# 1AC---Dartmouth---Round 2

## Expertise---1AC

#### Advantage One---EXPERTISE:

#### America’s civil service is on the brink---loss of bargaining rights removed its most important line of defense against unfair treatment and partisan retaliation.

Moynihan ’25 [Deuon; September 3; PhD, Professor of Public Policy, University of Michigan (wow!); Can We Still Govern? "Your government is breaking: EPA edition," https://donmoynihan.substack.com/p/your-government-is-breaking-epa-edition]

Federal employees, the ones that chose to stick around though mass layoffs, DOGE and voluntary resignation offers, are trying to tell you something: your government is under attack.

Civil servants are sending out SOS signals at an unprecedented level, despite great personal risk. NASA and NIH wrote public protests about damage to their organizations. CDC leaders chose to quit to send “a bat signal” about the assault on science in their agency, and more than 1000 HHS employees have signed a letter calling on RFK Jr. to resign. FEMA employees who wrote an open letter about how bad things are were put on administrative leave. Now some EPA employees who did the same were fired. They join the almost 1 in 4 employees who have departed the agency since Trump arrived.

According to the law, these employees have for cause protections, meaning the government must document that they performed poorly at their job to be fired. But laws that are written down, and the practices of the Trump administration, are two different things. And in today’s America, our court system is increasingly favoring the latter.

The EPA employees were fired on Labor Day weekend, a Labor Day that marked a historic assault on labor. Half a million federal employees have lost union protections under Trump, with more to come. Legal agreements between the government and the unions were voided because, Trump said, national security demanded it. The justification beggars belief, since the employees are from across all sorts of agencies, not just those with a national security function, and strip rights from employees with no plausible national security responsibilities, such as janitorial staff.

Meanwhile, unions that have been more supportive of Trump, such as the Teamsters, have been exempted. Shamefully, courts are happy to go along with the fiction that this is an issue of national security, rather than Trump targeting organizations perceived as political opponents.

Unions might be imperfect, but they are the best organized representative of government employee interests at the time when Trump have been purging the government, including removing internal safeguards that would typically adjudicate on claims of unfair treatment of employees.

While unions are often portrayed as self-interested, lets look at the EPA. The American Federation of Government Employees renegotiated their union contract with EPA in 2024. With the potential for the Trump administration in mind, they union focused on protecting the scientific integrity of their member’s work. This is something that professional scientists care about, and which benefits the public. In other words, it is a domain where the public interest and union goals overlap.

The Trump administration has cancelled the contract and EPA bargaining rights, again invoking national security claims.

Clearly, a concern for science is not top of the Trump administration agenda. Hundreds of EPA employees signed a letter charging that actions of the Trump administration “undermine the EPA mission of protecting human health and the environment.” Fearing retribution, many did so anonymously, but 170 signed their names. Key parts of the letter focus on the assault on science within the EPA:

Ignoring scientific consensus to benefit polluters. This administration's actions directly contradict EPA's own scientific assessments on human health risks, most notably regarding asbestos, mercury, and greenhouse gases. Health-based regulatory standards are being repealed or reconsidered, including drinking water limits for four PFAS "forever chemicals" that cause cancer. Under your leadership, Administrator Zeldin, EPA is promoting the fossil fuel-powered auto industry while simultaneously stripping away support for cleaner electric vehicles. You are supporting new technologies, such as artificial intelligence (AI), without addressing AI's intense consumption of environmental resources. The decisions of the current administration frequently contradict the peer-reviewed research and recommendations of Agency experts. Such contradiction undermines EPA's reputation as a trusted scientific authority. Make no mistake: your actions endanger public health and erode scientific progress--not only in America--but around the world…

Dismantling the Office of Research and Development. EPA's research provides the scientific basis for its rulemaking, stakeholder needs, and other key decisions. U.S. Law (42 U.S.C. § 4363) states that the EPA Administrator shall "establish a separately identified program of continuing, long-term environmental research and development," which is currently led by the Office of Research and Development, or ORD. Your administration has proposed a reorganization that moves EPA's foundational research to the Administrator's Office and reassigns ORD's research staff to the program offices. A move that places ORD scientists in regulatory program offices will make EPA science more vulnerable to political interference. In addition, the gutting of staff and science and your proposed budget cuts for the coming year will leave ORD unable to meet the science needs of the EPA and its partners and will threaten the health of all Americans.

The basic claim here is that political leadership is ignoring science, and eliminating scientific offices in what is fundamentally a scientific agency.

About 140 employees were put on administrative leave for signing the letter, before at least seven of those employees were fired. Trump appointees said that “the Environmental Protection Agency has a zero-tolerance policy for career officials using their agency position and title to unlawfully undermine, sabotage, and undercut the will of the American public that was clearly expressed at the ballot box last November.”

It is not an unreasonable claim that bureaucrats owe a duty of loyalty to their political bosses. Elections, after all, do matter. On the other hand, shouldn’t we want scientists to alert Congress and the public about what is going on inside their agency when they see red lines being crossed?

The administrative law professor Jennifer Nou has considered this question. She argued that many civil servants are too quick to dissent, but also provided a logic for when dissent might be justified. She calls for “reciprocal hierarchy” – a system where disobedience is inappropriate as long as political actors engage with and consult with bureaucratic experts on factual matters related to their expertise. But, when political actors fail to engage with bureaucratic actors on their domains of expertise, domains that Congress has invested in and built up over time, the hierarchy is no longer operating in a reciprocal manner. Under such conditions it becomes defensible to engage in dissent.

And those are very much the conditions we operate under now. Not only are scientists ignored; anyone raising public concerns about mismanagement of government programs and undermining of statutory missions can expect retaliation. The dysfunction must be kept secret.

Administrative myths: The gold bars

It is not just eliminating employees. EPA is also eliminating grants that were previously funded by Congress. And again, Trump’s allies on the courts are letting them do it.

At stake is $20 billion in grants to address climate change, which the EPA is trying to cancel. The grants are provided via the Greenhouse Gas Reduction Fund (GGRF), funded by the Inflation Reduction Act, which ordered the money to be committed in 2024. The grants were publicly announced, with the goal of encouraging private capital to join in climate change responses, and help low-income families reduce energy costs with upgrades.

There is no meaningful evidence that the grants were mismanaged or wasteful. They were distributed in a agreement to Citibank to distribute and provide oversight of the grants, and allowing them to raise red flags for wasteful spending. (The use of this kind of public-private Financial Agency Agreements is more common than you would think). However, the existence of the money at Citibank offered a tempting target, and EPA has sought to reclaim the funds.

In the US District Court for DC, a judge paused the cancelations, pointing to constitutional violations. Two Trump appointees on the DC Circuit overturned the lower court decision. They say that the grants were actually contracts, and therefore only the Court of Federal Claims could review the claim.

This feels like a pattern of the second Trump term. Judges blocking Trump point to major violations of the law and constitution, while Judges supporting Trump often rely on technicalities to allow him to move forward. And so Trump ploughs ahead, and does what he wants.

The DC Circuit said that the affected firms that lost the grants can ask for compensation for their losses (for which EPA and taxpayers will potentially be liable). But this misses the point. The courts are allowing the administration to cancel prior policies involving obligated funds. That is the broader harm: the Trump administration negated the distribution of past funds as ordered by Congress, effectively cancelling a lawful climate change program without going through Congress to do so. The decision is part of an ongoing pattern of the Trump administration claiming Congressional powers, and of Trump appointees in the judiciary enabling this power grab.

In dissent, Judge Pillard said:

the majority allows the government to seize Plaintiffs’ money based on spurious and pretextual allegations and to permanently gut implementation of major congressional legislation designed to improve the infrastructure, health, and economic security of communities throughout the country.

To illustrate how pretextual these claims were, and how much judicial pretzeling the majority needed to engage in, I have to tell you about the gold bars. It is a bit of a detour, but bear with me.

Mention of the EPA tossing aside gold bars is “damning” according to Neomi Rao, the judge who wrote the majority opinion, and “supports EPA’s good faith in deciding to terminate the grants and recommit the funds with proper supervision and accountability.”

EPA Administrator Lee Zedlin refers to these gold bars a lot. For example, this is the EPA website.

The gold bars paint quite a picture. The problem is, they do not actually exist. They are a potent symbol, and symbols is what you go with when you don’t have evidence.

At the heart of the issue is that the Trump administration has tried and failed to present the grant funding as criminal, the financial arrangement as crooked, and the plaintiffs as suspicious.

None of this is true, but Trump’s politicized justice system was happy to play along.

FBI employees were sent to investigate EPA employees as part of a criminal probe. Career prosecutors within DOJ refused to open an investigation because there simply was not evidence of wrongdoing. Indeed, one resigned rather than engage in such a blatant abuse of the law. Her resignation letter, addressed to the then-acting US Attorney for DC, Ed Martin, includes the following:

As I shared with you, at this juncture, based upon the evidence I have reviewed, I still do not believe that there is sufficient evidence to issue the letter you described, including sufficient evidence to tell the bank that there is probable cause to seize the particular accounts identified. Because I believed that I lacked the legal authority to issue such a letter, I told you that I would not do so. You then asked for my resignation.

Emil Bove, a Trump DOJ appointee and now a federal judge, pushed another set of career prosecutors to investigate, but they also refused.

The goal was to use allegations of criminality to justify a de facto seizure of assets. Non-partisan actors who looked at the allegations could find neither smoke nor fire. This did not deter the Trump administration, who assumed they could find a partisan actor — in the form of Trump federal judges — who would let them reclaim the money regardless. They were correct.

So where did the gold bars come from?

The short answer is that it was an off-hand remark by an EPA employee, Brent Efron. Efron thought he was on a date with an unusually inquisitive partner who wanted to learn about his job. The date was actually an undercover agent for Project Veritas, the right-wing smear machine, which employs the tactics of spy agencies to deceive and discredit public employees.

The date occurred after Trump’s victory but before his inauguration. Efron talked about how his agency was doing their best to get money out the door before the Trump administration took office, saying: “It truly feels we’re on the Titanic and we’re throwing gold bars off the edge.”

Efron was being recorded. The video became the proof to conservatives of the criminal conspiracy that the EPA and DOJ were unable to prove.

Efron was a mid-level official with no real control over the flow of billions of dollars engaged in barroom bluster. After the story blew up, with the help of Elon Musk, Efron faced an internal investigation (he was cleared), and the predictable abuse that followed. Efron left the government in January. He has been unable to find work since then according to a recent profile. When the FBI interviewed him in February, a prosecutor from the US Attorney’s office and investigators from the EPA Inspector General office were present.

Lee Zedlin has used the “gold bars” video relentlessly to justify cancelling the grants (he refers to them as grants, even if the court calls them contracts). Zedlin was the one who asked an Inspector General to open an investigation. He told Fox News: “The entire scheme, in my opinion, is criminal. We found the gold bars. We want them back.”

Again, it is very important to note, there are no gold bars. Nevertheless, they were invoked by the judge who wrote the opinion allowing Trump to block distribution of the funds. Now, lets be real here: the judge in question, Neomi Rao, worked in the Trump Office of Management and Budget and is hoping for a Supreme Court seat — she knows better but has other goals.

The idea that one administration wanted to insulate its policies from its successor is not surprising. The basic reality is that the Biden administration wanted to spend money on climate change, and Congress funded it. They found a well-used legal mechanism that they felt would protect the spending from a de facto impoundment under Trump. There is no criminality in that. The issue is simply about whether a President can cancel previously appropriated and allocated grants. The courts are effectively allowing Trump to do so.

What are the big lessons here?

Stripping employees of union rights and civil service protections makes it easier for a government to stifle dissent, even when that dissent exposes profound mismanagement. It is one way that weakening employee protections undermines accountability to the public.

The weaponization of the justice system can be turned on federal employees, all to create the appearance of wrongdoing in order to justify a power grab.

Even if a politicized justice system cannot deliver a prosecution, it can work in other ways. The “gold bars” myth was:

created by Trump supporters outside of government targeting federal employees

weaponized by Trump supporters in the media

used to justify unprecedented grabbing of assets by the Trump supporters inside government

upheld by the Trump supporters on the bench.

The effects were real: a major initiative passed by Congress no longer exists, undermining America’s ability to address the mounting threats of climate change.

#### Terminating bargaining rights harms the civil service’s retention of experts AND their willingness for candor.

Handler and Hsu ’25 [Nicholas, Andrea Hsu, Anthony Lee, Ayesha Rascoe; May 10; JD, MPhil, Associate Professor of Law at Texas A&M School of Law; NPR's labor and workplace correspondent; NPR, "Federal employee unions fight for survival as Trump tries to eviscerate them," https://www.npr.org/transcripts/nx-s1-5381156]

AYESHA RASCOE, HOST:

President Trump is trying to end collective bargaining for most of the federal workforce. He claims that having to negotiate with labor unions over workplace issues is getting in the way of his agenda. In some ways, he has a point. As NPR's Andrea Hsu reports, unions do serve as a check on presidential power.

ANDREA HSU, BYLINE: More than half of federal employees are represented by unions, but this wasn't always the case. President Kennedy first granted federal workers the right to organize and collectively bargain in the early 1960s. The government had been seeing rapid growth, as described in a film from the era.

(SOUNDBITE OF ARCHIVED RECORDING)

UNIDENTIFIED NARRATOR: More than 2 million workers in more different kinds of jobs than there are in any other business conducting the biggest business in the United States, that of your federal government.

HSU: Nicholas Handler, a law professor from Texas A&M, says, at the time, the government was facing a recruiting crisis.

NICHOLAS HANDLER: They need scientists, economists. They need lawyers.

HSU: The government couldn't pay big salaries, but it could offer something else - stability and job protection, the right to be represented by a union.

HANDLER: Collective bargaining becomes an attractive tool for presidents to recruit people into the federal civil service that otherwise might be difficult to recruit.

HSU: And in 1978, Congress made it the law, asserting that collective bargaining in the civil service was in the public interest. And Handler says there was something in it for Congress, too. By giving workers a say in how they're managed...

HANDLER: It creates a way in for Congress and the courts to kind of police executive branch mismanagement.

HSU: Take a scenario in which a president wants to weaken a particular agency - say, the Environmental Protection Agency.

HANDLER: A backdoor way of undermining EPA enforcement is just to make life for a bureaucrat working at the EPA really, really miserable.

HSU: Collective bargaining gives those bureaucrats a way to push back, to preserve their ability to carry out their agency's missions as Congress intended. That was the idea, anyway. Now, Trump says, these labor rights are dangerous, that they make federal workers unaccountable. In late March, he signed an executive order ending collective bargaining at a broad array of agencies he claims have national security as a primary function. He's extended that as far as the EPA, the Department of Veterans Affairs, the Food and Drug Administration. His order faces multiple lawsuits. Already, unions have been sidelined.

ANTHONY LEE: Basically, we've been ignored.

HSU: Anthony Lee is president of NTEU Chapter 282, representing close to 9,000 employees at the FDA. He says the Trump administration has violated their collective bargaining agreement in numerous ways. Take recent mass layoffs. The contract says the union must get advance notice, but Lee only learned layoffs were underway when he started getting panicked calls.

LEE: My phone started buzzing at 6:30 in the morning.

HSU: Employees were finding out they were being fired while swiping their badges to get into work.

LEE: Green is go, red is stop, and it just went red, and they weren't able to enter the building.

HSU: Lee worries that if Trump gets his way, workers will lose the stability and protections that made working for the government worthwhile. He's especially concerned that scientists will lose protection from political pressure. Under the union contract, employees who review food ingredients or drugs have a right to flag safety or efficacy concerns without fear of retribution. Now, under Trump...

LEE: It remains to be seen as to whether or not they're going to allow employees to do the job that the public expects, protecting and promoting the health and safety of the public.

#### Insulating experts from mass purges AND the threat of political pressure is key---else, self-censorship and loyalist replacements lead to crisis metastasis.

Schulman ’22 [Loren DeJonge; August 12; MPP, vice president of research, evaluation and modernizing government at the nonpartisan, nonprofit Partnership for Public Service, previously served in senior staff roles at the National Security Council and the Department of Defense; Lawfare, "Schedule F: An Unwelcome Resurgence," https://www.lawfaremedia.org/article/schedule-f-unwelcome-resurgence]

Best-Case Scenario: Weakening the Civil Service Risk Management Role

Over 2 million career civil servants working across dozens of large and small agencies are hired under the competitive service process. More than 70 percent work in national security-oriented agencies, such as the Defense Department, the State Department, the Treasury Department, and the Energy Department. Many more work in technical, administrative, policy, and legal roles. They do work that often results in news that makes headlines—negotiating sanctions policies, advising on the legality of drone strikes overseas, maintaining relationships with allies and partners, preparing procedures and resources for future pandemic response—and a great deal more behind the scenes that may end up on a cabinet secretary’s or president’s desk for consideration.

