread misinformation about vaccines.

You know, he points to historical examples of when scientists got things wrong to imply that all science that experts stand behind - especially if it contradicts his ideological beliefs - is also maybe wrong. And that's really a misrepresentation of how science works and a dark view of what motivates the experts in health and science. You know, he's leading from a place of distrust. And even though the public doesn't have high trust in public health experts or federal agencies like CDC and FDA, Kennedy has extreme views on things like vaccines that don't reflect popular opinion.

MONTANARO: And they used to have very high opinions of those institutions but...

SIMMONS-DUFFIN: Yeah.

MONTANARO: ...Leadership matters. And this is what happens when leaders undermine expertise. And that's, frankly, one of the biggest problems in our society, that we can't agree on a shared set of facts and then be able to argue about which policies are the right ones to lead the country. It makes it extraordinarily hard to find any degree of unity when everything is viewed through a partisan political lens.

### 2NC---No Solvency---Agencies

#### There’s no impact to agency loss. Empirics prove they don’t utilize expert knowledge and are plagued by groupthink – that’s Lofthouse & Schaefer

#### Group think makes agencies useless

Jordan K. Lofthouse & Alexander Schaefer 24. \*\*Senior Fellow with the FA Hayek Program for Advanced Study in Philosophy, Politics, and Economics at the Mercatus Center at George Mason University. \*\*Assistant professor of Philosophy at the University of Buffalo. “Expert Knowledge and the Administrative State.” 10/17/24. *Public Choice* 202, 433-454.

For a variety of reasons, administrative agencies often exhibit low levels of diversity. Most importantly, experts at a given agency are typically drawn from a specific disci- pline and therefore share certain professional interests, which may, consciously or unconsciously, distort the quality of the information they provide (Thomas, 2019).24 “[B]eliefs and science,” Christiano (2012: p. 49) warns, “can easily come to reflect the narrow back- grounds and interests of those who produce them.” Along similar lines, Myrdal ([1930] 1954) has argued that theoretical perspectives, such as neoclassical economics, often come laden with ideological presuppositions.25 The risk of such distortion is much higher when deliberation occurs without transparency or citizen participation (Zenker, 2011). This leads to theoretical frameworks in which certain values or interests are implicitly favored. All of these issues present a legitimate cause for worry, since they diminish the reliability of experts. Christensen et al., (2022: p. 70) argue that “when expert advice does not cover all relevant aspects of and perspectives on an issue, but rather reflects specific disciplinary viewpoints, citizens are right to worry about the quality of advice and poorer quality of policy and outcomes.”

Not only do administrative agencies draw in experts from a particular discipline, but they often focus on a particular, narrow issue and valorize one particular approach to that issue. For example, employees of the Federal Reserve share the same understanding of macroeconomic fluctuations and the Fed’s role in the economy, even though this is not true of the profession at large. The relative lack of diversity leaves the Fed vulnerable to group- think and incapable of grasping insights that may improve their policies. In the lead up to the 2008 financial crisis, for example, several economists —including Nouriel Roubini (International Monetary Fund, 2006), Raghuramn Rajan (2005), and Ann Pettifor (2006)— published papers or books warning that increasing private debt threatened to destabilize the economy. None of the economists at the Fed issued such warnings or appear to have seriously considered the possibility of a financial crisis until far too late. Many decisions at the Federal Reserve leading up to 2008 seem to have suffered from insufficient input from diverse perspectives.26

#### So does regulatory inertia

Jonathan Wolfson & Tanner Jones 24. \*\*Chief Legal Officer and Policy Director at the Cicero Institute. \*\*Policy Analyst at the Cicero Institute. “Confronting Regulatory Inertia.” 6/28/24. https://ciceroinstitute.org/research/confronting-regulatory-inertia/

Misaligned Incentives Among Regulators and Interest Groups Foster an Inefficient Regulatory Environment

At their best, regulations should provide clarity when the legislature passes a law designed to improve human welfare or address market failures. Legislation often leaves gaps and regulations fill those gaps so the public can fully understand the rules of the road. These necessary and non-capricious rules aspire to correct market failures such as the tragedy of the commons and incentives that produce moral hazard. Indeed, even Hayek calls for laws to protect the commons. However, we share Musk’s concern that regulations often outlive their usefulness and become costly for taxpayers and burdensome for business. Sam Huntington’s theory of political decay illustrates the general tendency of political institutions to deviate from their initial purpose and devolve into arenas for political conflict.8 Problems require solutions, but old solutions may soon yield new problems. In the world of American rulemaking—absent a robust and regular regulatory review process—agencies risk regression. In short, regulations that once addressed a legitimate market failure may today impede market function

Moreover, just as no one string bound Gulliver, otherwise beneficial rules may thwart the public interest when stacked atop an already mammoth regulatory burden. In a vacuum—a perfectly competitive market—well-intentioned regulations may serve a legitimate public interest. But regulatory idealism is detached from reality, the most highly regulated market environment in American history. Thus, already tied down by multiple regulations, even legitimate new rules may be the final cord that incapacitates the business. To use another idiom: overregulation is death by one thousand cuts.

At the core of American overregulation is a crisis of incentives, checks, and balances. Regulators are motivated to write new regulations, unmotivated to eliminate old regulations, lawmakers and courts are deferential, and the most prominent industry participants prefer regulation to stymie their competition.

Incentives among both state and federal regulators ensure the proliferation and maintenance of regulations long after market failures have been corrected. Careerist bureaucrats are motivated to mint new regulations and justify their agencies’ budgets. Likewise, political appointees may be tempted to view rulemaking as a tool to actualize ideological ends and win political battles rather than address market failures. Both groups are motivated to generate new rules and neglect old ones, compounding the Federal Register and its state-level corollaries. Unfortunately, there are few incentives to withdraw old regulations, or even exert energy to review old regulations. This regulatory inertia entrenches industries in a climate of oppressive government scrutiny and crushing compliance costs.

Regulatory inertia is a problem because outdated regulations divert regulators and regulated entities from the public interest. Old rules may cite outdated laws, ignore new technologies, and can remain on the books even if unused for decades. Indeed, regulations devoid of a reasonable cost-benefit assessment and incongruent with the public interest continue to carry the force of law long after their relevance expires. Every business still must obey old rules or risk retribution, even if old rules are no longer enforced. The costs of regulations continue to grow, more strings continue to tie down Gulliver, and progress is slowed or ultimately stopped.

#### And special interests

Beek ’22 [Michael Van; July 23; Director of Research for the Mackinac Center for Public Policy, The Hill, “Pandemic failures expose problems of the administrative state,” https://thehill.com/opinion/healthcare/3570569-pandemic-failures-expose-problems-of-the-administrative-state/]

State governments used an unprecedented level of executive power to respond to the COVID-19 pandemic. Governors and other state officials tried to control entire state economies and even our private interactions. The impact these measures had on overall public health is not yet known, but there were many blunders made along the way. These failures expose some inherent problems of the administrative state — the vast landscape of departments and agencies that make up the executive branch of government.

One must separate intent from reality to understand how the administrative state functions. These bureaucracies are meant to enforce the laws the legislature creates. They should be focused on carrying out the policy goals pursued by these elected representatives. In reality, bureaucrats get their marching orders from governors.

This explains why, when governors issued controversial orders in response to the pandemic, the administrative state supported them unequivocally. Although staffed by experts who claim that they are impartial and guided only by evidence, state bureaucrats generally just went along with whatever policies their governors chose. Given their radically different responses to COVID-19, it was as if each state bureaucracy followed its own unique version of “the science.”

This highlights an important shortcoming of the administrative state: It is highly susceptible to groupthink. Governors call the tune and bureaucrats fall in line. There are no mechanisms to ensure opposing viewpoints are heard, much less considered. This feature might be useful in the rare instances when emergency action is required, but it is disastrous as a standard operating procedure.

This groupthink helps make sense of the pandemic policies that made no sense. Remember when former Mayor Bill de Blasio reopened beaches in New York City but prohibited swimming in the waters lapping those shores? Barbecuing was also specifically outlawed. For a few weeks in Michigan, Gov. Gretchen Whitmer allowed the use of boats — except those powered by a motor. She permitted people to walk a golf course — but not while carrying and occasionally swinging golf clubs. The rest of this page could be filled with examples of nonsensical policies that were obviously pointless and performative.

It is difficult to imagine how governors and their bureaucratic advisers came up with these bizarre rules. The administrative state may operate in a bubble where blatantly bad ideas receive little or no substantial pushback. State officials seem disconnected from reality when they issue arbitrary orders that are unlikely to make a difference when applied in the real world.

Another problem with letting governors and the administrative state run the show is that they are susceptible to the pleading of special interest groups. One reason that schools remained closed for so long in many states and cities was the influence of teachers unions. They have a long-established, cozy relationship with government officials. Unions can more easily persuade public officials than could, say, a group of concerned but politically unsophisticated parents.

### 2NC---SQ Solves---Trump

#### Dem House checks Trump – it establishes guardrails in policy and deters misuse of power

Jackson 25 [Mitch Jackson. J.D., Western State College of Law, California Lawyer Attorneys of the Year (CLAY) Award, Attorney at Maneuver Mediation law firm. “The 2026 Midterms Could Save America — If We Show Up.” Uncensored Objection. 5/29/2025. https://mitchthelawyer.substack.com/p/the-2026-midterms-could-save-america]

This is an urgent and unflinching call to action that argues the 2026 midterms may be our last, best chance to stop Donald Trump’s dangerous grip on power, restore constitutional checks and balances, and protect the future of American democracy. With Congress currently enabling the White House, the piece lays out in plain, forceful terms how a Democratic majority in the House and Senate could block further damage, reverse harmful executive actions, hold corrupt officials accountable, and defend fundamental freedoms under siege.

It connects the dots across the economy, environment, global alliances, civil rights, and the rule of law, showing how much is at stake and how much power voters still hold. For anyone who thinks their vote won’t matter, this article makes one thing clear: it absolutely does.

How Do You Feel Right Now?

I’m going to be honest: like many of you, I’ve felt a knot of worry in my stomach when I think about our country lately. Over the past several months, I’ve heard friends and neighbors say they’re discouraged, that they feel our democracy is slipping away. I understand that fear deeply, because I feel it too. But I’m not writing today to dwell on despair. I’m here to share a path forward.

We are not powerless. We, the everyday Americans, have the ability to change the course of history in the 2026 midterms. By voting for Democrats to take back the majority in both the House and Senate, we can restore the checks and balances that safeguard our democracy and begin to repair the damage being done right now. This isn’t just a political preference; it’s a democratic necessity. It’s how we save our democracy from a real and present danger.

Democracy at the Brink

President Donald Trump’s return to the White House in 2025 has brought our nation to a crisis point. In just a short time, his actions and rhetoric have inflicted serious harm on the pillars of American democracy.

We’ve watched as he casts aside constitutional norms and treats the presidency like a personal fiefdom. He’s openly undermining the rule of law, pardoning those who committed violence in his name and urging his Justice Department to target political rivals. He’s using words like “vermin” to describe his opponents and calling the free press the “enemy of the people,” language that shocks me as an American. This is not normal disagreement or routine politics; it’s an assault on the values that hold us together.

Our economy, too, is caught in the crossfire of chaos. Instead of working to lower costs for working families, Trump and his allies in Congress have focused on tax breaks for billionaires and gutting programs that everyday people rely on. They tried to slash health care for millions by cutting Medicaid, and they even moved to shrink food assistance for struggling families. While costs of groceries and gas went up for us, the only “plan” from this leadership has been more breaks for the wealthy and leaving the rest of us to fend for ourselves. It feels like the powerful are playing a different game entirely, one that leaves regular folks behind.

Socially, the fabric of our nation is being pulled apart. Rather than seek common ground, this administration doubles down on dividing us, by race, by religion, by who we love or where we come from. Hate crimes and violent extremism have been emboldened by wink-and-nod encouragement from our nation’s highest office.

Instead of firmly denouncing white supremacists and conspiracy theorists, Trump often echoes their slogans or welcomes their support. It’s no wonder so many Americans feel a sense of dread and disunity. We are all tired of the constant outrage cycle and the feeling that we’re at each other’s throats. This is not the America we know and love, where despite our differences we used to believe we were on the same team.

Internationally, the United States’ standing has plummeted. Longtime allies are questioning whether they can rely on us, as President Trump cozies up to dictators and strongmen around the world. He has hinted at abandoning NATO and other alliances that have kept us safe for generations.

He pulled back on global agreements, like those on climate and human rights, leaving America isolated on the world stage. I can’t tell you how heartbreaking it is to see the country that once championed democracy and freedom now shaking the confidence of our friends and giving comfort to our adversaries. When America doesn’t lead with its values, the world becomes a more dangerous and unstable place.

All of this sounds dire, and it is. We have to face that truth head on: our democracy is at the brink. The Constitution, the economy, our unity as a people, and our global reputation are all under assault by a president who will stop at nothing to aggrandize his own power. It’s easy to feel hopeless hearing that.