Author Michael Lewis describes civil servants’ responsibilities in the “The Fifth Risk,” calling the U.S government the manager of “the biggest portfolio of [catastrophic] risks ever managed by a single institution in the history of the world.” Some are obvious—the threat of nuclear attacks, for example—but most are glacial and opaque, demanding a portfolio of reliable and steady risk managers who can prioritize the nation’s security without fearing for their job security.

Thousands of such “risk managers” who work in policy-adjacent roles would be implicated by a Schedule F policy that removes the civil service protections set out for them in the Civil Service Reform Act of 1978. Civil servants today are protected against possible political retaliation, coercion, or removal by presidents and political appointees. They must be hired on the basis of relative ability, knowledge, and skills, using fair evaluation metrics. And they are protected against reprisal for whistleblowing.

These rules are frequently shorthanded derisively in (false) assumptions that civil servants cannot be fired. To the contrary, there are set guidelines for when federal employees can be lawfully terminated and disciplined based on performance or misconduct. The antiquated federal hiring process faces similar—albeit fairer—criticism, but its slowness is intended to screen for those who have “a high standard of integrity and trust to promote the interests of the public” and for good reason. Overall, these critiques misunderstand that the competitive hiring process and subsequent protections are what make it possible for civil servants to perform exceptionally, particularly in high pressure, complex policy areas where the government is managing extreme risk on behalf of the country, such as national security.

By protecting them from political reprisal, these rules give civil servants in policy roles the foundation to offer advice that may be tough for presidents to hear, to execute policies with high stakes, to report illegal activity and misconduct as a part of their duties, and to trust that they and their peers owe their first fealty to protecting and defending the Constitution. They do all of this with the confidence that their integrity will be rewarded and protected.

At best, shifting policy-aligned roles to Schedule F roles would have a chilling effect on such policy experts whom we rely on for their unique expertise, candor, and integrity, potentially making them more cautious about the advice they give, the portfolios they support, the risks they take in defending the Constitution, and their willingness to call out malfeasance or bad news.

Worst-Case Scenario: Harming National Security

At its worst, Schedule F will make it possible for presidents to remove thousands of experts who make U.S. global leadership possible. By shifting protected civil servants to at-will employees, Schedule F makes it possible to fire them without the due process currently owed to civil servants. In other words, civil servants could be fired for any reason at all—for giving unwelcome advice, for prior jobs, for being the subject of unsubstantiated accusations of any type, for perceptions of partisan affiliation, or simply for being in a role the president wishes to open up for a loyalist.

Some Schedule F advocates make clear that large-scale removals are under consideration and that removal, not oversight, is their ultimate goal for Schedule F. “Fire everyone you’re allowed to fire,” one commented, according to the Axios reporting. “And [then] fire a few people you’re not supposed to, so that they have to sue you and you send the message.”

Because the policy would also allow replacement of current civil servants without a competitive process, replacements for nonpartisan civil servants could be made without regard to qualification and suitability, or based on partisan affiliation, creating a new kind of political appointee.

The potential loss of talent could be wide and extremely damaging. Axios also reported that, according to sources close to Trump, the former president intends to “go after” the national security establishment as a matter of “top priority,” including those in the intelligence community and State Department. Policy roles that could be reclassified as Schedule F could cut across many high-import areas: Russian defense strategy, Iranian nuclear programs, or Chinese regional security capabilities, among hundreds of other categories. The harm to national security of removing and replacing civil servants—whose work, as we have established, requires expertise, relationships, and clear understanding of risk—with individuals with no required qualification except loyalty to a single individual is self-evident.

But, should a future president pursue this action, beyond missing an endless list of risk portfolio managers, the United States will miss something more fundamental to its success and security: its reliability. American alliances are valuable because of the steady undercurrent of the nation’s civil servants who maintain networks, expertise, and consistency regardless of who inhabits the Oval Office. Despite its turmoil, the American political system is a strong model and international interlocutor because its civil servants serve expertly and well across presidential administrations of any political affiliation. Schedule F, by stifling or removing long-serving civil servants, would make the United States a weaker, less reliable, and less trusted partner.

Why Shouldn’t the President Get a Say?

A president’s desire to shape a policy team, and to be sure it is filled with strong performers who are closely aligned with their views, is understandable. After all, presidents are elected to implement their chosen policy agenda, and having a team around them who can work in support is critical. But presidents already can wield enormous influence over both their closest policy advisers and the most far-flung agency overseers: through the 4,000 political appointees who are named, or removed, at the pleasure of the president. The Schedule F proposal would be an enormous and unnecessary expansion of this already poorly utilized system.

Most administrations never come close to seeing all those politically appointed policy roles filled despite the tremendous access and leverage such appointments bring them. And some presidential teams still struggle to make best use of political appointee and career civil servant partnerships. Rather than adding more chaos and instability with a Schedule F policy, administrations could be maximizing the opportunity that comes with leveraging their career and political leaders together. As noted in a recent Partnership for Public Service and Boston Consulting Group report:

Career executives bring program and policy expertise from their long familiarity with their agencies which can help them manage programs better and work more effectively with external stakeholders and inside actors. Politically appointed leaders can bring energy, risk-taking and responsiveness into an agency’s decision-making process which can improve performance. When leaders are matched with missions, agendas and teams that align with their distinct approaches and perspectives, they can find success in creating a government that is more efficient, innovative and responsive to the needs of the public.

The civil service system is not perfect. The pay system has its origins in World War II. The hiring process, though well-intended, is glacial. The permeability of the system in an era that requires close understanding and collaboration across sectors is limited. But the fundamentals are powerful, and they serve as a critical ingredient to the success of the United States’ global leadership and the sustainability of its democracy.

The U.S. government is able to take on high-risk, high-cost ventures—nuclear security, pandemic response, environmental clean-up, food safety, and more—because civil servants are hired based on qualifications, not party affiliation; give advice based on data and integrity, not fear of reprisal; and owe allegiance to the Constitution, not the president. It needs to stay that way.

#### Deterioration of bureaucratic expertise unleashes catastrophic risks: nuclear war, financial crises, disease, cyber, and disasters.

Karma ’25 [Rogé; February 4; staff writer at The Atlantic, BA political science from Notre Dame; The Atlantic, "Purging the Government Could Backfire Spectacularly," https://www.theatlantic.com/politics/archive/2025/02/trump-federal-bureaucracy-dismantling/681552/]

The U.S. federal government manages a larger portfolio of risks than any other institution in the history of the world. In just the past few weeks, wildfires raged across Southern California, a commercial flight crashed over the Potomac, a powerful Chinese-developed AI model launched to great fanfare, the nuclear-weapons Doomsday Clock reached its closest point ever to midnight, a new strain of avian flu continued its spread across the globe, and interest rates on long-term government bonds surged—a sign that investors are worried about America’s fiscal future. The responsibility of managing such risks is suffused throughout the federal bureaucracy; agencies are dedicated to preparing for financial crises, natural disasters, cyberattacks, and all manner of other potential calamities.

When one of those far-off risks became a real-life pandemic in the final year of Donald Trump’s first term, this sprawling bureaucracy, staffed mostly by career civil servants with area-specific expertise, helped limit the damage, often despite Trump’s own negligence and attempts to interfere. This time, things may turn out differently. Trump is committed to dismantling the federal bureaucracy as we know it—and, with it, the government’s capacity to handle the next crisis. Like an individual who chooses to forgo health or fire insurance, most Americans won’t feel the negative impact of this effort as long as everything in the world runs smoothly. What happens when the next crisis strikes is another story altogether.

No country was fully prepared for what became one of the deadliest pandemics in history, but it is hard to think of a leader who handled COVID more poorly than Trump. He spent the crucial weeks leading up to the outbreak downplaying the severity of the virus, at one point referring to it as the Democrats’ “new hoax.” His administration never developed a national plan for getting the virus under control and reopening the economy, leaving the states to fend for themselves. Meanwhile, the president undermined his own public-health agencies at every turn, telling states to “LIBERATE” their economies, refusing to wear a mask, and, at one point, suggesting bleach injections as a potential therapeutic. A February 2021 analysis by The Lancet, a British medical journal, found that the U.S. could have avoided 40 percent of the deaths that occurred under Trump’s watch if its death rate had matched the average among America’s peer countries.

The administration’s pandemic response did include one shining success: Operation Warp Speed, a public-private partnership that produced and distributed high-quality vaccines in record time, saving countless lives. But that triumph is the exception that proves the rule. The idea for the program came from Robert Kadlec, an assistant secretary for preparedness and response at the Department of Health and Human Services, and Peter Marks, an FDA official—two seasoned public-health experts who had served in top government roles for years beforeTrump took office. The project was then championed by HHS Secretary Alex Azar, who had been appointed by Trump after working off and on for the department since 2001; managed by Gustave Perna, a four-star general who had served in the military for more than 40 years; and staffed by bureaucrats with decades of public-health experience. (This success story has, of course, become distasteful to mention on the right, because it involves vaccines.)

These are exactly the sorts of experienced public servants whom Trump is trying to push out of government. On his first day in office, Trump issued an executive order known as Schedule F; if upheld in court, it will give him expansive new power to unilaterally fire federal employees. In the meantime, his administration is finding creative ways to begin its purge of the federal government. Last week, the administration “reassigned” at least 20 career lawyers at the Department of Justice, allowing them to be sidelined without being officially fired; sent home 160 members of the National Security Council; and offered the remaining 2 million federal employees an ultimatum: Resign voluntarily and receive a severance package, or stay and risk being fired at some point in the future. As Axios reports, the White House expects 5 to 10 percent of the federal work force to take the buyout. Those bureaucrats who remain will, by and large, be reporting to Trump loyalists.

If Trump’s plan succeeds, the inevitable result will be a government that finds itself [hampered] hamstrung in the face of the kinds of risks that it is designed to manage. (Almost unbelievably, Trump has also floated the idea of abolishing FEMA.) Imagine how much worse the pandemic would have been if Kadlec and Marks, the architects of Operation Warp Speed, had been pushed out of government before March 2020. Imagine if Robert F. Kennedy Jr., an anti-vaccine conspiracy theorist, had been in charge of the nation’s public-health apparatus, and surrounded not by scientific experts but by hard-core Trumpists. How many more Americans would have died?

For now, that question is a thought experiment. Soon, it might not be. In recent weeks, public-health officials have begun warning about the rapid spread of a new variant of the H5N1 virus, also known as bird flu, which infected 67 Americans last year and appears to be becoming more transmissible. Rather, officials were warning about it; last week, the Trump administration instructed federal health officials to temporarily halt all public communications, including reports about the escalating H5N1 crisis, “as the new Administration considers its plan for managing federal policy and public communications.” Kennedy has already cast doubt on the safety of H5N1 vaccines and implied that the virus itself was partly a creation of the U.S. government.

Pandemics are only one example of a broad swath of risks facing America today. Tensions between the U.S. and China are high, the AI arms race is well under way, wars have broken out across the globe, and climate-change-fueled natural disasters have become ever more common. None of this means that a major crisis will inevitably strike next week, or even over the next four years. But Trump’s actions make that possibility far more likely, including by exposing the country to risks that might have previously seemed arcane. On Thursday, the U.S. experienced its first fatal crash of an American airliner in 16 years. This was barely a week after the Trump administration dissolved the federal Aviation Security Advisory Committee, a body that advises the Transportation Security Administration on airline safety, and fired the head of the TSA, whom Trump himself had appointed during his first term. As the aviator and Atlantic contributor James Fallows points out, dismantling the board was likely not directly responsible for the crash, but it represents “the thoughtless destruction of the taken-for-granted institutions that have made modern aviation as safe as it is.” Trump, meanwhile, in a moment that revealed how he might respond to future crises, immediately began blaming the incident on a push for DEI initiatives within the Federal Aviation Administration.

In a crowded field, this might be the most alarming aspect of Trump’s second term. At first, most people won’t notice an agency gutted here or a program slashed there. But those cuts will make disaster more likely, and when that disaster strikes—whether during Trump’s presidency or his successor’s—the government will be far less capable of handling it. What we don’t know is how bad that crisis will be, and whether Trump will still be in office to face the consequences.

#### Disease is existential---knock-ons circumvent defense.

Baum ’23 [Seth; February; Executive director of the Global Catastrophic Risk Institute, PhD from Pennsylvania State University; Natural Hazards, “Assessing Natural Global Catastrophic Risks,” vol. 115]

Once the pathogen has infected humans, it is spread primarily via human activity.17 The risk is heavily affected by modern global civilization. On one hand, modern medicine and public health creates more powerful techniques for reducing the severity of pandemics. On the other hand, global travel and urban density create more opportunities for pathogens to spread. Earlier in human history, a catastrophic natural pathogen may have only killed off a smaller, isolated portion of the population, leaving no clear archaeological record, whereas the same pathogen could cause global catastrophe (Manheim 2018). Therefore, the deep historical evidence is consistent with even a high ongoing probability of human extinction from natural pandemics, implying that natural pandemic risk can be of large long-term moral importance even if w(cc) is small.

Pandemics could further threaten civilization collapse. Pandemics could disrupt the labor pool, causing acute supply chain disruptions with severe effects such as to food security (Huff et al. 2015). A pandemic causing neurological harm, such as in long COVID (Misra 2021), could result in the human population having insufficient cognitive fitness to maintain civilization. Furthermore, these sorts of effects could have occurred during pandemics earlier in human history without leaving a noticeable trace. Supply chain disruptions would have been of minimal consequence for most of human history. Medical effects such as neurological harm could go away, for example, if it is not passed to subsequent generations. If w(cc) is large, the potential effects of pandemics on civilization collapse merit careful scrutiny.

One particularly complex and acute pandemic scenario is when a pandemic causes a failure of stratospheric geoengineering. Stratospheric geoengineering involves injecting particles into the stratosphere to counteract the harms of anthropogenic global warming. If particle injection is abruptly halted, temperatures rapidly rise, which could cause acute harm known as termination shock (Parker and Irvine 2018). Under normal circumstances, abrupt cessation of particle injection may be unlikely due to the desire to avoid termination shock. However, Baum et al. (2013) propose that a catastrophe such as a pandemic could cause the cessation of particle injection, resulting in a “double catastrophe” in which the harms of termination shock compound the harms of the initial catastrophe. This may be an especially severe pandemic scenario. It is also a scenario rooted in interactions between the natural hazard and human civilization. Further complicating the picture, prior to termination shock, stratospheric geoengineering could shift climates in a way that shifts disease vector patterns, potentially affecting the risk of “natural” pandemics (Tang and Kemp 2021).

#### Cyber-attacks create overblown backlash that forces retaliation---even if the intent is de-escalation.

Shandler ’23 [Ryan, Michael L. Gross, and Daphna Canetti; PhD, Assistant Professor of Political Science at the Georgia Tech School of Cybersecurity & Privacy; PhD, Professor of Political Science at the University of Haifa, Israel; PhD, Professor of political psychology, University of Haifa, Israel; Journal of Global Security Studies, “Cyberattacks, Psychological Distress, and Military Escalation: An Internal Meta-Analysis,” vol. 8]

Discussion

Cyber discourse has long been characterized by fears of catastrophic cyberattacks that have not transpired. To many researchers and policymakers, the absence of any destructive cyberattacks signified that the threat was overblown. We claim to the contrary: cyberattacks have been measured with an imperfect metric that highlights physical destruction at the expense of psychological harm. To quantify the extent of the psychological consequences stemming from cyberattacks, we report the results of an internal meta-analysis encompassing 6,477 unique respondents from three countries, drawn from eighteen individual studies conducted over six years. The data demonstrate that cyberattacks arouse equally high levels of psychological distress as conventional warfare— an outcome fraught with far-reaching consequences.

Our results overturn a widely accepted view that cyberattacks are a mere irritant at best and a threat to information security at worst. If this were the end of the story, then this alone would demand a recalibration of our thinking about national security threats. Understanding that cyberattacks can wreak havoc and precipitate lingering harm, even if they do not cause explosive damage to critical infrastructure, demands a rethinking of how we measure and respond to such threats. Yet, looking upon these results from the perspective of international security, our findings suggest that psychologically harmful cyberattacks may surpass the threshold of an armed attack, with all of the military, legal, and ethical implications that ensue. Second, we sketch an indirect pathway, according to which the psychological distress suffered by the public dramatically shifts public opinion on military escalation, generates political pressure in support of retaliation, and so influences the course and conduct of international relations.

Psychologically Harmful Cyber Operations as Sufficiently Severe Armed Attacks

Facing attack, nations must ask two critical legal questions as they formulate their response. First, does the attack cause sufficient death, injury, and destruction to constitute an “armed” attack that gives states the right to respond with armed force in self-defense? Second, is an armed response appropriate and proportionate (Cannizzaro 2006; Kretzmer 2013)? Appropriate in this context means “necessary,” in that only armed force and no other less harmful course of action will successfully repel aggression. Proportionality is trickier. When a state is attacked, it may be enough to choose the least harmful means to defend itself successfully irrespective of subsequent casualties. Or, it may be the case that states must also refrain from military operations that cause excessive harm. Much depends upon what self-defense hopes to accomplish. One may concede, for example, the necessity of responding with sustained military campaigns to meet armed attacks by Argentina in 1982 and Hezbollah in 2006, but nonetheless conclude that each response was disproportionate in what were essentially wars of choice. Seeking only to maintain sovereignty or strengthen deterrence, neither Britain nor Israel could justify each war’s human and material costs. In contrast, existential wars of self-defense in places such as Kuwait or Ukraine may be accompanied by widespread devastation that is both necessary and proportionate.

Comprising “territorial intrusions, human casualties or considerable destruction of property” (Dinstein 2001), the human and material costs of war are the key metric for recognizing armed attacks and assessing proportionate, self-defensive responses. Although keyed to kinetic warfare, the same logic and law of self-defense governs cyberwarfare no less than conventional warfare. Considering a nation’s right to respond with force to an armed attack under Article 51 of the United Nations (UN) Charter, The Tallinn Manual on the International Law Applicable to Cyber Operations (henceforth the Tallinn Manual) agrees that “a cyber operation that seriously injures or kills a number of people or that causes significant damage to, or destruction of, property would satisfy the scale and effect requirements [of armed attacks]” and “establish a right of self-defense” against state and non-state actors (Schmitt 2017, 341).

However, cyberattacks rarely, if ever, cause loss of life or major physical destruction. If physical consequences were all that mattered, cyberattacks would never cause sufficient death or devastation to push the attack across the threshold of an armed attack and,thereby, warrant an armed response. Cyber-threats would constitute a legally escalatory dead-end. And, for this reason, cyberspace is often viewed as a non-escalatory military domain (Kreps and Schneider 2019; Lin-Greenberg 2022). Yet, physical destruction is not the only ingredient of legal harm. Critically, the Tallinn experts also understand that severe injuries may be entirely psychological, noting that it is:

[r]easonable to extend the definition [of attack] to seriousillness and severe mentalsuffering that are tantamount to injury. In particular, note that Article 51(2) of Additional Protocol I prohibits “acts or threats of violence the primary purpose of which is to spread terror among the civilian population” (see also Rule 98). Since terror is a psychological condition resulting in mental suffering, inclusion of such suffering in this Rule [defining a cyber-attack] is supportable through analogy.” (Schmitt 2017, 417, emphasis added).

In other words, a cyber operation that causes severe psychological distress would be tantamount to an armed attack (by a state in relation to Article 51) or terrorism (by a non-state) and thereby trigger the right of self-defense. Similarly, the International Committee of the Red Cross (ICRC) emphasizes the crucial role of severe mental suffering in assessments of proportionality. Psychological, no less than physical, injuries weigh in on civilian casualties and assessment of collateral harm. The ICRC notes:

There is a general recognition that serious and well-documented forms of mental harm, such as post-traumatic stress disorder (PTSD), do have significant and long-term impacts on individuals and are increasingly deemed problematic … To date, international jurisprudence has not considered the role of mental harm in the assessment of incidental injury to the civilian population … In this framework, mental harm has been understood to be more than a “minor or temporary impairment of mental faculties, but it does not necessarily have to be permanent and irremediable.” (Gisel 2016, 34, emphasis added).

Applying these principles to cyberwarfare, we can reformulate the two critical questions confronting nations as they consider the appropriate response to cyber aggression. First, has the cyberattack caused a sufficient degree of harm, in this case psychological harm, to surpass the threshold of an armed attack and warrant an armed response? Second, assuming that the psychological harm is sufficient, how must military planners factor the debilitating psychological sequelae of cyber operations into calculations of proportionality and assessments of collateral damage as they consider their response?

Answering each question requires a clear, operational definition of “severe mental suffering” and “mental harm.” When and how are they measured, and by whom? While calculations of death and injury are relatively straightforward, there are few easy metrics to gauge psychological harm. PTSD and other forms of psychological distress are possible criteria. However, they often require sophisticated diagnostic techniques unavailable in conflict areas, and their effects often manifest symptoms over extended periods, confounding timely or causal determinations. More generally, the notion of “severe” or other qualitative descriptions of extreme suffering and harm is common in international humanitarian law but rarely defined rigorously. Indeterminate metrics abound, such as references to torture (severe pain and suffering), proportionality (excessive loss of life or injury), and inhumane weapons (superfluous injury and unnecessary suffering). Considering the ravages of war necessary to trigger the right of self-defense, the International Court of Justice fashioned, but did not detail, the widely acknowledged position that only the “most grave” uses of force qualify as an armed attack (Nicar. vs. U.S 1986).

Often wedded to evaluations of physical damage, suffering, and loss of life, attempts to introduce concrete criteria to quantify “severe,” “excessive,” “most grave,” or “unnecessary” harm often fail to gain widespread acceptance (Gross 2008). At the same time, death and injury are not the sole measures of war’s ravages. Increasingly, states are called upon to consider the degradation of the environment and destruction of infrastructures that may exacerbate pollution, mortality, and morbidity, even though they are challenging to measure at the point of attack. In every case, policy makers and commanders draw on incomplete information (and sometimes only “gut” feelings) to determine whether an attack and appropriate response have crossed the threshold that regulates the use of force. Introducing psychological harm into this mix is long overdue, but similar challenges bedevil attempts to measure and assess mental suffering during war.

While the data we present here help give equivalence to such critical notions as severe harm, the debate over where the line is drawn will continue. The Tallinn Manual argues that in contrast to PTSD, “inconvenience, irritation, stress or fear … or a decline in civilian morale” do not qualify as collateral damage (Schmitt 2013, 160). The ICRC experts take a slightly different tack, declaring that “inconvenience, stress or fear incidentally caused by attacks are not relevant for an assessment under the principle of proportionality” (Gisel 2016, 35;see also Lawson and Macák,ˇ2021, 23). However, in neither case do the experts present psychological data to bolster their claim.

In rebuttal, we argue that this view is too narrow and does not account for current research into the effects of war and terror-related mental suffering. Our data suggest that the outcomes dismissed by the Tallinn Manual and ICRC review—fear, stress, and decline in morale— can collectively cause suffering on par with the distress caused by terrorism. Mental health experts and political psychologists recognize that emotional distress need not reach the level of PTSD to cause significant personal and societal harm.In many ways, emotional distress is equally as harmful and threatening as physical harm (Aggarwal and Aggarwal 2015). One result is an evolving conception of terrorism that moves away from bestial terror replete with brutally horrific casualties to terrorism that draws on fear to undermine civil society by depriving the target government of a population capable of rational deliberation (Waldron 2004).

To be clear, our survey experiments do not directly measure whether exposure to cyberattacks elicits psychological distress at sufficiently severe levels to meet the ambiguous thresholds posed in the Tallinn Manual and ICRC guidance. Our findings do, however, provide logical evidence and validated, well-established measures of mental suffering that support the proposition that cyberattacks can cause sufficiently severe psychological distress to activate the relevant clauses pertaining to armed attacks and proportionate responses. First, our data demonstrate that cyberattacks elicit equally significant levels of distress and suffering as conventional attacks. Second, compelling trends in international jurisprudence and legal discussions, as exemplified by the Tallinn and ICRC guidance reports, conclude that severe psychological distress in war is central to evaluations of armed attacks and calculations of proportionality. As a result, we conclude that exposure to cyberattacks can (although will not necessarily) cause sufficiently severe mental suffering to qualify as an armed attack and trigger the right of self-defense. It is no surprise that Albania, for example, recently reacted to 2022 Iranian cyberattacks by threatening to invoke Article 5 of the North Atlantic Treaty to mobilize collective self-defense as permitted in response to an armed attack (Miller 2022). The Iranian cyberattacks did not cause substantial material harm, but the fact that they shut down access to government websites and services across the country laid the ground for spiking anxiety and failing trust in government institutions.

At the same time, incipient psychological pain and suffering must also inform decisions about the degree of force necessary to repel aggression. Warring parties must factor in the prospect of psychological and physical harm as they plan defensive operations. By folding psychological harm into proportionality, armies may see that some military operations previously considered proportionate (because they did not result in widespread casualties) are nonetheless disproportionate after considering subsequent mental suffering.In this way, attention to psychological distress expands the reach of proportionality and should diminish civilian casualties.

On our reading and pursuant to our data, international norms task political and military authorities with assimilating psychological harm into strategic and tactical decision-making. At the same time, severe mental suffering bears political consequences. The experience of psychological distress can shift public opinion toward foreign policy issues and thereby generate political conditions that encourage an escalatory military response. The subsequent section concentrates on this indirect pathway.

Indirect Effects: Psychologically Harmful Cyber Operations Shifting Public Opinion

To this point, we have viewed severe psychological harm as a conceptual threshold that can ethically and legally justify a military response. However, psychological distress suffered by civilians may also shape foreign policy decision-making. The pathway comprises two stages. First, psychological harm following cyberattacks shifts public opinion. Second, shifts in public opinion influence national decision-making. This pathway is indirect and offers a secondary perspective to consider the political consequences of cyber operations.

The pathway’s first leg links psychological harm and public policy preferences. Previously, we discussed how the anxiety and fear associated with political violence arouses a newly arisen perception of the world as a malevolent and dangerous place. As a consequence of their threat-driven emotional reorientation, voters adopt certain policy positions to regain a sense of security. When it comes to cyber-threats, recent empirical research verified that public exposure to cyberattacks leads to substantial shifts in political attitudes (Shandler, Snider, and Canetti 2022). Various studies have shown how exposure to cyberattacks corrodes public trust in government institutions (Gross, Canetti, and Vashdi 2016; Shandler and Gomez 2022), and influences support for intrusive surveillance (Snider et al. 2021). It is clear that the emotional distress associated with cyberattacks generates the conditions for reevaluating core beliefs toward privacy, and that attacks are likely to spawn a realignment of the privacy-security paradigm for the digital age.

Why do cyberattacks have such potent political consequences? Cyberattacks exploit the absence of trustworthy attribution in cyberspace (Kello 2013; Poznansky and Perkoski 2018; Kaminska 2021), the lack of domain expertise among the public (Kostyuk and Wayne 2021), and the dread associated with cyberspace (Gomez and Villar 2018), to shake society’s trust in the safety and resilience of digital infrastructure. Believing that government authorities cannot effectively protect against damaging cyberattacks intensifies the public’s sense of cyber fatalism wherein omniscient and malicious perpetrators run havoc. It is quite astonishing that despite a singular absence of catastrophic cyber-strikes, more than 82 percent of the American public view cyberterrorism as a critical threat to society—far more than infectious diseases (72 percent), Russian military power (44 percent), or global warming (58 percent) (Brenan 2021). The public fear of cyber-threats is overwhelming, exacerbating the political consequences that follow any attacks.

We draw attention to one particular political outcome of exposure to cyberattacks that is especially pertinent to our enquiry—support for escalation and military retaliation. Widespread distress following cyberattacks elicits incessant public demands for military retaliation (Gross, Canetti, and Vashdi 2017; Shandler, Gross, and Canetti 2021; Shandler et al. 2022; Leal and Musgrave 2023). Even if the identity of the cyber-attacker is unknown, a frequent scenario in cyberspace, public anger still encourages a generalized desire for some kind of military action. If governments previously believed that “merely irritating” cyberattacks would fail to move a “merely irritated” public, this research suggests otherwise. Put simply, even nondestructive cyberattacks trigger substantial psychological harm, leading directly to public demands for a military response to cyber violence.

The mounting public pressure to retaliate following cyberattacks clashes with prevailing norms against cross-domain escalation in cyberspace (Kreps and Schneider 2019; Lin-Greenberg 2022; Valeriano and Jensen 2022). In this way, the de-escalatory nature of cyberconflict may be counteracted by the imposition of extreme public pressure to retaliate, even across domains (Shandler, Gross, and Canetti 2021). In essence, we argue that the escalatory nature of cyber operations is not solely contingent on the technical characteristics of cyber capabilities, but that dynamics of public opinion must be incorporated into the evermore complex models of cyber-escalation. This dynamic is two-fold. While the previous section explains how cyber violence ignites fears and shifts public opinion, the following describes how public pressure can influence foreign policy decision-making.

There is extensive literature exploring the responsiveness of elected officials but no clear consensus about how they respond to the foreign policy views of their voters. While many scholars are skeptical about the role of public input, most agree that public opinion impacts decisions to engage in military operations to at least some degree (Sobel 2001; Klarevas 2002; Foyle 2004; Lin-Greenberg 2021). For example, Foyle (2004) demonstrated how the American public’s appetite for retaliation was a key factor influencing the Bush administration’s decision to go to war in Iraq. Political and national security officials are understandably attuned to the views of the public they ostensibly serve, a political truth that extends even outside of democratic nations (Quek and Johnston 2017). An overwhelming public enthusiasm for retaliation following an attack will place considerable pressure on officials to approve military force.

That exposure to political violence brings about public pressure for retaliation is not unique to cyber-conflict. All acts of violence generate psychopolitical reactions. Still, there are reasons to expect that the process by which public opinion influences foreign policy decision-making may play out differently in the cyber realm. First, cyberthreats prompt outsize public panic relative to their actual destructive potential. The exaggerated public fear in the aftermath of cyberattacks is likely to pressure political elites who would otherwise be willing to dismiss many such attacks as de-escalatory behavior (Valeriano and Jensen 2022). Second, cyber-threats are still novel phenomena, and there is a lack of inter- and intra-national consensus about how to respond to such attacks. The lack of policy agreement provides greater room for public input, with elites becoming more willing to follow popular views in these cases (Kreps 2010; Kreps and Das 2017).

#### That cycle snowballs into nuclear war.

Adenuga ’23 [Asimiyu Olayinka and Temitope Emmanuel Abiodun; Department of Political Science, Tai Solarin University, Ijagun, Ijebu-Odel; Nnamdi Azikiwe Journal of Political Science, “China-US Cyber-attacks and International Security,” vol. 8, https://najops.org.ng/index.php/najops/article/download/36/56]

US-China Mutual Attacks and International Security

What danger do the mutual attacks portend for international security? The international system is such that an incident in one country or a group of countries has reverberating effects on the entire system. Witness the collapse of the financial system in the US in 2008 that affected the entire globe. In like manner, US-China cyber-attacks portend a lot of dangers to international peace and security in the following ways. As reported by Richie (2023, May 25), a British Broadcasting Corporation (BBC) journalist, Chinese hackers used stealthy malware to attack US bases in Guam. The bases serve strategic purposes, particularly in responding to conflicts in Asia for America and its allies. A crippling of the infrastructure represents not only a threat to America but its allies, hence the international dimension of the security threat. Cyber-attacks on critical infrastructure can snowball into mutual attacks on weapon systems. As observed by Fox (2022), in this digital age, cyber-attacks can shut down nuclear power plants. Knowing fully that the two countries are nuclear superpowers, confrontation by the two countries could escalate to nuclear attacks, which might effectively mean the end of civilisation. A nuclear confrontation has the potential of spillover effects on other countries apart from the belligerent states. The fallout of nuclear bombs will be carried by winds and rivers or seas making such a threat to other countries. Therefore, nuclear attacks cannot be localised in their effects even if there is no immediate threat of nuclear Armageddon because both parties observe restraints not to embark on an all-out nuclear attack.