But here’s the thing I want you to remember: this story isn’t over. We are not helpless spectators. America’s strength has always been the ability of its people to course-correct, to come together and insist on change when it’s needed most. And right now, what’s needed is a restoration of checks and balances. We need a Congress that will stand up and say no to this march toward authoritarianism and division. We need a Congress that works for us, the people, not for the president’s whims.

Checks and Balances: Why Congress Matters So Much

When the founders of our nation wrote the Constitution, they were deeply worried about any one person having too much power. That’s why they built a system of checks and balances, so no president could act like a king.

The legislative branch, Congress, was given the duty to be the people’s voice and a check on the executive branch. In plain terms, it’s Congress’s job to rein in a president who goes off the rails. For most of our history, this system has (more or less) worked. No matter which party a president came from, Congress was there to question, to oversee, and sometimes to say “hold on, that’s not right.” Checks and balances are the brakes on the car when the driver is speeding toward a cliff.

Right now, those brakes aren’t working. With Trump in the Oval Office and his party holding slim majorities in the House and Senate, the usual safeguards are failing. Instead of putting country over party, too many current congressional leaders have chosen to be rubber stamps. They’re either too afraid or too complicit to stand up to the President’s worst instincts.

We’ve seen congressional committees that should be investigating genuine problems instead wasting time targeting the President’s perceived enemies or spreading his preferred narratives. We’ve seen silence or shrugs in response to blatant abuses of power. This lack of pushback is exactly what enables the dangerous trajectory we’re on. When one party controls all levers of government and refuses to police its own leader, the checks and balances are effectively gone.

But here’s the hopeful part: we can fix this by changing who’s in Congress. In our democracy, the people are the ultimate check. If our representatives won’t do their job, we can fire them at the ballot box.

By electing a Democratic majority to the House and Senate, we will restore the balance that our system needs. I’m not talking about giving one party power just for the sake of it. I’m talking about ensuring that someone in power is finally willing to stand up to the president and say, “Enough.” We need lawmakers who will actually perform oversight, who will act as a co-equal branch of government instead of a subordinate.

Throughout history, there have been moments when Americans chose a new Congress to correct the course of a runaway presidency, and it worked. I think of 1974 after Watergate, or the 2018 midterms after Trump’s first two years, when voters elected a House that could hold the administration accountable. Those were turning points that pulled our country back from the brink. We have that same kind of moment before us in 2026. By voting for Democrats, we aren’t handing power to a party so much as we are reclaiming power for the people, via a Congress that will actually do its job.

The Powers Congress Can Use to Stop the Damage

How exactly can Congress constrain a president gone rogue? It’s important to understand that the legislative branch has real, tangible powers, tools that, in the right hands, can halt abuse and even begin to undo it.

If we flip the House and Senate, a Democratic-controlled Congress can deploy these powers on our behalf. Here are the major ways Congress can act as a safeguard:

Oversight and Investigations: Congress has the authority to oversee the executive branch. This means they can hold hearings and launch investigations into misconduct, corruption, or unconstitutional actions by the President or his administration. With a Democratic majority, those committees investigating would no longer turn a blind eye.

They can shine a bright light on what’s been happening behind closed doors. Think about the power of truth, when wrongdoing is exposed in the public eye, it becomes a lot harder for it to continue. Hearings can reveal, for example, if officials are abusing power, if taxpayer money is being misused, or if rights are being violated.

We saw this work in the past: it was congressional investigations that uncovered the Watergate scandal long ago, and more recently, a Democratic-led House in 2019 was able to investigate and impeach Trump over abuse of power. Oversight is a way of saying, “We’re watching, and you will be held accountable.”

Subpoena Power: As part of oversight, Congress can issue subpoenas to compel witnesses to testify and produce documents. This might sound technical, but it’s basically the power to force the truth out into the open.

Right now, a lot of truth is being hidden from the American people, whether it’s details about backroom deals, communication with foreign powers, or internal decisions that affect all of us. A Congress willing to use subpoena power can drag those facts into the sunlight.

For instance, if there are allegations that the administration is using government agencies to persecute political opponents or that officials are violating ethics laws, subpoenas can bring those officials before Congress to answer under oath. It puts a real check on abuse because lying under oath is a crime, and refusing a lawful subpoena can lead to contempt charges. In short, subpoenas are how Congress says, “You must tell the truth, whether the president likes it or not.”

The Power of the Purse: This is one of Congress’s most critical powers. Only Congress can appropriate money for government operations. In practice, this means if the President wants to fund a controversial project or enforce a harmful policy, a determined Congress can say, “Not with taxpayer dollars, you won’t.” A Democratic majority could block funding for any number of Trump’s harmful initiatives.

For example, if Trump issues an executive order that hurts the environment or sets up some kind of overreaching task force to target his critics, Congress can pass a budget that explicitly prohibits spending money on that. On the positive side, Congress can direct funding toward the things that help people, education, healthcare, disaster relief, infrastructure, and away from things that do harm. It’s an immense leverage point. Even the most powerful president cannot spend money that Congress refuses to provide. By controlling the purse strings, a Democratic House and Senate can effectively stop many of the damaging policies in their tracks.

Legislative Authority (Passing and Blocking Laws): Congress is the only branch that can make federal laws. With a majority, Democrats could block any new laws Trump’s allies try to push that would hurt our democracy or rights.

Think about proposals that may be on the table: a national abortion ban, cuts to Social Security or Medicare, laws undermining voting rights, or extremist cultural laws that attack LGBTQ citizens or other groups. Right now, those kinds of bills might have a chance. With a Democratic majority, they would never see the light of day.

Blocking bad legislation is vital, it prevents further damage. But it’s not just about defense. A new majority can go on offense by passing bills that protect our democracy and our people. Now, it’s true that Trump as president could veto bills he doesn’t like, but passing them still matters. It forces a public conversation and pressures even members of his party to take stands. In some cases, if enough Republicans feel the heat, Congress could even override a veto.

For instance, a law to safeguard elections or to help veterans shouldn’t be something a president vetoes without paying a political price. A Democratic Congress can put good legislation on his desk and dare him to reject it. And in any must-pass bills (like funding the government), they can include provisions that rein in abuses, knowing the President has to sign or face a shutdown that he’d be blamed for. In these ways, writing and shaping laws gives Congress immense power to direct the country’s course.

Advice and Consent (Senate’s Confirmation Power): The Senate has a unique role in confirming or rejecting the President’s appointments for key positions, from Cabinet secretaries to federal judges, including Supreme Court justices. If Democrats have the majority in the Senate, they can ensure that unqualified or extreme nominees don’t get rubber-stamped into lifetime judgeships or critical agency roles.

#### It’s comparatively the most effective weapon to stop Trump

MVP 25 (Movement Voter Project, “How Do We Stop Trump? Flip the House in 2026. Here's the Plan.,” https://movement.vote/blog/2025-06-23-how-do-we-stop-trump-flip-the-house-in-2026-heres-the-plan/)

Political assassinations. War in the Middle East. Looming legislation to steal from the poor to give to the rich. It's easy to feel overwhelmed, but it's also more important than ever to put our time, money, and energy where it can make a real impact.

One of the most effective things we can do to stop the Trump regime is to flip the U.S. House in November 2026 — and to do that, one of our smartest moves right now is to fund year-round local organizing in the key districts we need to win.

Read the plan:

Read MVP's 2026 U.S. House Strategy here.

Why focus on winning the House?

A Democratic House in 2027 will:

* Block MAGA legislation,
* Launch investigations and issue subpoenas to expose Trump's corruption,
* Sue the administration for violating the U.S. Constitution, and,
* Be a stepping stone toward the political imperative of winning a Democratic governing trifecta in 2028, and the longer-term imperative of bringing the MAGA era to an end.

## Bureaucracy

### 2NC---AT: Agency Capacity

#### Empirically denied---eroding the administrative state has been a bipartisan move since the Clinton administration. Governments choose privatization and outsourcing to reduce spending---that’s Rahman. Proves there is zero brink for any of their impact scenarios since its been insufficient for years.

#### States are filling in regulatory gaps now.

Taylor et al 25 [Ashley Taylor et al, JD, Co-leader of Troutman Pepper Locke LLP’s state attorneys general practice, Clayton Friedman, JD, Co-leads Troutman Pepper Locke LLP’s state attorneys general practice, Michael Yaghi, JD, partner in Troutman Pepper Locke LLP’s state attorneys general and regulatory investigations, strategy and enforcement (RISE) practice groups, nationwide teams that advise clients on consumer protection enforcement matters and other regulatory issues, 8-5-25, “State attorneys general step up enforcement with regulatory shift of Trump administration,” https://www.reuters.com/legal/litigation/state-attorneys-general-step-up-enforcement-with-regulatory-shift-trump-2025-08-05/]

August 05, 2025 - In the wake of the November 2024 elections, the United States has experienced a significant shift in regulatory focus, largely due to the fallout from the Trump administration's broad deregulatory agenda. This shift has prompted state attorneys general to step up their enforcement efforts, effectively filling what they perceive to be the regulatory void seemingly created by the federal agencies' shifting priorities.

The Trump administration's deregulatory stance was clear from the beginning. As set forth in Executive Order 14192, dated Jan. 31, 2025, President Trump stated "It is the policy of my Administration to significantly reduce the private expenditures required to comply with Federal regulations[.]"

This was followed by the Federal Communications Commission's ("FCC") initiative titled "In Re: Delete, Delete, Delete," which solicited public comments on the potential modification or elimination of regulations deemed unnecessary or overly burdensome. FCC March 12, 2025, Public Notice, GN Docket No. 25-133.

Federal agencies also appear to have shifted their litigation priorities. For example, in April the Consumer Financial Protection Bureau ("CFPB"), formed in 2008 and tasked with policing financial firms and consumer financial laws, requested it be removed as a plaintiff in CFPB v. Credit Acceptance Corporation. The case alleged the defendant, a subprime auto lender, incentivized dealerships to inflate vehicle prices and add expensive add-on products, effectively concealing the true cost of the loan from consumers in violation of the Consumer Financial Protection Act. It is predicted that the case could have widespread impact on the secondary auto finance market; thus, the CFPB's request may signal a retreat from active enforcement.

In another instance, the administration announced that it would be suspending federal enforcement of the Foreign Corrupt Practices Act ("FCPA"). Executive Order 14209 of Feb. 10, 2025.

Increased use of state consumer protection statutes

As federal agency priorities shift, state action has indicated that any perceived void in federal regulation will be filled by enforcement of state consumer protection statutes. For example, after the presidential administration announced it would be suspending FCPA enforcement, California's Attorney General Rob Bonta affirmed in a press release that FCPA violations remain actionable under the state's unfair competition law.

In response to the shifts at the CFPB, New York City Comptroller Brad Lander issued a report urging city and state leaders to strengthen local consumer financial protections. His report called for the passage of the FAIR Business Practices Act, proposed by Attorney General Letitia James and enacted by the New York Legislature on June 20, 2025.

The FAIR Business Practices Act, if signed into law by Gov. Kathy Hochul, would address alleged weaknesses in New York's consumer protection statute that currently only safeguards consumers against business acts or practices that are deemed "deceptive." The FAIR Act seeks to bring "unfair" and "abusive" acts by businesses, banks and other financial services companies — e.g., auto lenders, mortgage and student loan servicers — within its purview. Additionally, Lander advocates for full funding of relevant state and city departments to investigate harmful practices and protect consumers, as well as the creation of a Consumer Protection Restitution Fund.

States are also using novel ways to regulate areas traditionally left to the Food and Drug Administration ("FDA") by bringing enforcement actions using consumer protection statutes. For instance, Texas issued a Civil Investigative Demand to General Mills concerning General Mills' labeling of ingredients. Texas investigated General Mills for potential consumer protection violations regarding allegedly misrepresenting its food products were "healthy" and "nutritious" despite containing artificial dyes.

In another example of a consumer protection statute being used to regulate health claims, Connecticut's Attorney General filed a lawsuit against companies selling GLP-1 drugs, a class of drugs used to manage type 2 diabetes and, more recently, for weight management. Connecticut Attorney General William Tong claims the defendant violated the Connecticut Unfair Trade Practices Act by selling these drugs without proper approval.

States enforce federal law

In addition to using state laws to increase enforcement, state attorneys general have brought regulatory action for alleged violations of federal laws. In one instance, Maryland's Attorney General Anthony G. Brown settled with three property management companies the state accused of violating the Fair Housing Act. The Fair Housing Act has traditionally been enforced by the Department of Housing and Urban Development ("HUD").

The Federal Trade Commission ("FTC") is also undergoing leadership shifts and a refocusing of enforcement priorities. However, state attorneys general are stepping in to address perceived gaps in federal enforcement. Michigan's Attorney General sued Roku for alleged violations of the Children's Online Privacy Protection Act ("COPPA") and the Video Privacy Protection Act ("VPPA"). These federal privacy laws have traditionally fallen within the FTC's enforcement powers.