#### Prolonged economic decline ignites global hotspots.

Wishart ’24 [Ellissa, Sophie Heading, Kevin Kohler, and Saaida Zahidi; January 10; Head of Global Risks Initiative, M.Phil in GIS and Remote Sensing from the University of Cambridge; Masters in Behavioral Sciences from the London School of Economics and Political Science, M.A. in International Affairs and Governance from the University of St. Gallen, Global Risks Specialists; M.Phil in International Economics, Managing Director; The Global Risks Report 2024: 19th Edition, “Global Risks 2024: At a Turning Point,” Ch. 1]

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

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

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<<FIGURE 1.3 OMITTED>> <<FIGURE 1.4 OMITTED>> <<FIGURE 1.5 OMITTED>> Misinformation and disinformation has risen rapidly in rankings to first place for the two-year time frame, and the risk is likely to become more acute as elections in several economies take place this year (Chapter 1.3: False information). Societal polarization is the third-most severe risk over the short term, and a consistent concern across nearly all stakeholder groupings (Figures 1.5 and 1.6). Divisive factors such as political polarization and economic hardship are diminishing trust and a sense of shared values. The erosion of social cohesion is leaving ample room for new and evolving risks to propagate in turn. Societal polarization, alongside Economic downturn, is seen as one of the most central risks in the interconnected “risks network”, with the greatest potential to trigger and be influenced by other risks (Figure 1.7). <<FIGURE 1.6 OMITTED>> <<FIGURE 1.7 OMITTED>> Interstate armed conflict (#5) rises in the rankings for the two-year horizon, across nearly all stakeholder groups, except for government respondents. This divergence may simply reflect different views around defining conflict: interstate armed conflict in the strict definition has remained relatively rare thus far, but international interventions in intrastate conflict are on the rise (Chapter 1.4: Rise in conflict). Extreme weather events, a persistent concern between last year and this year, is at #2, Cyber insecurity at #4, Involuntary migration at #8 and Pollution at #10, rounding out the top 10 concerns in respondents’ risk perceptions through to 2026. Overall, global risks have lower severity scores compared to last year’s results.7 Further down in the two-year time frame rankings, Critical change to Earth systems comes in at #11, Debt in 16th place, and Adverse outcomes of AI technologies and other frontier technologies in 29th and last place, respectively. The following sections explore some of the most severe risks that many expect to play out over the next two years, focusing on three entrants to the top 10 risks list over the short term: Misinformation and disinformation (#1), Interstate armed conflict (#5) and Economic downturn (#9). We briefly describe the latest developments and key drivers for false information, a rise in conflict and economic uncertainty, and consider their emerging implications and knock-on effects. <<FIGURE 1.8 OMITTED>> 1.3 False information – Misinformation and disinformation may radically disrupt electoral processes in several economies over the next two years. – A growing distrust of information, as well as media and governments as sources, will deepen polarized views – a vicious cycle that could trigger civil unrest and possibly confrontation. – There is a risk of repression and erosion of rights as authorities seek to crack down on the proliferation of false information – as well as risks arising from inaction. 1.3 False information FIGURE 1.8 Severity score: Misinformation and disinformation Source World Economic Forum Global Risks Perception Survey 2023-2024. Rank: 1st 1% Persistent false information (deliberate or otherwise) widely spread through media networks, shifting public opinion in a significant way towards distrust in facts and authority. Includes, but is not limited to: false, imposter, manipulated and fabricated content. 16% 15% 23% 21% 16% 7% Average: 4.7 Proportion of respondents Note Severity was assessed on a 1-7 Likert scale [1 – Low severity, 7 – High severity]. The percentages in the graph may not add up to 100% because figures have been rounded up/down. 2 years 7 High Low 6 5 4 3 2 1 Severity The disruptive capabilities of manipulated information are rapidly accelerating, as open access to increasingly sophisticated technologies proliferates and trust in information and institutions deteriorates. In the next two years, a wide set of actors will capitalize on the boom in synthetic content,8 amplifying societal divisions, ideological violence and political repression – ramifications that will persist far beyond the short term. Misinformation and disinformation (#1) is a new leader of the top 10 rankings this year. No longer requiring a niche skill set, easy-to-use interfaces to large-scale artificial intelligence (AI) models have already enabled an explosion in falsified information and so-called ‘synthetic’ content, from sophisticated voice cloning to counterfeit websites. To combat growing risks, governments are beginning to roll out new and evolving regulations to target both hosts and creators of online disinformation and illegal content.9 Nascent regulation of generative AI will likely complement these efforts. For example, requirements in China to watermark AI-generated content may help identify false information, including unintentional misinformation through AI hallucinated content.10 Generally however, the speed and effectiveness of regulation is unlikely to match the pace of development. Synthetic content will manipulate individuals, damage economies and fracture societies in numerous ways over the next two years. Falsified information could be deployed in pursuit of diverse goals, from climate activism to conflict escalation. New classes of crimes will also proliferate, such as non-consensual deepfake pornography or stock market manipulation.11 However, even as the insidious spread of misinformation and disinformation threatens the cohesion of societies, there is a risk that some governments will act too slowly, facing a trade-off between preventing misinformation and protecting free speech, while repressive governments could use enhanced regulatory control to erode human rights. Mistrust in elections Over the next two years, close to three billion people will head to the electoral polls across several economies, including the United States, India, the United Kingdom, Mexico and Indonesia (Figure 1.9).12 The presence of misinformation and disinformation in these electoral processes could seriously destabilize the real and perceived legitimacy of newly elected governments, risking political unrest, violence and terrorism, and a longer-term erosion of democratic processes. Recent technological advances have enhanced the volume, reach and efficacy of falsified information, with flows more difficult to track, attribute and control. The capacity of social media companies to ensure platform integrity will likely be overwhelmed in the face of multiple overlapping campaigns.13 Disinformation will also be increasingly personalized to its recipients and targeted to specific groups, such as minority communities, as well as disseminated through more opaque messaging platforms such as WhatsApp or WeChat.14 The identification of AI-generated mis- and disinformation in these campaigns will not be clear-cut. The difference between AI- and human-generated content is becoming more difficult to discern, not only for digitally literate individuals, but also for detection mechanisms.15 Research and development continues at pace, but this area of innovation is radically underfunded in comparison to the underlying technology.16 Moreover, even if synthetic content is labelled as such,17 these labels are often digital and not visible to consumers of content or appear as warnings that still allow the information to spread. Such information can thus still be emotively powerful, blurring the line between malign and benign use. For example, an AI-generated campaign video could influence voters and fuel protests, or in more extreme scenarios, lead to violence or radicalization, even if it carries a warning by the platform on which it is shared that it is fabricated content.18 The implications of these manipulative campaigns could be profound, threatening democratic processes. If the legitimacy of elections is questioned, civil confrontation is possible – and could even expand to internal conflicts and terrorism, and state collapse in more extreme cases. Depending on the systemic importance of an economy, there is also a risk to global trade and financial markets. State-backed campaigns could deteriorate interstate relations, by way of strengthened sanctions regimes, cyber offense operations with related spillover risks, and detention of individuals (including targeting primarily based on nationality, ethnicity and religion).19 Societies divided Misinformation and disinformation and Societal polarization are seen by GRPS respondents to be the most strongly connected risks in the network, with the largest potential to amplify each other. Indeed, polarized societies are more likely to trust information (true or false) that confirms their beliefs. Given distrust in the government and media as sources of false information,20 manipulated content may not be needed – merely raising a question as to whether it has been fabricated may be sufficient to achieve relevant objectives. This then sows the seeds for further polarization. As identified in last year’s Global Risks Report (Chapter 1.2: Societal polarization), the consequences could be vast. Societies may become polarized not only in their political affiliations, but also in their perceptions of reality, posing a serious challenge to social cohesion and even mental health. When emotions and ideologies overshadow facts, manipulative narratives can infiltrate the public discourse on issues ranging from public health to social justice and education to the environment. Falsified information can also fuel animosity, from bias and discrimination in the workplace to violent protests, hate crimes and terrorism. Some governments and platforms, aiming to protect free speech and civil liberties, may fail to act to effectively curb falsified information and harmful content, making the definition of “truth” increasingly contentious across societies. State and non-state actors alike may leverage false information to widen fractures in societal views, erode public confidence in political institutions, and threaten national cohesion and coherence. Trust in specific leaders will confer trust in information, and the authority of these actors – from conspiracy theorists, including politicians, and extremist groups to influencers and business leaders – could be amplified as they become arbiters of truth. Defining truth False information could not only be used as a source of societal disruption, but also of control, by domestic actors in pursuit of political agendas.21 Although misinformation and disinformation have long histories, the erosion of political checks and balances, and growth in tools that spread and control information, could amplify the efficacy of domestic disinformation over the next two years.22 Global internet freedom is already in decline and access to wider sets of information has dropped in numerous countries.23 Falls in press freedoms in recent years and a related lack of strong investigative media, are also significant vulnerabilities that are set to grow.24 Indeed, the proliferation of misinformation and disinformation may be leveraged to strengthen digital authoritarianism and the use of technology to control citizens. Governments themselves will be increasingly in a position to determine what is true, potentially allowing political parties to monopolize the public discourse and suppress dissenting voices, including journalists and opponents.25 Individuals have already been imprisoned in Belarus and Nicaragua, and killed in Myanmar and Iran, for online speech.26 <<FIGURE 1.10 OMITTED>> The export of authoritarian digital norms to a wider set of countries could create a vicious cycle: the risk of misinformation quickly descends into the widespread control of information which, in turn, leaves citizens vulnerable to political repression and domestic disinformation.27 GRPS respondents highlight strong bilateral relationships between Misinformation and disinformation, Censorship and surveillance (#21) and the Erosion of human rights (#15), indicating a higher perceived likelihood of all three risks occurring together (Figure 1.10). This is a particular concern in those countries facing upcoming elections, where a crackdown on real or perceived foreign interference could be used to consolidate existing control, particularly in flawed democracies or hybrid regimes. Yet more mature democracies could also be at risk, both from extensive exercises of government control or due to trade-offs between managing mis- and disinformation and protecting free speech. In January last year, Twitter and YouTube agreed to remove links to a BBC documentary in India.28 In Mexico, civil society has been concerned about the government's approach to fake news and its implications for press freedom and safety.29

<<PARAGRAPH BREAKS RESUME>>

1.4 Rise in conflict

<<FIGURE 1.11 OMITTED>>

– Escalation in three key hotspots – Ukraine, Israel and Taiwan – is possible, with high-stakes ramifications for the geopolitical order, global economy, and safety and security.

– Geographic, ideological, socioeconomic and environmental trends could converge to spark new and resurgent hostilities, amplifying state fragility.

– As the world becomes more multipolar, a widening array of pivotal powers will step into the vacuum, potentially eroding guardrails to conflict containment.

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

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

<<FIGURE 1.12 OMITTED>>

High-stakes hotspots

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

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

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

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

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

Conflict contagion

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

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

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

<<FIGURE 1.13 OMITTED>>

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

North-South rift

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

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

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

1.5 Economic uncertainty

<<FIGURE 1.14 OMITTED>>

– The near-term outlook remains highly uncertain due to domestic factors in some of the world's largest markets as well as geopolitical developments.

– Continued supply-side pressures and demand uncertainty could contribute to persistent inflation and high interest rates.

– Small- and medium-sized companies and heavily indebted countries will be particularly exposed to slowing growth amid elevated interest rates.

According to one narrative, the global economy has shown surprising resilience in the face of the most aggressive global tightening of monetary policy in decades. Despite widespread predictions of a recession in 2023 (Figure 1.15),46 the perception of a ‘softer landing’ appears to be prevailing. Inflation is falling amid tight labour markets and stronger-than-anticipated consumer spending and growth, particularly in the United States.47 In another version, persistently elevated inflation in many countries and high interest rates are weighing heavily on economic growth, particularly in export- and manufacturing-led markets. An already visible economic downturn is likely to spread, with a risk that new economic shocks would be unmanageable in such fragility and debt passes the tipping point of sustainability.

<<FIGURE 1.15 OMITTED>>

<<FIGURE 1.16 OMITTED>>

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

Supply-driven price pressures

Markets are already anticipating interest rate cuts in key economies in the first half of this year.48 However, there are several inflationary pressures that may stymie expectations and present a less-smooth path to inflation targets. If price pressures continue, central banks could be hesitant to cut rates in response to signals of weaker growth, resulting in higher-for-longer inflation and interest rates.

Reflecting tighter financial conditions, both headline and core inflation have dropped in the United States and the Eurozone (Figure 1.17).49 In parallel, there has been a slowdown in economic growth in key industries and markets. The global economy had been propped up by continued strength in services throughout 2023, which is now flagging, while manufacturing has already been in contraction for over a year (Figure 1.18).50 Economic growth is stagnant in the European Union, at 0.6% last year, with estimates suggesting that the economic powerhouse of Germany contracted by 0.3% in 2023.51 Profits of the S&P 500, excluding the ‘Magnificent 7’ tech stocks, were estimated to contract by 8.6% last year.52

<<FIGURE 1.17 OMITTED>>  
<<FIGURE 1.18 OMITTED>>

Yet even as inflation has been partially tamed through higher interest rates, it has not reached central bank targets of two percent and there remains a material risk of largely supply-side price pressures over the next two years. For example, El Niño-impacts to food production and logistics could drive inflation and costly disruptions to supply chains. Any amplification of the Middle East conflict could trigger price spikes in energy and further disrupt shipping routes, compounding continued impacts from the war in Ukraine.53 The cost-ofliving impact of persistent inflation, perceived to be declining in 2024, could resurge as the continued impact of elevated prices persists. A wage-price spiral is still possible, with EOS respondents anticipating labour shortages in key sectors and economies over the next two years (Chapter 2.5: End of development?). Stronger industrial policies and trade controls emanating from advanced economies, targeting the green transition and advanced technology, could also remain a persistent inflationary trend over this period.

Uncertainty within global powerhouses

The outlooks for the two largest economies – China and the United States – are highly complex, and these two key sources of uncertainty could lead to unanticipated, and possibly divergent, implications for the trajectory of the global economy.

China’s economy is widely expected to slow this year, with the weakening of the property market and local and external demand generally cited as primary causes.54 Despite retaining its ‘A1’ long-term credit rating, the outlook for China’s government debt was recently downgraded from ‘neutral’ to ‘negative’, reflecting risks relating to ‘structurally and persistently lower medium term economic growth’.55 Yet investment in both manufacturing and energy infrastructure have been key drivers of growth in recent years, replacing lost construction demand to a degree.56 Although challenges remain, in the absence of further shocks, there is room for an upside surprise – local consumption may revive, growth may be less sluggish and the slowdown shallower than pervasive market expectations. In addition, in the absence of further geoeconomic backlash, excess capacity in advanced manufacturing, particularly in green technologies, could help counteract global price pressures, lending momentum to the green transition and global demand.57

There is similar uncertainty in the United States. Some forecasts are already pricing in up to 2.4% economic growth for 2024, and others predict rate cuts in the early half of the year.58 Fiscal policy has remained loose even as monetary policy tightened, with the United States running a $1.7 trillion deficit in 2023, effectively doubling the deficit in the past year alone.59 This could continue to keep demand-driven price pressures high. The correlation between consumer sentiment and spending is also adding to uncertainty: economic pessimism may be widespread, but it is not necessarily dampening demand – yet.60 On the other hand, debt servicing hit over $981 billion in Q3 2023 – an increase of over $753 billion compared to the same period in 2022, a sum similar to the budgetary spend on defense.61 Any fiscal consolidation in the United States – or a political stand-off relating to debt loads – could have a profound effect on global markets and trade, while any overestimation of the slowdown could lead to earlier or sharper intervention on interest rates and re-spark demand-side price pressures. The outcome of the US presidential elections in November creates additional uncertainty for the country’s economic outlook, depending on the policy choices of the next government.62

Debt distress

Higher interest rates amid slowing growth will strain debt loads for the public and private sector alike. The corporate debt default rate remains far lower than peaks hit during the 2008-09 Global Financial Crisis (Figure 1.19).63 The majority of corporate debt is also years from maturity. Less than 14% of S&P 500 debt is set to mature in the next two years, with nearly half to mature after 2030.64 In essence, the world’s largest companies will be effectively insulated from higher interest rates for more than half a decade.

However, small and medium-sized companies, that form the backbone of many domestic markets, will be particularly sensitive to slowing economic growth and persistently high interest rates. As struggling companies cut costs, unemployment may rise, reducing consumer spending and creating a negative feedback loop that can contribute to a deeper economic downturn. This could also contribute to heightened market concentration, as start-ups struggle and larger, more financially robust corporations consolidate their position, including in the tech sector (Chapter 2.4: AI in charge).

Heavily indebted countries are also exposed to these economic conditions. The risk of sovereign debt defaults is rising but notably, even with a strong US dollar, larger emerging economies such as Mexico and Brazil have largely avoided debt distress to date.65 This has been attributed to structurally different conditions in these markets than in the past, including central bank independence and the accumulation of large foreign-exchange reserves.66 In other parts of the world, like in Egypt, Ethiopia, Ghana, Lebanon, Pakistan, and Tunisia, the risks are much higher. The impacts of tighter financial conditions will build over time, and pressures on fiscal balances will rise. Given historically high debt loads, many governments might be unable or unwilling to help cushion economic impacts to the same degree as they have in recent years, sharpening the slowdown for companies and individuals.

#### Collapse of disaster preparedness is existential. Mega-disasters cascade.

Schlegelmilch ’24 [Jeff; July 14; Associate Professor of Professional Practice in the Faculty of Climate and Director of National Center for Disaster Preparedness; CNN, “The big one’ disaster could happen in our lifetime. Can we even be ready,” https://www.cnn.com/2024/07/14/opinions/big-one-disaster-in-our-lifetime-megadisaster-preparedness-schlegelmilch/index.html]

A megadisaster could strike a catastrophic blow at the outset or could cause widespread death and destruction through a slow burn of cascading impacts such as a nuclear winter from atomic blasts, or prolonged droughts leading to crop failures, mass famines and the collapse of governments.

While emergency managers around the world already have their hands full with disasters of increasing scope, severity and frequency, megadisasters could overtake the very systems we rely upon to manage disasters.