Looking ahead

The trend of increased state enforcement in the consumer protection space is likely to continue. The recent passage of H.R.1, commonly referred to as "The Big Beautiful Bill," shifted funding away from several federal agencies. This transfer of funding will likely result in additional shifts to federal enforcement priorities.

As federal agencies scale back their involvement, state Attorneys General are poised to play a more significant role in the consumer protection space. This shift has potential to lead to a patchwork of state regulations, creating challenges for businesses operating across multiple jurisdictions. However, it also presents an opportunity for states to innovate and tailor consumer protection measures to address local needs effectively.

The current landscape of consumer protection is marked by a dynamic interplay between federal deregulation and state enforcement. As states amplify their role, they may also be setting new standards for consumer protection. The coming years will likely see further developments in this area, requiring businesses to adapt to the evolving regulatory environment.

#### Alt causes---the existence of experts can’t make the public listen to them---RFK proves that even if scientists stayed in the US, it wouldn’t matter

Trujillo et al 25 [Kristin Lunz Trujillo (assistant professor of political science at USC), other authors unspecified, 1-30-2025, Robert F. Kennedy Jr. nomination signals new era of anti-intellectualism in American politics, University of Southern California, https://sc.edu/uofsc/posts/2025/01/01-convo-rfk.php, Accessed: 9-8-2025]

The many controversial people appointed to the Trump administration, from Elon Musk to Robert F. Kennedy Jr., have at least one thing in common: They dislike and distrust experts.

While anti-intellectualism and populism are nothing new in American life, there has hardly been an administration as seemingly committed to these worldviews.

Take President Donald Trump’s decision to nominate Kennedy, a well-known vaccine skeptic, to lead the Department of Health and Human Services. Kennedy, whose Senate confirmation hearing is Jan. 29, 2025, epitomizes the new American political ethos of populism and anti-intellectualism, or the idea that people hold negative feelings toward not just scientific research but those who produce it.

Anti-intellectual attacks on the scientific community have been increasing, and have become more partisan, in recent years.

For instance, Trump denigrated scientific experts on the campaign trail and in his first term in office. He called climate science a “hoax” and public health officials in his administration “idiots.”

Skepticism, false assertions

This rhetoric filtered into public discussion, as seen in viral social media posts mocking and attacking scientists like Dr. Anthony Fauci, or anti-mask protesters confronting health officials at public meetings and elsewhere.

Trump and Kennedy have cast doubt on vaccine safety and the medical scientific establishment. As far back as the Republican primary debates in 2016, Trump falsely asserted that childhood vaccines cause autism, in defiance of scientific consensus on the issue.

Kennedy’s long-term vaccine skepticism has also been well documented, though he himself denies it. More recently, he has been presenting himself as “pro-vaccine safety,” as one Republican senator put it, on the eve of Kennedy’s confirmation hearing.

Kennedy has mirrored Trump’s anti-intellectual rhetoric by referring to government health agency culture as “corrupt” and the agencies themselves as “sock puppets.”

If confirmed, Kennedy has vowed to turn this anti-intellectual rhetoric into action. He wants to replace over 600 employees in the National Institutes of Health with his own hires. He has also suggested cutting entire departments.

During one interview, Kennedy said, “In some categories, there are entire departments, like the nutrition department at the FDA, that are – that have to go.”

Populism across political spectrum

In lockstep with this anti-intellectual movement is a version of populism that people like RFK Jr. and Trump both espouse.

Populism is a worldview that pits average citizens against “the elites.” Who the elites are varies depending on the context, but in the contemporary political climate in the U.S., establishment politicians, scientists and organizations like pharmaceutical companies or the Centers for Disease Control and Prevention are frequently portrayed as such.

For instance, right-wing populists often portray government health agencies as colluding with multinational pharmaceutical companies to impose excessive regulations, mandate medical interventions and restrict personal freedoms.

Left-wing populists expose how Big Pharma manipulates the health care system, using their immense wealth and political influence to put profits over people, deliberately keeping lifesaving medications overpriced and out of reach – all of which has been said by politicians like Bernie Sanders.

The goal of a populist is to portray these elites as the enemy of the people and to root out the perceived “corruption” of the elites.

This worldview doesn’t just appeal to the far right. Historically in the United States, populism has been more of a force on the political left. To this day, it is present on the left through Sanders and similar politicians who rail against wealth inequality and the interests of the “millionaire class.”

In short, the Trump administration’s populist and anti-intellectual worldview does not map cleanly onto the liberal-conservative ideological divide in the U.S. That is why Kennedy, a lifelong Democrat and nephew of a Democratic president, might become a Cabinet member for a Republican president.

The cross-ideological appeal of populism and anti-intellectualism also partly explains why praise for Trump’s selection of Kennedy to head the Department of Health and Human Services came from all corners of society. Republican senators Ron Johnson and Josh Hawley lauded the move, as did basketball star Rudy Gobert and Colorado’s Democratic governor, Jared Polis.

Even former President Barack Obama once considered Kennedy for a Cabinet post in 2008.

Anger at elites

Why, then, is disdain for scientific experts appealing to so many Americans?

Much of the public supports this worldview because of perceived ineffectiveness and moral wrongs made by the elites. Factors such as the opioid crisis encouraged by predatory pharmaceutical companies, public confusion and dissatisfaction with changing health guidance in the early stages of the COVID-19 pandemic, and the frequently prohibitive cost of health care and medicine have given some Americans reason to question their trust in science and medicine.

Populists have embraced popular and science-backed policies that align with an anti-elite stance. Kennedy, for example, supports decreasing the amount of ultra-processed foods in public school lunches and reducing toxic chemicals in the food supply and natural environment. These stances are backed by scientific evidence about how to improve public health. At the same time, they point to the harmful actions of a perceived corrupt elite – the profit-driven food industry.

It is, of course, reasonable to want to hold accountable both public officials for their policy decisions and scientists and pharmaceutical companies who engage in unethical behavior. Scientists should by no means be immune from scrutiny.

Examining, for example, what public health experts got wrong during the COVID-19 pandemic would be tremendously helpful from the standpoint of preparing for future public health crises, but also from the standpoint of rebuilding public trust in science, experts and institutions.

However, the Trump administration does not appear to be interested in pursuing good faith assessments. And Trump’s victory means he gets to implement his vision and appoint people he wants to carry it out. But words have consequences, and we have seen the impact of anti-vaccine rhetoric during the COVID-19 pandemic, where “red” counties and states had significantly lower vaccine intent and uptake compared with the “blue” counterparts.