The limits of emergency management

A friend and respected colleague in the field once referred to disasters as a “numbers game”: You have to garner limited resources across relatively siloed organizations, within and outside of government, and get them to work together to help response and recovery in the greatest way possible — getting things like water, food, medicine, fuel and temporary shelters where they are needed most.

The practice of emergency management has generally originated from the first responder community and the civil defense era, primarily with a focus on consequence management. Early disaster researchers like Enrico Quarantelli found disasters to be whole-of-society phenomena, where everyone comes together and recovery works — or they don’t, and it doesn’t. But as emergency management agencies have been designed, emergency management systems have been shaped by laws and agreements across government bureaucracies and partners in the private and nonprofit sectors with a narrower focus on managing consequences, focused more on logistics than sociology.

Over the past several decades, the aperture of the emergency manager has widened to take a broader look beyond the procedures. In the United States, this has been encapsulated with a transition from talking about “preparedness” to words like “resilience.” The Federal Emergency Management Agency (FEMA) now speaks of a whole community approach to disasters, and even includes community lifelines as a key lens for understanding recovery and resilience. These approaches look at how society works, across multiple independent businesses, organizations and agencies and what is needed to make recovery happen — such as delivering transportation, communications, safety and security, food, water and shelter.

#### Civil service employment uncertainty gives Russia and China an opening for espionage.

Walton ’25 [Calder; March 4; PhD, assistant director of the Belfer Center's Applied History Project and Intelligence Project at Harvard University; Bulletin of the Atomic Scientists, "The spies Musk sent into the cold are a counterintelligence disaster in the making," https://thebulletin.org/2025/03/the-spies-musk-sent-into-the-cold-a-counterintelligence-disaster-in-the-making/]

Fired workers are targets for foreign spies. Musk’s efficiency entity poses a second threat to US national security by the manner in which it is firing large numbers of US civil servants. Abruptly dismissed US workers are guaranteed to be prime targets for foreign intelligence services. History shows that grievances and money are significant motivating factors for espionage.

In the early Cold War, the Soviet Union achieved some of its most important espionage achievements through ideologically committed agents—think of the Five Cambridge Spies or the atom spies like Klaus Fuchs inside the Manhattan Project. Late in the Cold War, Western services, like Britain’s MI6, were likewise able to recruit ideologically committed agents behind the Iron Curtain, one of the most successful of whom was Oleg Gordievsky, a KGB bureau chief in London who passed secrets to British intelligence.

Some of the most damaging spies during the Cold War were, however, motivated less by ideology and more by a sense of grievance against their employer and the desire for flamboyant lifestyles. This was the case with Aldrich Ames inside the CIA and Robert Hansen within the FBI. Neither Ames nor Hansen was the “secret agent” they wanted to be. Their senses of insecurity and desire for money were skillfully exploited by Soviet and then Russian intelligence services.

The manner in which dedicated civil servants are being dismissed out of hand effectively constitutes a ticking time bomb for US counterintelligence. Gone are the days of having to recruit spies in-person; China’s intelligence services are known to have recently recruited US sources with security clearances simply by using LinkedIn. And it is not difficult to imagine a foreign intelligence service preying on a sense of grievance among those abruptly dismissed from the US federal civil service, as well as offering handsome payments for any US state secrets they may hold in their heads. With the rising cost of living and mortgage payments to meet, US federal workers—whether newly laid off or merely uncertain about their job prospects—may unfortunately be tempted to look elsewhere to keep their families solvent.

Evidence that the Trump administration is not following a well-thought-through plan when it comes to dismissing US workers has been demonstrated in public: More than 300 employees at the Department of Energy’s National Nuclear Security Administration, whose jobs include safeguarding US nuclear secrets, were abruptly let go on February 13th—but then were equally abruptly rehired when it became apparent their jobs were essential for US national security. The same has reportedly occurred to experts in avian flu at the Department of Agriculture, dismissed as the US faces an outbreak of avian flu.

#### Espionage leads to nuclear war.

Acton ’20 [James M.; Spring 2020; PhD, co-director of the Nuclear Policy Program at the Carnegie Endowment for International Peace; Dædalus, “Cyber Warfare & Inadvertent Escalation,” vol. 149, https://doi.org/10.1162/daed\_a\_01794] \*Language edited

This danger is likely to be exacerbated by any cyber vulnerabilities affecting nuclear forces and C3I systems. Most directly, the existence of such vulnerabilities could intensify existing fears of being disarmed—fears that are already acute in China and Russia (as well as in Pakistan and, most likely, North Korea).5 However, because of their unique characteristics and effects, cyber threats could create at least three qualitatively new mechanisms by which a nuclear-armed state might come to the incorrect conclusion that its nuclear deterrent was under threat. First, the purpose of cyber interference could be misinterpreted. In particular, espionage could be mistaken for an attack. Second, a cyberattack could have a more significant effect than intended. Malware implanted into information technology (IT) systems associated with non-nuclear weapons could accidentally spread into more sensitive nuclear-related systems, for instance. Third, the initiator of a cyber operation could be misidentified. An operation carried out by a third party, for example, could be misattributed by one state in a bilateral confrontation to its opponent. What makes these pathways so pernicious is that the catalyst for escalation could appear to its initiator to be a relatively benign action.

To make matters worse, such pathways could lead to inadvertent escalation even if the target of the cyber interference were not afraid of being completely disarmed. Today at least, this description fits the United States. If, in a conflict against Russia, say, the United States wrongly concluded that its strategic early-warning system was under cyberattack, it might reason that Moscow was seeking to undermine U.S. missile defenses, which use early-warning data, prior to launching a nuclear attack.6 Given that U.S. declaratory policy explicitly highlights the option of a nuclear response to non-nuclear attacks on nuclear C3I assets, such a “misinterpreted warning” might lead Washington to use nuclear weapons.7 But even if it did not, its response, which might include nuclear threats, could still be escalatory.

My focus here is narrowly limited to inadvertent cyber threats against, or interference with, one state’s nuclear forces or C3I systems by another nuclear-armed state (C3I systems encompass not only communication capabilities, but also the intelligence, surveillance, and reconnaissance capabilities, including early warning, that would be critical to decision-making). To be sure, cyber vulnerabilities probably create other escalation risks too, though, in my judgment, they are less serious.8 For example, while no state would likely try to detonate another’s nuclear weapons, a nihilistic terrorist group might (though it is unclear whether such a group could obtain the requisite cyber capabilities). Separately, vulnerabilities associated with conventional forces or their C3I systems could increase the likelihood of a conventional war’s escalating to a higher level of violence, thus making nuclear use more credible.9

Cyber interference with nuclear forces and C3I systems can involve two (not mutually exclusive) types of operations: espionage and attack. Cyber espionage involves collecting data from a target IT system without otherwise damaging it. A cyberattack involves undermining the operations of the target system, typically by compromising the integrity or availability of data. Cyber tools suitable for surveilling or attacking nuclear forces or C3I systems have innumerable differences from noncyber tools, which are themselves quite varied. Six of these differences are particularly salient to the risk of inadvertent nuclear escalation.

First, cyber espionage offers the potential to obtain information about an adversary’s military forces and operations that cannot plausibly be obtained in any other way. By accessing an adversary’s C3I systems directly, cyber tools may be capable of exfiltrating exceptionally sensitive information, such as the locations of mobile delivery systems. This is not to suggest that cyber surveillance is infallible. As a security measure, for example, a state could choose not to track the movements of its mobile delivery systems (or it could do so only approximately). Alternatively or additionally, it could try to use a cyber intrusion in its networks to feed misinformation to the adversary. In spite of these and other limitations, however, cyber espionage almost certainly offers unique advantages. For example, no practical constellation of high-resolution surveillance satellites in low Earth orbit could provide continuous coverage of a given location on Earth’s surface.10 Cyber surveillance, by contrast, may allow for continuous monitoring of an adversary’s military posture.

Second, cyber weapons offer an unparalleled capability to manipulate the data that go into decision-making. Other types of weapons, by destroying or disabling sensors or communication systems, can also deny data to decision-makers. However, their use generally alerts the target to the fact it is under attack. By contrast, if a well-designed cyber weapon is used, a loss of data may appear to be, say, the result of a malfunction, potentially allowing the attacker to conduct surprise follow-on attacks. Even more significant, cyber weapons can be used to feed false information to decision-makers. For example, the Stuxnet virus, which was reportedly developed by the United States and Israel, was designed not only to destroy centrifuges at Iran’s Natanz enrichment plant, but also to hinder plant operators from discovering the cause of these failures by producing falsely reassuring readings on monitoring equipment.11 In a similar vein, sophisticated cyber weapons offer a unique capability to shape an adversary’s perception of a battlefield by feeding misinformation into C3I systems.12 To be sure, information operations have always been a part of warfare. However, cyber weapons represent a sea change because their effects can be tailored with great precision in real time, and because they could be used to directly influence the perceptions of high-level decision-makers.

Third, cyber operations—whether conducted for espionage or offensive purposes—can present particularly significant risks of unanticipated collateral effects, that is, of affecting IT systems other than the intended target.13 Noncyber weapons can, of course, lead to collateral damage. Yet such effects are inherently constrained by geography. Moreover, the likelihood of physical collateral damage can be often quantified, at least to some extent (military planners may be able to estimate, for example, the probability of an incoming weapon missing its military target and hitting a nearby civilian facility).14 The risks of collateral effects in cyberspace are much more difficult to estimate. Minimizing such effects relies, in part, on detailed intelligence about the target network and on connections between it and other networks. Obtaining the requisite intelligence is potentially much more difficult than identifying what surrounds a target in physical space (as is verifying that the resulting picture is complete). To complicate matters further, sophisticated malware must generally be tailored to each target and, if revealed, will become ineffective once the adversary can clean its networks and fix whatever exploit was used to gain access. As a result, the effects of cyber weapons cannot usually be understood through testing, further increasing the likelihood of unanticipated collateral damage (simulations can be used but they are only as good as the available intelligence on the target).

Fourth, in peacetime, malware used to enable a cyberattack may often be inserted into an enemy’s networks—but not activated—in the hope that it will remain undetected and thus can be used in a potential future crisis or conflict. (In theory, not only can a vulnerability in an operational IT system be exploited in this way, but so too could security weaknesses in the supply chain for the system’s components.) Noncyber weapons, by contrast, are generally used as and when the decision to authorize a strike on a particular target is taken.15 One consequence of this difference is that, if a state discovers dormant malware in its networks, it can be faced with the challenge of attributing it—that is, identifying which entity is responsible for its implantation—before activation. The equivalent challenge rarely arises with the kinds of noncyber weapons typically used in interstate warfare (though it does arise in irregular warfare or counterterrorism with unexploded ordnance).

Fifth, and relatedly, cyberattacks are generally easier to conceal than other forms of attack. As a result, decision-makers may be more inclined to authorize them. In fact, if the goal is for a cyber weapon to have either a persistent effect or an effect when triggered at some future time, the malware used in the attack must remain hidden to be effective because exposure could enable the adversary to take countermeasures.

Sixth, and finally, distinguishing between offensive operations and espionage is significantly more challenging in cyberspace than in other domains.16 To be sure, the line dividing espionage and offensive operations in physical space is not always entirely clear. Aircraft—unmanned aerial vehicles (UAVs), in particular—are used for both surveillance and offensive operations. But the distinction is much murkier in cyberspace. One challenge is that identifying the purpose of a piece of malware—understanding whether it can be used for espionage, offensive purposes, or both—can be time-consuming. In a fast-moving conflict or crisis, this process might move slower than decision-making. Moreover, even if a state quickly and confidently established that a piece of malware could be used solely for espionage, it could not be confident that whatever vulnerability was used to introduce the malware would not also be exploited for offensive purposes—at least until it had identified and fixed the vulnerability.

States can threaten each other’s nuclear forces through a combination of offensive “counterforce” operations to target nuclear-weapon delivery systems preemptively, and air and missile defense operations to intercept whatever remained. The United States openly acknowledges it would seek to limit the damage it would suffer in a nuclear war.17 Russian doctrine is believed to embrace a similar concept.18 India may be moving in the same direction.19

The question of whether, in practice, a state could actually succeed in limiting the damage it would suffer in a nuclear war to an extent that decision-makers would consider meaningful is currently a subject of considerable debate.20 However, from the perspective of inadvertent escalation, what matters is not whether damage-limitation operations would actually prove effective, but whether a potential target believes they might. In this context, Chinese and Russian fears that the United States is seeking the capabilities—non-nuclear capabilities, in particular—to negate their nuclear deterrents could prove escalatory in a crisis or conflict by generating “crisis instability,” that is, pressures to use nuclear weapons before losing the capability to do so.21 And even though the United States is not concerned today about the possibility of being disarmed, Washington appears to be less sanguine about the future, given growing threats to its C3I assets, in particular.

Cyber capabilities could contribute to damage-limitation operations in two distinct ways. First, cyber espionage could prove useful in collecting intelligence that might increase the effectiveness of counterforce attacks and air and missile defenses, especially if complemented by effective analytic tools for synthesizing large amounts of data from multiple sources.22 If cyber espionage helped reveal the locations of mobile weapons, for example, it could enable preemptive attacks against them. And if it helped to reveal targeting data, it could assist defenses in intercepting missiles and aircraft after launch.

Second, cyber weapons could be used, alongside other capabilities, to conduct counterforce strikes. A hypothetical cyber “kill switch” that could permanently shut down an adversary’s nuclear C3I systems would certainly be attractive to any state with a damage-limitation doctrine. In practice, this kind of perfect capability seems fanciful, not least because a state could find analog or even nonelectronic ways to use its own nuclear forces given enough time (in fact, some states may even prepare such means in advance). At best, therefore, a cyberattack could be a “pause button” that delayed an adversary’s ability to use its nuclear weapons. Real cyber weapons are likely to be still less effective, however. All nuclear-armed states likely operate multiple C3I systems with some degree of redundancy between them. Cyber operations would probably not prove equally effective against these different systems, potentially delaying the target from using some elements of its nuclear forces for longer periods of time than others.

Even given these limitations, however, cyberattacks could still assist with damage limitation. They could buy more time for counterforce operations to attrite an opponent’s nuclear forces and reduce the coherence of any retaliatory attacks, somewhat simplifying the task of air and missile defenses. Moreover, the potential for cyberattacks to shape an adversary’s perceptions could prove valuable. For example, an attacker might try to “blind” [shut down] its adversary’s early-warning system just before launching counterforce strikes on its nuclear forces.

Just how effective cyber-enabled damage-limitation operations might prove in an actual conflict is far from clear, not least because of the difficulty of testing cyber weapons. That said, any state that has made the enormous investments necessary to develop damage-limitation capabilities is likely to spend relatively modest additional sums on developing complementary cyber tools, and it might reach a different conclusion about their potential efficacy. Even more important, from the perspective of inadvertent escalation, its potential adversaries might do so too.

China, in particular, appears to be concerned about cyber-enabled damage limitation. Summarizing the thinking of their peers on this subject, two Chinese scholars, Tong Zhao and Li Bin, have concluded that “Chinese analysts have demonstrated an acute awareness of the potential vulnerabilities of the country’s nuclear C3I system, particularly against cyber infiltrations.”23 Russian views have been less aired. In fact, a dichotomy has emerged in what little public discussion there has been. For example, three respected experts, including a former general officer in Russia’s Strategic Rocket Forces, have recently played down the threat, arguing that “because the command-and-control systems of strategic nuclear forces are isolated and highly protected, they are, in all probability, not vulnerable to cyber attacks.”24 At about the same time, however, another influential Russian scholar argued that, among the emerging non-nuclear technologies that could threaten nuclear forces, “probably the most dangerous development is cyber weapons, which could be used for non-nuclear disarming and decapitating attack by completely paralysing the entire command-and-control system.”25 News reports that Russia has created cyber defense units for its nuclear forces suggest that the Russian military may be less than sanguine about the cyber threat.26

Fears about cyber-enabled damage limitation may be particularly pernicious because of the potential difficulty of detecting a cyberattack. A sophisticated cyberattack on nuclear forces or C3I systems could conceivably occur without being detected. In the extreme case, a state might only find out that it had been attacked when it attempted to launch nuclear weapons and discovered that its ability to do so had been impeded in some way. If a state believed that it would be unlikely to detect an ongoing cyberattack, then it could rationally conclude that it might be under attack even in the absence of attack indicators. The simple belief that an opponent had highly sophisticated cyber capabilities could, therefore, precipitate a false positive—the incorrect assessment that an attack was underway—by itself. By contrast, if a state’s nuclear forces were under assault from kinetic strikes, the target would likely be aware. To be sure, it is still not entirely impossible that a state could wrongly come to believe it was under kinetic attack. Early-warning systems, for example, have produced false warnings of incoming ballistic missile strikes.27 But mistakes of this kind could be identified once the incoming weapons ceased to exist (though the window of time before they disappeared could be particularly dangerous).

To make matters worse, a state that was concerned about its nuclear forces and C3I systems coming under cyberattack might be inclined, especially in a crisis or conflict, to interpret ambiguous indicators in the worst possible light. For example, if one of its nuclear C3I systems malfunctioned because of, say, bad design or aging components, it might wrongly attribute the failure to a cyberattack (in fact, the temptation among operators to do so might be particularly strong if they would otherwise be held responsible for an internal failure). Regardless of precisely how it arose, however, a false positive that occurred in a crisis or conflict could generate significant escalation pressures.

Concerns about the potential for cyber operations to enhance the effectiveness of damage limitation can have effects beyond generating crisis instability at a time of heightened tensions or during a conflict. In peacetime, such concerns may induce nuclear-armed states to take steps to try to ensure that nuclear weapons could be employed when duly ordered in a crisis or conflict, even at the expense of exacerbating the danger of inadvertent or unauthorized use. Concerned states, for example, could remove permissive action links—electronic “locks” designed to prevent the unauthorized use of nuclear weapons—because of the perceived danger that they could be hacked and thus subverted to prevent authorized use.28

Alternatively or additionally, states could make plans to predelegate the authority to use nuclear weapons down the chain of command to guard against the possibility of the communication links serving national leaders being severed. The dangers of predelegation depend, in part, on the degree of flexibility afforded to commanders in determining whether and how to use nuclear weapons. Nevertheless, certain risks are inherent in any model. A localized communications failure might be mistaken for an attack, for example, leading to inadvertent use.29 Predelegation also increases the risk of unauthorized use because a field commander could order the use of nuclear weapons in a scenario in which he or she was not permitted to do so. This danger becomes greater as more people are granted launch authority. In this respect, cyber threats could promote a particularly dangerous form of predelegation by inducing a state to entrust launch authority to the relatively large number of lower-level officers who are capable of issuing a launch order without electronic communications.

Surveillance operations in cyberspace, even if conducted exclusively for defensive purposes, pose unique risks of escalation. Cyber surveillance of an adversary’s nuclear forces can serve purposes besides damage limitation. In any dyad involving two nuclear-armed states, each has a strong incentive to monitor the status of the other’s nuclear forces at all times—and particularly during a crisis or conflict—including for the exclusively defensive purpose of spotting any preparations for nuclear use. Several intelligence collection techniques, including overhead imagery and signals intelligence, are likely used for this purpose. Given the potentially unique advantages of surveillance in cyberspace, however, states may see good reason to adopt it alongside these other approaches, especially if they judge that the likelihood of cyber espionage being detected is small.

Depending on the sophistication of the malware used and the target’s defenses, the true likelihood of being detected may or may not be small, but the consequences of being caught could be significant. In fact, if the target detected ongoing cyber espionage of networks associated with its nuclear forces or C3I systems, inadvertent escalation could result from either of two concerns that are distinct from those that might plausibly be generated by other forms of surveillance.

First, even if the target of cyber interference were convinced that the operation was being conducted exclusively for the purpose of espionage, it might worry that the data being collected could be used against it in damage-limitation operations. Intelligence collection in physical space could also enable damage limitation, but it differs from cyber surveillance in one critical respect. In a crisis or conflict, a state would generally have no way of knowing whether or not countermeasures against physical surveillance (such as camouflage or concealment) had proved effective—unless its nuclear forces were successfully attacked. By contrast, if it detected an ongoing effort to collect intelligence through its C3I networks, it would know definitively that at least some of its cyber defenses had failed. This realization might lead the state to fear that attacks on its nuclear forces were imminent.

Second, because of the difficulty of rapidly distinguishing cyber espionage from a cyberattack, espionage against nuclear forces or C3I systems would risk being misinterpreted as an attack. In theory, the use of armed UAVs for surveillance of an adversary’s nuclear forces could generate a similar risk. However, a state motivated by purely defensive considerations would have strong and obvious reasons not to use armed UAVs in this way.

The risks resulting from cyber espionage being mistaken as an attack would depend on who had initiated the operation and who was the target. China or Russia might assess that U.S. cyber surveillance was actually an offensive effort intended to undermine—or, more likely, give Washington the option of undermining—Beijing’s or Moscow’s ability to launch nuclear weapons, thus potentially generating crisis instability. By contrast, because Washington is apparently more confident in the survivability of its nuclear deterrent, cyber espionage directed against U.S. nuclear forces or C3I systems would be less likely to have the same result. Nonetheless, such operations would likely be of real concern to Washington and could, for example, be misinterpreted as a prelude to nuclear use by China or Russia.

#### Renewing bargaining is key to alliance credibility.

Schleusener ’25 [Luke; October 29; President and co-founder of Out in National Security; Foreign Policy, “The U.S. Government’s Repair Bills Are Coming Due,” https://foreignpolicy.com/2025/10/29/trump-outsourcing-austerity-shutdown-united-states-government/]

By mid-2025, that brittleness was impossible to hide. President Donald Trump’s February executive order on domestic government efficiency imposed rapid staffing cuts across civilian agencies. Nearly 150,000 federal employees departed through layoffs, buyouts, or early retirements, and another roughly 150,000 workers were placed on paid leave pending reorganization.

The intention was modernization. The effect was paralysis. Grant disbursements slowed, audits were suspended, and critical permitting backlogs doubled. Trump’s so-called Department of Government Efficiency did not break a functioning machine; it exposed one already in deficit.

These failures have international consequences. Allies now confront a United States that can fund commitments more easily than it can implement them. NATO coordination meetings proceed without U.S. representation at working levels. Defense cooperation agreements lapse as legal offices miss renewal deadlines. In a global system that depends on reliable U.S. execution, administrative fragility becomes a strategic risk. State capacity is credibility.

Administrative fragility also undermines the country’s credibility abroad. Foreign ministries and international organizations depend on predictable American follow-through. When agencies cannot execute, commitments fracture, and allies hedge. The gap between U.S. funding promises and implementation timelines shapes how other governments plan their defense and economic policies. Bureaucratic capacity, in this sense, is not only a domestic concern but also a core instrument of power. The ability to fulfill commitments abroad begins with competence at home.

Other powers have recognized this dynamic. The European Union’s regulatory apparatus and China’s sprawling development bureaucracy both convert administrative coherence into geopolitical influence. When the United States struggles to coordinate its own agencies, it forfeits leverage in settings where procedural reliability is power. Competence, not just capability, has become a metric of global standing. Rebuilding state capacity is therefore not nostalgia for mid-century bureaucracy; it is a strategic necessity in an era when governance itself is a contest of systems.

Reform cannot start everywhere at once, but repair begins where consensus still exists. Congress can act on visible service failures that cut across ideology. The Internal Revenue Service’s modernization program shows that targeted funding, iterative updates, and transparent performance metrics can restore trust while improving efficiency. Similar pilots could stabilize agencies whose breakdowns the public notices most, including the Federal Emergency Management Agency, the Social Security Administration, and the Centers for Medicare and Medicaid Services. When competence is visible, legitimacy follows.

Cybersecurity investment offers another near-term opportunity. The Cybersecurity and Infrastructure Security Agency already coordinates state and local partnerships, but on a scale disproportionate to the risks that it manages. Treating cybersecurity as national security would justify predictable multiyear funding, standardized cyber hygiene protocols, and exchange programs between federal and private-sector professionals. These measures are technocratic, not ideological, yet they generate political returns through reliability.

The deeper challenge is human infrastructure. Pay compression and limited advancement have driven talent toward the private sector for decades. Rebuilding career ladders within the civil service would reverse that migration. Indexing pay to market equivalents, creating apprenticeship pipelines, and restoring mid-career training would make government once again a place where expertise accumulates instead of evaporates. The Office of Personnel Management could publish open data on retirement risk and skill shortages, aligning incentives for long-term planning.

In the same spirit, the balance between in-house expertise and contracted labor must change. Outsourcing should supplement, not replace, institutional knowledge. The government’s own audits show that insourcing core technical functions, procurement, IT, and analytics results in higher quality and lower cost over time. Maintenance should be understood as a strategic function, not a discretionary one.

Repair also depends on governance. Expanding collective bargaining within the federal workforce would stabilize retention and create feedback channels between management and staff. The decline of organized labor has deprived the government of both interlocutors and institutional conscience. Restoring inspector general budgets would strengthen accountability. And enforcing the would prevent presidents from withholding funds that Congress has appropriated, protecting administrative continuity from partisan interference. Designed after Watergate to preserve the separation of powers, the act ensures that presidents execute rather than suspend Congress’s will. Enforcing it today would reaffirm that bureaucratic discipline is constitutional discipline—the habit of carrying out commitments once made.

Administrative repair at home would also reinforce democratic credibility abroad. Allies and adversaries alike judge the strength of U.S. leadership by its capacity to govern itself. Rebuilding that capacity is therefore not only an act of domestic reform but also a reaffirmation of constitutional democracy as a system capable of self-correction. When Congress functions as a coequal branch and the civil service performs with reliability, it strengthens the foundations of U.S. diplomacy. The renewal of state capacity is, ultimately, the renewal of U.S. legitimacy.

Restoring capacity is therefore a civic project as much as a bureaucratic one. Citizens cannot sustain confidence in institutions that they rarely encounter or do not understand. Visible competence, the timely arrival of a benefit, the smooth operation of a public website, and the consistent enforcement of a rule, are the most persuasive arguments for democratic government. Each successful act of administration becomes an act of persuasion, reminding citizens that the state is neither distant nor hostile but capable and fair. Legitimacy accrues not from rhetoric but from reliability.

Rebuilding legitimacy will require more than competence. Policy advocate Heather McGhee has shown how racialized zero-sum thinking erodes public support for shared goods. A credible renewal of administrative capacity must make equity a matter of design. Reliability must be even across constituencies so that citizens experience the state as consistent rather than conditional. Equity, in this sense, is an engineering principle: Systems that deliver unevenly are systems that fail under stress.

Governance, like infrastructure, decays when maintenance is deferred. The metaphor of technical debt clarifies what austerity obscured: Neglect incurs obligations, and those obligations compound. The United States cannot innovate its way out of decay; it must restore the capacity to maintain.

#### Alliance credibility solves war, breakdown causes it.

Brands ’25 [Hal; July 28; Senior fellow at the American Enterprise Institute, where he studies US foreign policy and defense strategy, Henry A. Kissinger Distinguished Professor of Global Affairs at the Johns Hopkins School of Advanced International Studies (SAIS), PhD, MA, and MPhil in History from Yale University; American Enterprise Institute, “Three Ways America’s World Order Could Collapse,” https://www.aei.org/op-eds/three-ways-americas-world-order-could-collapse/]

Since 1945, that order has generated tremendous peace, prosperity and freedom. It can only be termed a smashing success. But stresses on that order — those imposed by its challengers, and those imposed by its creator — have been mounting. One way of gauging just how severe the risks have become is by considering the various ways an order might end.

The brilliant Cambridge historian Brendan Simms has suggested that international orders typically end in one of three ways: Through defeat in war or some catastrophic failure of deterrence; through economic decline or a divergence between the order’s political and economic arrangements; or through the collapse of respect for its guiding rules and norms.

The US order has proven remarkably resilient, but the possibility of a breakdown is growing as America piles up risk on each of these dimensions at once. And while recent leaders, including President Donald Trump, have made important moves to shore up the order, America’s present policies are increasingly making those dangers worse.

Orders can die of murder, exhaustion or suicide. Today, it’s difficult to rule any of those grim finales out.

How America Took the Lead

Order is about rules and rule-makers. International orders feature commonly accepted norms or principles meant to govern global behavior. Those rules are made, and sustained, by mighty actors and institutions. A long line of powers has sought to structure the globe to their liking. But since World War II, America’s order has been the biggest, most successful game in town.

The lesson US policymakers took from that conflict was that only a secure, prosperous system could ensure America’s own wellbeing. So the US built an order based on relatively free trade; a preference for human rights and democratic values; the prevention of great-power aggression and war; and institutionalized cooperation to address common problems.

Washington used its unmatched military and economic power to buoy the fortunes of like-minded nations. America, said President Harry Truman, was “assuming the responsibility which God Almighty intended” for “the welfare of the world in generations to come.”

Make no mistake: This endeavor was rooted in US interests. But because America was so powerful, and defined those interests so broadly, this project brought historic gains for much of the world.

Democracy went from endangered to dominant in the postwar decades. Trade flourished and living standards soared, first in the free world and then globally after communism fell. A world that suffered two all-consuming great-power wars in quick succession has avoided anything like that since 1945.

The US presided over a global golden age. Yet the stresses on America’s order have become impossible to ignore.

Revisionist powers — China, Russia, Iran, North Korea — are challenging a system they view as dangerous to their illiberal regimes and oppressive to their geopolitical ambitions. The Global South has become disillusioned with Western dominance. The US itself has seemed ambivalent, in recent decades, about world leadership. Threats to its economic and military supremacy have grown more severe.

Visit nearly any US ally, and you’ll notice conviction that American power remains necessary — and concern that the post-World War II order is slipping away. So how real is the danger? Let’s consider the three ways an order can come apart.

Losing a War

One path to failure runs through defeat or devastation in war. Nothing ruptures the authority of a hegemonic power like a humiliating beatdown on the battlefield. The Athenian empire collapsed after losing the Great Peloponnesian War. Britain won World War I, but never recovered from its costs.

For decades, America has been the sole superpower. As last month’s attack on Iran’s nuclear program reminded us, the Pentagon still possesses power-projection capabilities without peer. But anyone who thinks the US is militarily invincible hasn’t been paying attention.

The Pentagon faces a vexing military arithmetic problem. Several challenges — from Russia in Europe, Iran and its proxies in the Middle East, and China and North Korea in Asia — are stretching US resources. A superpower with a military designed to fight one war at a time is always at risk in a world of multiple, interlocking threats. But the danger of crushing defeat is most concentrated in the Western Pacific.

“The intelligence couldn’t be clearer,” said Secretary of the Air Force Frank Kendall in 2023. “China is preparing for a war and specifically for a war with the United States.” The Chinese threat is real, “and it could be imminent,” Secretary of Defense Pete Hegseth observed this year. Those are only two of many alarming statements from US officials.

Beijing is building the forces and rehearsing the plans needed to attack Taiwan or otherwise reorder the Western Pacific. It is racing to construct a nuclear arsenal that will match, and maybe exceed, America’s. Meanwhile, Xi Jinping’s government is hoarding food, fuel and other resources. Xi would surely prefer to eject America from the Western Pacific peacefully. But he’s getting ready for a fight.

A US-China war would cause cascading economic carnage and bring serious risks of nuclear escalation. And if America lost — which is a real possibility — the damage to the US order would be profound. America’s alliances in the Indo-Pacific might fracture. A broken US military might struggle to police other parts of the world. “The trajectory must change,” the head of US Indo-Pacific Command, Admiral Samuel Paparo, has warned: America isn’t responding with the urgency the threat demands.

In fairness, there have been encouraging developments. Israel, with American help, has ravaged Iran and its proxies since late 2023. The US and its North Atlantic Treaty Organization allies have used the war in Ukraine to grind down Russian power.

Trump can take some credit for getting the allies to agree to spend 3.5% of GDP on defense, and another 1.5% on related investments. Over time, that spending will strengthen the military position of the democratic world. But global overstretch remains real, the trends in Asia are daunting, and the US still isn’t acting like it could lose World War III.

#### Absent a predictable and comfortable workplace environment grounded in union-based protections for merit, expertise will forever collapse.

Kellough ’24 [J. Edward; November 11; Ph.D., Professor of Public Administration and Policy and Head of the UGA Department of Public Administration and Policy; The Fragility of Merit, “Personnel Is Power,” Ch. 2, pg. 31-33]

Who makes federal public policy? If you respond to this question by asserting that the U.S. Congress makes policies through the legislative process, you would be correct. Congress passes legislation to authorize public programs and to appropriate the money necessary to implement those programs. Congress also oversees the actions of federal departments and agencies. However, if you indicate that the President makes federal policies, you would also be correct. The President assists in the legislative process by advocating for specific bills, signing bills into law, and occasionally vetoing legislation. The President also issues executive orders and appoints top-level officials to direct federal departments and agencies. You could also respond to the question above by indicating that the Courts make policy. That response is correct as well. The courts, especially the U.S. Supreme Court, make policy by judging whether measures passed by Congress or actions taken by the President or by federal departments and agencies are consistent with the U.S. Constitution or statutory law. All three branches of the federal government make public policy.