Therefore, despite sounding appealing, Kennedy’s signature slogan, “Make America Healthy Again,” could – in discouraging policies and behaviors that have been proven effective against diseases and their crippling or deadly outcomes – bring about a true public health crisis.

### 2NC---AT: Polycrisis

#### There’s no polycrisis impact. It’s just a buzzword that’s been used to describe trends across human history---there’s infinitely more solutions than at any other time. That’s Drezner.

**Their framing is wrong and redundant. We’ve always been subject to interwoven risk, we’re just now realizing how little we understand about it.**

Kluth 23 [Andreas, Columnist for Bloomberg Opinion, Former Editor in Chief of Handelsblatt Global and writer for the Economist, “So we’re in a polycrisis. Is that even a thing?”, 1-23-23, https://www.tbsnews.net/features/panorama/so-were-polycrisis-even-thing-572374]

The question is whether polycrisis — as a concept rather than a portmanteau — is useful or banal. To have meaning, it would have to encapsulate more than the obvious: that we have an awful lot of problems nowadays, and that many of them are connected.

Here's a partial map. We've long worried about climate change and inequality. Those two are connected because global warming hurts the poor — both people and countries — more than the rich. Both in turn also cause wars, hunger and mass migrations, and therefore "refugee crises" such as the one of 2015. Via "zoonotic spillover," climate change even accelerates the emergence of new superbugs and pandemics.

Global warming didn't directly cause SARS-CoV-2, but that virus interacted with all those pre-existing problems. It devastated economies, again hitting the poor worse than the rich. And it caused supply-chain stoppages that, from 2021, caused certain prices to rise. This primed our economies for inflation, and thereby hooked into the adjacent fiscal and monetary crises of excessive debt and money supply.

All the while, these upheavals stoked cynicism, escapism, mendacity, denial and sheer idiocy within electorates and political elites. This contributed to a decline in the quality of democracy and a corresponding spread of populism and conspiracy theories. That led to all sorts of distractions — from Brexit to anti-vax hysteria — and a widespread rejection of rationality in dealing with the actual problems.

Then Russian President Vladimir Putin decided to throw a bomb into this mix, by launching an old-style war of imperialist and genocidal aggression. That disrupted the flows of Russian gas and oil, causing an acute energy crisis, a food emergency (because Putin didn't allow grain to leave Ukrainian ports for much of last year) and even higher inflation, necessitating higher interest rates too. Putin also added yet another refugee crisis and distracted us from the necessary green transition.

On it goes. So there's no question that the world is in the throes of many interlocking crises. The question is whether that amounts to something qualitatively new, deserving its own neologism. That was the implication of Edgar Morin, a French philosopher who first used the term "polycrisis" in 1999. Other intellectuals, notably the economist Adam Tooze, have since popularised it.

The new aspect, as one research institute attempts to nail it down, could be that the interaction of the various crises causes "a cascading, runaway failure of Earth's natural and social systems." The hallmarks of the polycrisis, then, are "extreme complexity, high nonlinearity, transboundary causality, and deep uncertainty [and also] causal synchronisation." As Tooze puts it, "the shocks are disparate, but they interact so that the whole is even more overwhelming than the sum of the parts."

Forgive me, but I'm still wondering what's new. We've long known about such dynamics in other contexts, under more familiar labels such as feedback loops, tipping points, emergent properties, chaos theory and the butterfly effect (so named because a butterfly flapping its wings on one side of the world can allegedly affect the weather on the other).

Similarly, myriad (Greek for "ten thousand") factors interlocked to cause, say, the fall of the Western Roman empire in late antiquity, or pretty much any development in history. So complexity, the interaction of factors and nonlinear consequences are old hat.

The difference, if there is one, is that human beings in the past had even less of a clue about this bewildering reality, and, being human, feigned more confidence in attributing any given phenomenon to whichever explanation they preferred. If Rome fell, it must have been because the Romans lost their "virtue," or because of those pesky Goths.

Tooze seems to be almost nostalgic about this. "In the 1970s," he writes, "whether you were a Eurocommunist, an ecologist or an angst-ridden conservative, you could still attribute your worries to a single cause — late capitalism, too much or too little economic growth, or an excess of entitlement. A single cause also meant that one could imagine a sweeping solution, be it social revolution or neoliberalism."

Well, thank heavens we're over all that nonsense — single causes, sweeping solutions and messianic hubris in general. These days, the only people with the simplistic answers are the populists.

So what's new is not that humanity suddenly has uncountable problems that are all linked — that's always been true — but that it's finally dawning on us how little we understand about the mess we're in. And we hate, hate, hate that feeling. This apocalyptic angst — we don't comprehend what's going on but it'll end badly — is what the highfalutin word polycrisis expresses.

My practical advice is to stop coining Greek neologisms and attack complexity with simple words. We have problems, emergencies and catastrophes, but we also have solutions — from mRNA vaccines to, who knows, maybe fusion energy one day. I suggest the Davos honchos boarding their return flights, and the rest of us, just pick whichever crisis they know something about, and get back to work solving it.

### 2NC---AT: Terror IL---Snyder

#### They don’t solve their terror internal link. Their card is about regulatory changes, not personnel which they explicitly said their internal link was not about.

#### No nuke terror. No means, motive, or sufficient material to actually even get the bomb. That’s Mueller.

### 2NC---Trump FoPo Bad !---Ambassador Recall AC

#### It guts diplomacy and politicizes foreign policy

Brangham and Dinkelman 25 [William Brangham is an award-winning correspondent, producer, and substitute anchor for the PBS News Hour interviewing John Dinkelman, President, American Foreign Service Association, 12-23-2025 https://www.pbs.org/newshour/show/how-recall-of-career-diplomats-fits-into-trumps-foreign-policy-shift]

William Brangham:

How unusual is this to recall nearly 30 ambassadors one year into an administration? Is this standard practice?

John Dinkelman:

This is not standard practice. This is unprecedented. This is unheard of.

This is a sabotage of the American diplomatic machine. This is an affront to the professional Foreign Service that we have spent decades, a century in building in our country. And I don't know what it foretells.

William Brangham:

Sabotage?

John Dinkelman:

Definitely. When individuals have spent their lives devoted to a profession, to representing our country overseas, and, en masse, you tell those who have qualified to represent our country, to carry out our policies, to execute any administration, any president's goals in any given country, when you tell them all summarily that for some reason they don't qualify, something is definitely wrong.

William Brangham:

I mean, you heard the State Department's position on this. They're arguing, this happens with every administration. Many of these people were appointed by the Biden administration, and the president wants his own people in there.

What do you make of that argument?

John Dinkelman:

This -- it is entirely incorrect and a misrepresentation of the reality. Every American ambassador submits their resignation to the incoming president, who either chooses to accept or reject those resignations at that time.

William Brangham:

And all these ambassadors did that?

John Dinkelman:

All of these ambassadors did that about one year ago right now. And the Trump administration not only refused those resignations, but actually encouraged the individuals to remain.

Even within the past few weeks, senior-level Cabinet individuals have visited with these various ambassadors on trips, reaffirming the desire of the administration that they stay in their positions, only to find them getting a phone call and surreptitiously being told they haven't until January to get out.

William Brangham:

We know that the U.S. already had about 80 vacant ambassadorships before this event. Then this comes. What is your sense of what the impact is going to be on our ability to project American power in ways, soft and hard, all over the world?

John Dinkelman:

Simply put, we're taking our star players off the field before we can even enter the game.

These individuals will not be able to exercise the personal and professional bona fides and relationships that they have established over decades. And what will be very interesting is who replaces them.

If it's a member of the professional Foreign Service, I have to worry, as the president of the Foreign Service Association, what kind of loyalty oath are they going to be required to take that demonstrates their fidelity to the administration, in addition to the fidelity that they should have sworn to the Constitution in the first place?

William Brangham:

Have you seen any evidence that there is such a loyalty oath being passed around to potential candidates?

John Dinkelman:

I have not yet seen that, and I am looking for it closely.

William Brangham:

Have you been hearing -- I imagine your phone must be ringing off the hook?

John Dinkelman:

Incessantly, yes.

William Brangham:

And what are they saying to you?

John Dinkelman:

They're hurt. They're concerned. Many of them are afraid. There is a wonder as to what in the world they could have done that would have caused the ire of our leaders.

They have done everything they could to carry out the policies of the president, as they would for any elected leader of our country, because that's what the Foreign Service does. But, in this case, they are left stumped, as am I, as to what would have caused this en masse dismissal of our leaders in our Foreign Service.

William Brangham:

Is it possible, just playing devil's advocate, that, to take the State Department's stated position, that some of these people were not enacting what President Trump believes is an America first agenda in their positions?

John Dinkelman:

I find it inconceivable.

Individuals like myself who have spent decades trained to make sure that they're advocating on behalf of our leaders, on behalf of the elected leaders of the United States, it is incomprehensible to me that individuals would do this, much less 30 or 40 of them en masse all at once. It simply cannot happen.

William Brangham:

At the beginning, I put the list up of all those nations that were -- where the ambassadors have now been pulled. Are there particular nations, when you look at that list, that you're -- that concern you specifically?

John Dinkelman:

There's various that concern me, but I'm particularly interested in what's going on in Guatemala, where not only our ambassador, but our deputy chief of mission, both senior Foreign Service officers with decades of experience each, have been summarily told that they are to leave the post.

Given the immigration crisis that the administration says we are in and the key role that Guatemala plays in that crisis, how we could determine that the individuals in charge of our mission there, on the other side of that problem, working with the other side of the equation, are no longer going to be there and who will fill that gap is beyond me.

William Brangham:

You mentioned earlier to one of my colleagues the concern that you have that, if every new administration comes in and basically guts the corps, civil service, what that does to America's ability to enact its foreign policy. What did you mean by that?

John Dinkelman:

It will politicize us as a profession. We come into the service sworn loyal to the Constitution and nothing else. And when presidents change -- I myself have been through six different presidents and have served willingly under each one of them.

I know that the thousands of men and women in the Foreign Service will continue to do so, because that's what they were sworn to do. If, on the other hand, we start to move our people in and out with every administration, it's going to deplete our ability as diplomats to get the job done. It will hurt our credibility and it will hurt our nation in general.

#### Upends influence and cooperation

TA 25 [Tomorrow’s Affairs, produced by Tomorrow’s Affairs staff, 12-24-2025 https://tomorrowsaffairs.com/all-the-consequences-of-trump-s-mass-recall-of-ambassadors]

Donald Trump’s administration suddenly recalled an unusually large number of top diplomatic representatives from global capitals, directing them to return home with minimal notice, even as early as January.

Such a large-scale recall of diplomats, with a phone notification and extremely short deadlines for return, is unprecedented and has led to many interpretations, most of which suggest it is not a routine matter.

“To remove these senior diplomats without cause or justification sends a dangerous message. It tells our public servants that loyalty to country is no longer enough – that experience and oath to the Constitution take a back seat to political loyalty,” was one of the interpretations given by the American Foreign Service Association (AFSA), the union that represents US diplomats.

This decision by the administration is difficult to dispute from a formal, legal perspective, because ambassadors are personal representatives of the US president, so the president has the authority to terminate their service, as announced by the State Department.

Nevertheless, the manner in which this major move was organized reflects the continuity of Trump’s management style, in which institutions and non-partisan civil services are subordinate to his policies and management.

New criteria in diplomacy

The recall of ambassadors shows that the US diplomatic service, under Trump, will be shaped not according to professional standards but according to a very specific policy within the US – the one represented by the president and his administration.

“It is the president’s right to ensure that he has individuals in these countries who advance the America First agenda,” announced the US State Department regarding the decision to withdraw a large number of US ambassadors from around the world.

This interpretation effectively means that the main criterion for selecting new American representatives abroad, and especially for the work of those who remain in their posts, will be the implementation of Trump’s political and economic agenda.

Such a criterion effectively breaks with the non-partisan tradition of the American diplomatic service, abandoning one of its greatest strengths, which has made it effective and influential worldwide.

“This is bad for our diplomacy, bad for our national security, and bad for our influence in the world,” said Eric Rubin, a retired diplomat and former AFSA president.

Friends and business partners

The attitude towards top career diplomats will therefore not be friendly at all during the next three years of Trump’s term.

It will generally reflect Trump’s approach of removing the management of public services from career professionals as much as possible and handing it over to loyalists, party members, and personal friends.

Trump is certainly not an exception among US presidents in appointing personal and business friends to high diplomatic positions around the world.

However, he will probably be the first whose term sees personal and business connections take precedence over professional qualifications and diplomatic experience.

Mass dismissals of professionals serving ambassadors is a waste of talent and contemptuous of service to country - Daniel Fried

The appointment, for example, of Charles Kushner, the father of Trump’s adviser Jared Kushner, as ambassador to France, will probably not remain an exception arising from the US president’s discretion but may become the new rule in the US diplomatic service.

According to the same criteria, long-time Fox News star and former fiancée of Trump’s son Donald Jr, Kimberly Guilfoyle (Greece), and Joseph Popolo Jr, a major donor to the Republicans and Trump (the Netherlands), have also been appointed to ambassadorial positions.