There is, however, another essential actor in the policy process: The bureaucracy. The bureaucracy encompasses all of the various federal departments and agencies within the executive branch of the government. These organizations are established to implement laws and programs, and the power to implement includes the power to make decisions that give form to the operation of policies and programs. Implementation is the process through which plans and directives are translated into the day-to-day functioning of program activities. Government policies become real through the implementation process. Those working within the bureaucracy are given discretion to use their expertise to fill in details during the implementation process to respond to issues that arise that were not foreseen when programs were first authorized. In addition, employees from federal departments and agencies work with and advise members of Congress and congressional committees as legislation is being drafted and considered. Many agencies also issue rules and regulations that govern segments of our economy, and they ensure the functioning of the government on a daily basis. The “bureaucracy” thus plays a significant role in the public policy process. This fact has long been recognized and has consumed the intellectual energy of countless public policy and administration scholars for decades (see, e.g., Meier and Bohte, 2007; Rourke, 1965, 1968; Simon, 1947; Waldo, 1948).

Employees working within the departments and agencies of the executive branch are given discretionary authority to help shape public policy for two reasons. The first is the incapacity of the political branches of government. For example, neither the Congress nor the President can identify and address every circumstance or detailed problem that may arise in policy or program implementation (see Chapter 1, supra). As a result, discretion must be assigned to the bureaucrats. However, the assignment of discretionary authority to administrative agencies is eased by the fact that employees within those agencies have expertise in substantive policy areas, and often, these civil servants have a monopoly on expertise in specific fields. This is the second reason that employees in federal agencies are given administrative discretion. Bureaucratic expertise means that employees and the agencies they work in have the knowledge, skills, and abilities to get things done.

In addition, as Francis Rourke (1968) noted decades ago, the power of bureaucrats varies with the nature of their expertise, the degree to which they can monopolize that expertise, and the extent to which we desire what their expertise can deliver. Bureaucrats also have clients, i.e., members of the public who benefit from what they do. Those clients will protect the discretion and authority of bureaucrats in order to keep their benefits flowing. The higher the status and the greater the resources of bureaucratic clients, the greater the support they can provide (Rourke, 1968).

As a consequence of this context, administrative discretion can never be entirely eliminated, nor would we want that to happen. Administrative expertise facilitates the operation of public programs and provides justification for administrative discretion. But administrative expertise creates a core problem for government accountability. In an excellent book on the need for expertise in government, Don Kettl (2023) described the dilemma well:

“The fundamental, eternal paradox about experts in government is this: it is impossible to implement complicated government programs, from roads to national , without experts. However, expert knowledge inevitably creates its own political power and instability, because it is always hard for government leaders to know enough to keep that power in check.” Kettl (2023, p. 1)

In short, we need expertise in the administrative agencies of government, and as the complexity of the problems that the government addresses has grown more prominent, the need for expertise has increased. Consider, for example, the complex work of the Nuclear Regulatory Commission regarding the safe use and storage of radioactive materials. Alternatively, think about the Securities and Exchange Commission’s responsibility to regulate securities markets and protect the interests of investors. The Food and Drug Administration faces a similarly complex job as it works to ensure the purity and safety of food and medicines. The work of the Environmental Protection Agency is difficult as well and rests on scientific knowledge, as do the efforts of the Centers for Disease Control and Prevention to protect public health. Tasks performed by the Department of Homeland Security are equally complicated and important, as is the work of the National Weather Service, as we have discussed. Virtually all federal agencies address complex or “wicked” problems (see Ferlie, Fitzgerald, McGivern, Dopson and Bennett, 2011).

However, as Kettl (2023) notes, our need for and reliance on expertise makes it increasingly difficult for elected politicians to control the bureaucracy effectively. Moreover, the problem of bureaucratic control is compounded by the operation of the merit system. That system is designed to ensure that federal employees are hired based on expertise (i.e., merit), and it simultaneously erects obstacles to political control by requiring, among other things, procedural due process in terminations and other limitations on managerial prerogative. We are, thus, confronted with a tension between a desire for democratic government and political accountability on one hand and constraints placed on political control of the bureaucracy by civil service laws and the exercise of expertise by bureaucrats.

Conservative politicians and their advisors today desire greater political control to push the federal bureaucracy in their preferred policy directions, which include, among other things, a reduction in the federal regulatory burden. This objective is what the actions taken during the Trump Administration regarding personnel policy and the merit system were about. And as we have seen, most of that action was well within the President’s constitutional authority. That is precisely why the federal merit system is fragile. However, if merit is eroded and political loyalty is the new currency, expertise within the federal service may be diminished or subordinated to political impulse.

The successful implementation of policies concerning the civil service pursued by the Trump Presidency from 2017 to 2021, and likely to be reimplemented in a future Republican Administration, could have three significantly adverse effects on expertise in government.1 First, the policies may drive experts from federal employment, especially those that are close to retirement and have years of experience and institutional knowledge. A loss of that nature could be extraordinarily harmful. Second, employees that remain may be less likely to voice their views when they know their opinions are unwelcome. Under a new version of Schedule F, federal workers with policy responsibility may suppress their opinions rather than risk termination or other sanctions. They will be likely to remain quiet and loyal to the political regime. And finally, students with scientific skill and expertise obtained from degree programs in our best colleges and universities may find employment in the federal civil service unattractive. Thus, it will be difficult to replace highly skilled federal workers who leave the service. These possibilities are real, and they should be a matter of concern. We need experts to confront complex policy issues – even when they recommend decisions disfavored by a President or members of Congress. Indeed, one might conclude that experts are needed, particularly in those circumstances. Still, the pressure the Trump Administration placed on the civil service was oriented to produce bureaucratic acquiescence and loyalty to the President’s political agenda even when professional expertise would lead in a different direction.

Today, there are numerous politicians, conservative policymakers, and legal scholars that are dedicated to changes that will overturn core aspects of the merit system. Examples of their ideas are found in statements and policy papers from the Heritage Foundation (e.g., Dans and Groves, 2023; Heritage Foundation, 2017; Muhlhausen, 2017, 2017b) and in the writings of analysts such as Philip K. Howard (2017). James Sherk of the America First Policy Institute is another articulate spokesperson for these views. Sherk served in the Trump Administration on the White House Domestic Policy Council and advocated in carefully reasoned essays for reforms to make the dismissal of federal workers easier and for the implementation of Schedule F (see, e.g., a statement on these positions in Sherk, 2021). Sherk was the architect of President Trump’s Executive Orders of May 25, 2018, and the President’s Executive Order establishing Schedule F (Sherk, 2022).

Reforms advocated by James Sherk and others and implemented during the Trump years illustrate the kinds of transformations that opponents of traditional concepts of merit wish to impose. Given his background and experience, it is unlikely that President Trump was knowledgeable of issues associated with the history of the civil service or its operation. But elections are never simply about bringing a particular candidate to office. There is always a coalition of interests associated with the candidate that also comes to power. The people President Trump brought into his Administration were knowledgeable and pressed hard for the kinds of changes to the merit system that the Administration pursued. President Trump was responsive to their arguments, and the changes sought generally fell within the scope of his authority.

The constraints that the federal merit system places on political control include limitations on who can enter the system and limitations on how people are removed from the system. Merit requires that the vast majority of employees in government be selected in a politically neutral manner based on demonstrated competence. According to this perspective, politicians should not dictate who fills the offices in government except for leadership positions in higher levels of the bureaucracy. Coupled with this idea is the equally important principle that politicians should not be able to remove public employees for political reasons – except for those employees who are politically appointed. Van Riper (1958) described these two ideas as strategies for controlling the “front door” to public service (i.e., selection based on open and competitive examination) and efforts to control the “back door” (i.e., limitations on removals). Van Riper noted that the framers of the Pendleton Act “consistently emphasized that, if the front-door were properly tended, the back-door would take care of itself” (Van Riper, 1958, p. 102). They argued that if politicians cannot appoint whomever they want, there is less incentive to remove people for inappropriate reasons. Despite the logic of this line of reasoning, in the years following the Pendleton Act, the back door was strengthened, as we have seen by Executive Orders from Presidents McKinley and Theodore Roosevelt, the Lloyd–LaFollette Act of 1912, and rulings by the United States Supreme Court mandating procedural due process in civil service removals when employees have been promised that dismissal will be for just cause only (see, Van Riper, 1958, pp. 144 and 217, Executive Order 101, Executive Order 371, Lloyd–LaFollette Act 1912, and Cleveland Board of Education v. Loudermill 1985).

Notably, the policies initiated during the Trump years regarding the federal civil service sought to weaken both doors to the public service. Schedule F, for example, made it easier for political leaders and their appointees to control employee selection by moving large segments of the workforce into the Excepted Service. Simultaneously, Trump’s order creating Schedule F also eased restrictions on removal for employees in Schedules A, C, D, E, and F of the Excepted Service. That change meant that removal could be accomplished more efficiently, with less concern for due process, and removal, or perhaps more accurately the threat of removal, would compel employees to follow political dictates more faithfully.

The other central area of emphasis within the Trump reforms (besides making employee termination easier) was the attack on public employee unions. One could ask why the assault on the unions was pressed so strenuously, especially considering that federal employee unions are relatively weak by standard measures of union strength. They are prohibited by law from negotiating wages, benefits, and a broad array of workplace issues. But the unions are strong advocates for employees and principles of merit, and they work to oppose the kinds of changes that threaten their members and the merit system. Union grievance procedures are available for employees to challenge specific personnel management actions including termination. In addition, the unions may bring legal challenges against administrative reforms, as was done in response to Trump’s Executive Orders from May of 2018 and in response to actions by the Trump FLRA. Federal employee rights to union membership and collective bargaining were established by presidential initiative and are grounded today in statutory law, but the President retains substantial influence over bargaining procedures and the way unions work in the federal service. Conservative Presidents see the unions as obstacles to the exercise of their power and the realization of their policy goals, and it does not help, of course, that political donations from federal employee unions are overwhelmingly distributed to support Democrats (Smith, 2021).

The conservative argument draws on principles of democracy and accountability to elected officials. They make a valid point. We must find a way of resolving the tension between expertise and political control. One approach to this puzzle is to remember that we should be working to control bureaucratic power – not end it. We can constrain the administrative state through application of the powers of the countervailing branches of government and scrutiny from the press and the public – all strategies well-established and grounded in the rule of law. For example, as noted above, Congress authorizes policies and programs and controls agency budgets. Congress also provides oversight – a practice can and should be strengthened. The Senate approves nominations of individuals to the highest-ranking positions. That process, while it is political, should be made more efficient. The President makes appointments of individuals to direct departments and agencies and helps to guide the budget process. The Courts rule on the legality of administrative actions. There is an enormous body of administrative law that guides agencies, and the procedures by which agencies issue regulations are detailed and thorough, requiring careful thought and justification for agency action. The press also helps expose abuse or corruption, and administrators are expected to follow professional and ethical norms. These are all avenues through which we achieve significant measures of control. However, even when these mechanisms are considered collectively, they cannot eliminate administrative discretion. Government agencies will still exercise discretionary authority based on expertise – as they should.

This truth, coupled with the complexity of much that the government does, makes it imperative that the federal workforce be staffed with people who act on the basis of politically neutral competence. Employees’ decisions should be based on expert knowledge, and they should be loyal to the Constitution and federal statutory law rather than to any particular party or politician. Approximately 140 years ago, with passage of the Pendleton Act of 1883, the United States decided to establish such a system – to develop a capable and professional public service selected on merit principles and protected from partisan abuse. The civil service merit system shields the public bureaucracy from political control by placing constraints on how employees are hired and dismissed. If you are interested in expanding political control of the public workforce, especially control by the President who is constitutionally the head of the executive branch, certain provisions of the merit system may be seen as obstacles. That was the view of people in the Trump Administration, and it continues to be the view of many important and influential supporters of former President Trump today.

The fledgling merit system of 1883 was nurtured gradually and sustained. Over the years, it became the primary mechanism for filling jobs in the federal workforce. For decades, there was a broad consensus that merit should be the foundation for public service. Indeed, that consensus was generally considered unshakable. Nevertheless, as we have seen, the merit system is vulnerable to attack. There are many virtues of the structures erected to secure merit. Among them are the promotion of competence in government and commitment to the rule of law rather than to any particular presidential administration (Aberbach and Rockman, 2023). The system helps to ensure competence, stability, continuity, and order. These are essential values. However, the Constitution places enormous authority in the President, and the merit system will not endure unless our consensus on its underlying principles is upheld and we maintain a general agreement that we will abide by those principles. If the merit system is eroded, expertise within the bureaucracy will also be diminished or eroded. Expertise will be made subordinate to political loyalty. This risk to expertise is what is at stake in our system of government.

The election of President Biden ended the implementation of most of the civil service changes initiated during the Trump years. While Biden’s reversal of the Trump reforms was a victory for merit, the risk to the system is still present. But the structure and operation of the civil service is not an issue with which most ordinary citizens are concerned. Most people are unaware of the issues involved, and they certainly do not vote based on politicians’ positions on the civil service. Most members of the public simply do not know what is going on concerning the public service, and they are uninterested. The average citizen was undoubtedly unaware that the work of the MSPB was curtailed during the Trump years. These same people were likely unconcerned with the Trump Administration’s effort to limit collective bargaining with federal employees and the use of “official time” by employees who serve as union officers. The dismantling of the U.S. Office of Personnel Management was not a concern. Implications of the potential transfer of tens of thousands of federal workers into an employment category in the Excepted Service were not understood by most citizens. It is certainly also the case that actions taken by the FLRA to overturn decades of precedent regarding labor policy and to substantially expand federal agency heads’ power to alter collective bargaining agreements unilaterally were not matters of great apprehension. This situation is unfortunate because it allows proponents of dramatic reform to continue to press their agendas with little public outcry.

Advocates for the reforms initiated by President Trump are at work today as tirelessly as ever. Former officials of the Trump Administration and Republican members of the U.S. House of Representatives have recently argued that if Trump wins the White House in 2024, they will push their plans for the civil service forward again with even greater vigor (Ogrysko, 2021d; Swan 2022a, 2022b; Wagner, 2022a, 2022b). The Heritage Foundation has publicized an explicit agenda for reinstating Trump’s policies – known as “Project 2025” (Dans and, Groves, 2023). If the Republicans gain control of the Senate in the fall of 2024, those advocating for change in the civil service will have potent allies among the Chairs of key Senate committees, especially the Committee on Homeland Security and Governmental Affairs. Today, there is most assuredly a breakdown in our historic agreement on how the civil service should operate.

If that consensus remains fractured, the concept of merit in public employment, as we have known it, will remain in peril. In an insightful article on the Trump Presidency and the federal bureaucracy, political scientist Bert Rockman notes that the neglect or downgrading of merit and efforts to elevate personal loyalty to the President during the Trump years were tools to delegitimize government, damage neutral competence, and facilitate an authoritarian conquest of the civil service (Rockman, 2019, p. 26). As Rockman explains, a public bureaucracy with a measure of independence is essential for the rule of law (Rockman, 2019, p. 14). The reforms initiated under Trump, however, were oriented toward a different objective – political loyalty.

At-will employment, a “reform” that has long been discussed and implemented in several states, can weaken the ability of the civil service to serve as a check on presidential behavior (Moynihan, 2021). Consequently, at-will employment and other threats to merit can impair government effectiveness when combined with a devaluing of administrative capability. This reform is driven by conservative politicians and analysts who wish to have more complete political control of the federal workforce. Proponents of Trump-style reforms often argue that dismissal is much easier in the private sector than in government. While technically accurate, that argument is overstated, as Kettl (2020a) demonstrated. The dismissal of employees is generally not a pleasant exercise, whether in the private or public sector, and public administration occurs within an overtly political environment. Given this context, why should it be easier than it is currently to fire public employees? Under the current system, employees are removed for cause. What motivation is there for this reform except a wish to remove, or threaten to remove, employees who are perceived, for one reason or another, as insufficiently loyal to political leadership?

Ultimately, the reforms implemented by President Trump and advocated for by Republicans generally are not about good management but are instead about finding ways to make the federal workforce more directly answerable to the President in order to weaken government agencies and programs that are disfavored. What is needed to oppose that kind of action is a new consensus on the value of merit in public employment to ensure the presence of competent, qualified, and dedicated public servants who can perform their tasks without fear of political interference or retaliation.

In the 1990s, the reinventing government movement and the concept of “new public management” rested in part on the assumption that you can deregulate public personnel administration through dramatic reforms intended to increase “managerial flexibility” because politicians had fully accepted merit principles and recognized the importance of politically neutral competence in the public workforce. The rise of right-wing populism and the Trump Presidency proved this assumption to be fundamentally wrong.2 Administrative reforms are usually grounded on political motives and, at the federal level, are almost always oriented toward augmenting presidential control (Rockman, 2019). The federal merit system was initiated and developed to promote the growth of administrative expertise required for effective government. It is imperiled today, and government expertise and capacity are at risk. In considering these issues, one should contemplate this question: “Who should forecast the pathways of hurricanes?”

#### The plan alone repairs the civil service’s independence and confidence in protection---AND litigation and lobbying address alt causes.