The consequences of such a shift in the diplomatic service – from institutional and professional to political and private – could be damaging for the US in the long term.

The government’s insistence that diplomats must implement an America First policy will inevitably narrow their scope and create pressures that will make the profession unattractive to non-partisan professionals.

Special envoys instead of diplomats

Second, such a mass recall of diplomats will have a very negative impact on the governments of the countries where they served. Vacant ambassadorial positions inevitably lower the level of political, security, and economic cooperation with the US.

#### Reducing expertise and increasing politicization

Roth 25 [Andrew Roth is the Guardian's global affairs correspondent based in Washington DC 12-22-2025 https://www.theguardian.com/us-news/2025/dec/23/trump-administration-recalls-30-ambassadors-promote-loyal-diplomats]

The Trump administration has quietly recalled nearly 30 ambassadors and other senior overseas diplomats as the Trump administration plans to promote appointees loyal to the new administration to higher levels of the state department, according to diplomatic sources.

The recall of the ambassadors or heads of mission, which were confirmed by several current and former senior diplomats, was unusual for targeting career foreign service officers heading embassies overseas who are generally left in place after a change in administration because they strive to be apolitical.

But the Trump administration had vowed to oust a “deep state” of civil servants in a process that critics have called a purge of a professional class of government employees including senior overseas diplomats.

“This is a standard process in any administration,” a current senior state department official said in response to a request for comment from the Guardian. “An ambassador is a personal representative of the President, and it is the President’s right to ensure that he has individuals in these countries who advance the America First agenda.”

The senior official also confirmed that the recalled ambassadors would not be fired, but would be reassigned instead. The plans to recall the US diplomats were first reported by Politico. A partial list of the removals was first reported by the Associated Press.

A union representing US diplomats said it was “deeply concerned” by the process and numerous US diplomats told the Guardian that they believed the promotions process had been weighed to elevate diplomats seen as friendly to the administration. That process could politicise the foreign service, they said.

The American Foreign Service Association (AFSA) “asserts that Foreign Service staff who dutifully executed the policies and procedures of a previous administration should not be penalized by retroactively imposed changes to the promotion precepts,” the union wrote in a statement condemning the new policies.

“The department must explain how these actions promote fairness for those who were recommended but not reached promotion this year and will now face challenges as others have been promoted ahead of them.”

The reshuffle was not announced publicly and state department employees were quietly compiling lists of who had received recall orders over this weekend. “This is a travesty,” said one former senior official who had spoken with ambassadors told they would be leaving their posts. “It’s random, no one knows why they were pulled or spared.”

The hardest hit region was Africa, where some one dozen ambassadors or chiefs of mission recalled from Niger, Uganda, Senegal, Somalia, Côte d’Ivoire, Mauritius, Nigeria, Gabon, Congo, Burundi, Cameroon, and Rwanda. In the Middle East, heads of mission were recalled from Egypt and Algeria. European chiefs of mission to receive recall orders included Slovakia, Montenegro, Armenia and North Macedonia.

“We have [around] 80 vacant ambassadorships,” wrote Senator Jeanne Shaheen, the ranking Democrat on the Senate Foreign Relations Committee. “Yet, President Trump is giving away US leadership to China and Russia by removing qualified career Ambassadors who serve faithfully no matter who’s in power. This makes America less safe, less strong and less prosperous.”

Secretary of state Marco Rubio said at a year-end presser last week that he had delivered a new list of hundreds of diplomats nominated for promotion after the Trump administration adjusted the criteria and panels of those overseeing the promotion process.

That was part of an effort by the administration to target “Diversity, Equity, and Inclusion” policies supporting minority candidates within various government agencies.

Powerful White House officials like the deputy chief of staff Stephen Miller have sought to install allies in the state department to execute goals of limiting immigration into the United States. The promotion of diplomats aligned with the current White House administration would further politicise the diplomatic corps, AFSA said.

## Consolidation

### 2NC---AT: Miscalc

#### Simply having experts in the room is insufficient to contain the worst excesses of Trump. It’s empirically proven by Iran strikes when Gabbard was they weren’t a nuclear threat and we struck them anyway.

#### Even if they have CBRS, he’ll just ignore their advice. That’s Shapiro.

### 2NC---AT: Democracy

#### Democracy resilient. Their impact cards are fear mongering and democracy and rely on entirely subjective indicators. Incumbent turnover is the highest its ever been. That’s Willick.

#### No backsliding impact. Even in the face of accountability decline provision of public goods has increased which prevents societal collapse. That’s Frolich

### 2NC---AT: Deterrence

No impact to civil collapse. Russia and China have to balance internal domestic concerns which prevents

Alt causes

### 2NC---AT: Terror !---Right-Wing

#### No far-right terror impact---they are disorganized opportunistic attackers who lack planning for a large-scale attack---evidence citing the threat exaggerates failed plots that had zero chance of success

#### SQ solves and right-wing groups lack sophistication to carry out coordinated plots

Byman 22 --- Daniel L. Byman, Senior Fellow - Foreign Policy, Center for Middle East Policy, “Assessing the right-wing terror threat in the United States a year after the January 6 insurrection”, Brookings, Jan 2022, https://www.brookings.edu/blog/order-from-chaos/2022/01/05/assessing-the-right-wing-terror-threat-in-the-united-states-a-year-after-the-january-6-insurrection/

Let’s start with some good news. According to statistics from the New America Foundation, 2021 saw zero deaths in the United States from right-wing terrorist attacks. As discussed below, other forms of right-wing violence remained a problem, but there was no high-profile attack in 2021 like the 2018 Pittsburgh synagogue shooting or the 2019 El Paso Walmart attack, which killed 11 and 22 people respectively.

In a shift that will have positive long-term consequences, the Biden administration has made right-wing terrorism a priority. In June, the administration released a strategy for countering domestic terrorism, attempting to lay out both the different facets of the threat and how various security agencies should respond. The federal government has also launched an ambitious set of investigations, focusing on the January 6 insurrectionists and bringing hundreds of them to trial. Simply paying attention to the problem makes arrests and other forms of disruption more likely and scares many of those who might organize for violence, limiting their activities.

Although white supremacy and other right-wing extremist causes have many supporters, the groups themselves are disorganized, and the movement is riven by infighting. They disagree on which targets to prioritize and who should lead, and many of them are unskilled in clandestine operations, making them easy prey for law enforcement when it decides to focus on the problem. Perhaps most heartening, their violence usually backfires, decreasing public support and making it more likely that the government will crack down.