Handler ’24 [Nicholas; April 2024; JD, MPhil, Fellow and Lecturer in Law, Stanford Law School; Texas A&M Law Scholarship, “Separation of Powers by Contract: How Collective Bargaining Reshapes Presidential Power,” vol. 99]

C. Labor Rights as a Restraint on Presidential Power

The President thus leveraged bargaining rights to recruit talent to the executive branch and to consolidate presidential control over the bureaucracy. Congress, by contrast, viewed those same labor rights as tools for exercising greater supervision over presidential administration. The same attributes that made contract and bargaining effective tools for recruiting and negotiating with labor—their transparency, their enforceability against the President, their capacity to change in response to shifting political and economic conditions, and their ability to cover conditions of employment not captured by civil service laws—also made them effective tools for supervising presidential control of the executive branch.

In the 1970s, Congress and the judiciary established new checks on presidential power in response to the Watergate and Vietnam crises, as well as the revelation of longstanding abuses by the FBI, CIA, and other executive agencies.87 These checks included statutory reforms and commissions, such as the Freedom of Information Act (FOIA), the Foreign Intelligence Surveillance Act (FISA), and the Church Commission, to limit executive discretion in law enforcement.88 They also included more general limitations on the power of the administrative state to make and enforce regulations, through judicial innovations such as “hard look” review of agency action.89 The CSRA presented a vehicle for extending similar interbranch checks to executive branch personnel management and was supported enthusiastically by congressional Democrats. In a 1977 report, the House Committee on the Post Office and Civil Service emphasized the need for a labor rights “system based on . . . statute,” rather than executive order, and with meaningful access to judicial review.90 The American Bar Association likewise testified that “[c]onsistent with a fundamental precept of our constitutional law system,” statutory labor rights would provide civil service with “a source of authority outside the executive branch and beyond the control of the executive as the primary employer of Federal civil servants,” allowing for “access to the judicial branch for redress of grievances with the executive branch” and “meaningful bilateralism in the collective bargaining relationship.”91

Like the President, Congress relied on the language of efficiency to justify the enlargement of labor rights. Here, it was the efficiency of management, rather than the bureaucracy, that Congress claimed to be advancing. In a committee report in support of draft labor legislation from 1977, the House Committee on the Post Office and Civil Service opined that “collective bargaining rights for Federal employees,” including “[e]ffective labor unions,” would “play a positive role in improving productivity in public service.”92

Federal workers also lobbied for collective bargaining to play a greater role in civil service independence. Labor had historically been suspicious of the CSC and viewed it as hostile to their interests. A comprehensive 1975 study of civil service and the CSC observed that, despite statutory protections against firing and other major adverse actions, civil servants found themselves with “a lack of substantive rights” in a relationship “in which the superior has many opportunities to make discretionary judgments of considerable importance to the subordinate.”93 Workers’ “exercise of legal rights in such a relationship” was “often difficult and restrained.”94 By the 1960s and 1970s, federal workers had come to view the merit system as a “euphemism for favoritism” and saw collective bargaining as an alternative that advanced stricter application of employment rules, based on uniform application of CBAs rather than managerial discretion.95

For labor and its allies in Congress, however, a weakening of the CSC’s traditional power over federal personnel (which, however flawed, did restrain at least some managerial abuses by the President and his appointees) had to be accompanied by more robust labor and bargaining rights. As a legislative representative for AFL-CIO, which represented many federal workers, put it, labor’s “support for the President’s civil service reform plan is not unconditional,” but was contingent on a robust “system of labor-management relations” codified “into statutory law.”96 Labor’s goal was not just to codify specific substantive labor rights, but to establish a statutory framework for collective organizing, bargaining, and adjudication to ensure that those rights were meaningfully enforced in practice. As a chapter president of the National Treasury Employees Union (NTEU) testified, “[i]f this reorganization effort is to improve the efficiency of government, and to protect the public interest in a merit-based civil service system, expanded collective bargaining must be a central factor.”97 The CSRA would invest large, well-resourced unions, not individual employees or an independent agency with doubtful allegiances, with the legal power to bargain, litigate, and lobby on behalf of workers, granting labor’s “countervailing power” against the President a foothold in law.98 The weaker position of the labor movement in the 1970s helped supporters of the CSRA frame unions as cooperative partners in government, rather than an adversarial interest group.99 Historical concerns that federal worker unions would be too powerful to be held democratically accountable—concerns prevalent through the bullish labor markets of the 1960s—had significantly diminished.

As enacted, the CSRA formalized and expanded existing bargaining relationships and provided for independent agency enforcement and judicial review of labor disputes. In addition to abolishing the CSC, the CSRA moved many traditional civil service functions into separate, presidentially controlled agencies, shifting the center of bureaucratic power from statutory to contractual protections.100 In doing so, the Act adopted the rationales of efficiency and amicable labor relations deployed by both labor and the President. As articulated in its statutory purpose, the Act’s goal was to protect “the right of employees to organize” and “bargain collectively,” which would “safeguard[] the public interest,” by promoting “the highest standards of employee performance and the continued development and implementation of modern and progressive work practices to facilitate and improve employee performance and the efficient accomplishment of the operations of the Government.”101

II How Bargaining Rights Shape Bureaucratic Power

The goal of the CSRA was to provide a framework that could mediate employment disputes, empowering both labor and the President to reshape bureaucratic relationships, while at the same time allowing for legal and democratic supervision by the coordinate branches. This Part provides a typology of the methods by which unionized labor reshapes presidential administration in contemporary practice.

Descriptively, this Part aims to show how labor rights, while largely unnoticed and unstudied, reshape executive branch relations in profound ways. Across a wide variety of policy areas—from federal prisons to the adjudication of asylum applications—collective bargaining changes how agencies (and the millions of bureaucrats who staff them) carry out their missions. What enforcement guidelines border patrol agents follow, how claims processors assess benefits applications, how guards staff prisons—all of these decisions are shaped by labor agreements, with profound consequences for federal policy.

Normatively, this Part aims to upend a core assumption about bureaucratic power in the contemporary executive branch. There are many tools that the President uses to structure the incentives and behavior of civil servants, and thereby to influence how they implement federal policy: the power to discipline employees for disobedience; the power to allocate an agency’s budget and resources, thereby setting the agency’s enforcement priorities; the power to set performance standards and productivity quotas, determining what types of bureaucratic decisions merit reward or punishment; and many more. Most scholarship on administrative law and presidential power presume these tools to operate in a top-down manner: The President implements new management directives, and bureaucrats either obediently follow or illicitly resist them.102

But, as set forth below, this model of top-down implementation and bottom-up resistance is critically incomplete. More often, the President and the unionized civil service bargain over questions of management, rather than fight out their differences through the exercise of raw institutional power. Indeed, in a sharp deviation from the Progressive Era model of a politically insulated civil service, the CSRA explicitly empowered unions to act in a political capacity, including by lobbying Congress, litigating management disputes before Article III courts, endorsing political candidates, and speaking out publicly on questions of executive branch management and policy. Unions thus engage directly in democratic politics and serve as a key mechanism for bringing other democratic stakeholders, such as Congress and the judiciary, into disputes over the President’s managerial power. In short, modern bureaucratic management is far more mutualistic, legalistic, and democratically engaged than administrative law scholarship generally presumes.

Section II.A below examines the substantive rights that labor law confers on civil servants, and the ways in which those rights can reshape presidential administration. Section II.B discusses unionization rights, including the boundaries and limitations of civil servant unionization and the role that federal sector unions play in promoting democratic oversight of the executive branch.

A. How Substantive Rights Mediate Bureaucratic Relations

Substantive labor rights, particularly those memorialized in collective bargaining agreements, are at the heart of how labor rebalances executive branch power. The CSRA grants extensive rights to labor. With certain important exceptions, particularly for salary and benefits which cannot be altered by contract,103 unions are permitted to bargain over nearly any issue affecting “conditions of employment.”104 The main limitation on civil servant bargaining, and thus the primary battleground in litigation between agencies and labor, are certain statutorily defined “management rights,” which are enumerated in subprovisions of 5 U.S.C. § 7106.105

Through contractual provisions, the President and the civil service can agree to modify any number of key management tools, from employee discipline to performance evaluation metrics to merit pay. For the purpose of analyzing their impact on presidential power, contractual rights can be sorted into three categories. First are rights that act as a check on structural deregulation, or the use of abusive working conditions to demoralize or sideline bureaucrats in order to undermine an agency’s substantive policy mission. Second, labor rights can act as indirect constraints on policy by shaping management tools, such as performance reviews and productivity requirements, that are well known to nudge civil servants’ decisionmaking in certain ways. Finally, in certain circumstances labor can act as a direct constraint on policy by seriously limiting the types of enforcement directives management can issue to employees.

1. Check on Structural Deregulation

A major method of undermining regulatory effectiveness is to defund agencies, undermine the morale of agency personnel, and obstruct agency operations. Jody Freeman and Sharon Jacobs have identified many of the strategies that the President may use to [hamper] cripple agencies while evading civil service protections, including imposing burdensome working conditions, reassigning staff to undesirable roles, “demoralizing” staff through denigration and abuse, and cutting funding, resources, and pay.106 These are not direct attacks on an agency’s legal authority, but a “structural” attack on an agency’s ability to function.107 President Trump’s unusually aggressive posture towards administrative agencies has put structural deregulation back in public focus, but it has long been a feature of presidential management, as the controversy surrounding the Malek memo in the 1970s illustrates.108

Here, many of the seemingly prosaic aspects of federal labor law are important. The terms and conditions of employment that govern the quotidian existence of civil servants are precisely the sorts of areas that structural deregulation targets. Changes to remote work policies, scheduling, and other routine workplace concerns can be used to demoralize or undermine an agency’s staff.109 Unions routinely leverage contract rights to prevent deterioration in working conditions, litigating issues such as increases in workloads,110 compensation for travel and other overtime expenses,111 backpay for wrongful personnel actions,112 and how and when to award bonuses or special compensation required by contract or statute.113 Agencies can also be required to bargain over reductions in staffing levels or reorganization of duties.114

There are numerous examples in which fights over working conditions reflect larger political struggles over the ability of an agency to properly carry out its statutory mission. The infamous nationwide strike in 1981 by the Professional Air Traffic Controllers Organization (PATCO), representing federal air traffic controllers, is a useful example. The PATCO strike flouted the federal prohibition on civil servant strikes, in a bid by the union for higher pay and improved working conditions.115 Instead of negotiating, President Reagan broke the strike by calling up military service members and retired controllers to manage the nation’s air traffic and firing the strikers (who made up nearly seventyfive percent of federal controllers).116 While PATCO is remembered today for its catastrophic collapse, the union’s founding in the 1960s was driven by a decline in conditions of employment that related directly to the substantive mission of the Federal Aviation Administration: Flight speeds for jet planes reduced the margin of error for air traffic controllers, while understaffing and aging equipment made working conditions for controllers increasingly difficult and airport conditions less safe, leading to crashes. It was the FAA’s failure to respond to these worker complaints, and its attempt to cover up safety risks, that first inspired the formation of the PATCO union.117

Contemporary examples abound as well. During the Trump Administration, the Department of Education was a frequent target of structural deregulation. In 2018, the agency purported to impose a new labor contract on employees without bargaining that, among other things, removed protections regarding pay raises, altered performance evaluations, and reduced rights regarding overtime, childcare, and work schedules.118 The FLRA subsequently ruled the unilateral contract illegal, forcing the agency to enter into an extensive settlement covering disputed labor issues.119 Federal prisons were another key site of disputes over labor rights. The Trump Administration sought to cut budgets, weaken unions, and worsen conditions at federal facilities at the Bureau of Prisons (BOP), as a prelude to privatization of many key functions. The agency would, for instance, cut shifts for guards and replace them with untrained, non-custody employees to guard prisons.120 These policies were enacted despite Congress allocating money for staffing, which the Administration refused to spend.121 At the same time, federal facilities experienced a significant influx of prisoners, including very large numbers of immigrants detained by ICE.122 BOP saw a major decline in prison conditions, leading to increases in assaults, health risks,123 overcrowding,124 and declining staff morale.125 The primary means for resisting these deregulatory policies was labor litigation. Many of these labor disputes concerned the precise tactics—shifting schedules, using untrained and unauthorized workers to staff dangerous prisons, understaffing, overcrowding, removing posts from union positions—that the Administration was deploying to defy Congress and pave the way for privatization.126 Workplace disputes thus dovetailed closely with a broader agenda of weakening prison standards and asserting greater political control over prisons.

2. Indirect Constraints on Policy

Labor can also serve to constrain substantive executive branch policy in many indirect but significant ways. It has long been recognized that certain presidential management techniques, while they putatively concern the internal business of overseeing executive branch resources and personnel, can impact substantive enforcement outcomes. As Jerry Mashaw canonically articulated, the administration of many largescale federal welfare and regulatory programs requires a species of “bureaucratic justice,” where fairness and efficiency are achieved through quality assurance, performance metrics, productivity quotas and other general, organization-wide management tools.127 Labor can reshape how many of these tools are used, in turn reshaping agency outcomes.

One important example is productivity requirements. Determining how much work employees are required to perform, and how they are to perform it, is a well-recognized management tool. These management tools have particularly important impacts on adjudicatory bodies and other discretionary decision-makers: Rules governing decision-making processes limit adjudicators’ flexibility, while increased productivity requirements reduce the amount of time and effort adjudicators can spend on any one case, making it difficult to rule in favor of poorly represented or underresourced parties.128 The FLRA routinely enforces contractual limitations on the types of productivity quotas agency management imposes, intervening for instance in disputes over quotas for claims processing for veterans’ benefits,129 screening of passport applications by the Department of State,130 and caseload requirements for Taxpayer Advocates employed by the IRS.131

The Trump Administration engaged in particularly hard-fought disputes over productivity and process rules. The Social Security Administration (SSA) extensively litigated proposed productivity requirements for its unionized administrative law judges (ALJs), which would have sped up case timelines, potentially impacting the quality of decision-making and the amount of benefits awarded. An arbitrator repeatedly found that the agency’s requirements violated the parties’ CBA. A two-member majority on the FLRA, appointed by President Trump, however, consistently reversed these rulings,132 over the dissent of Member DuBester, the sole Democratic appointee, who found the policy to be a “straightforward” violation of the parties’ agreement.133 Immigration law judges (IJs), likewise, have used bargaining and litigation to resist increased efficiency requirements during the Trump Administration, which would have limited IJs’ ability to assist asylum seekers during removal hearings.134 Similarly, the United States Customs and Immigration Service (USCIS), under de facto head Ken Cuccinelli,135 pressured asylum officers to reduce grants of asylum, citing statistics showing high grant rates, urging officers to use tools to combat “frivolous claims” and make only “positive credible fear determinations.”136 The union resisted these initiatives, which it characterized as pressure to “misapply laws” and “politicize” the asylum process.137 The USCIS union likewise challenged administration guidance to exclude large categories of migrants from asylum consideration and to divert considerable numbers to Honduras and Guatemala, calling the policies “unlawful” and even filing an amicus brief in support of a lawsuit challenging them.138

Negotiated provisions governing selection and promotion likewise can yield “significant” divergences from management’s preferences.139 Federally unionized technicians with the Ohio National Guard, for instance, negotiated extensive contractual requirements for promotions, including criteria used to evaluate candidates and differences in merit promotion procedures.140 Agencies can be required to honor promotions dictated by contract.141 The FLRA has required the SSA to bargain over promotion plans for adjudicatory employees.142 Union contracts can also prevent discrimination. Unions included clauses in contracts protecting gay employees in the 1990s, well before federal antidiscrimination protections for LGBTQ+ people existed.143

Labor can also substantially reshape employment-based discipline and the hierarchies and incentives that disciplinary power creates. While agencies are subject to formal disciplinary procedures under civil service statutes, they often discipline workers through negotiated grievance procedures, resulting in sanctions that can differ substantially from those that might otherwise apply.144 A prominent example of this phenomenon involved a group of CBP officers who were discovered to have exchanged racist and threatening messages through a private Facebook group in 2019. Even though the incident aroused public outrage and the CBP Discipline Review Board recommended harsh punishments—including termination for eighteen agents—following a negotiated grievance process, some of the officers received substantially lighter punishments, including letters of reprimand, paid suspensions, and only two terminations.145 Indeed, according to data recently released by the Office of Personnel Management, arbitrators who hear cases under labor grievance reinstate three-fifths of all dismissed employees, as compared with only one quarter of all MSPB appeals.146 These obstacles to firing and other forms of discipline are some of labor’s most powerful tools, and are also among its most controversial: Many critics accuse union-backed limits on employee discipline of rendering government service less efficient, though the evidence on this question is hotly contested.147

Finally, labor rights condition the ability of civil servants to leak, criticize, or otherwise speak out publicly about agency policy. David Pozen and Jennifer Nou, among others, have described how unauthorized disclosures of critical information by civil servants can check agency abuses, inform policy debates, and shape agencies’ agendas by shifting public opinion.148 Labor rights are a key guarantor of civil servants’ ability to speak publicly about agency policy through testimony, statements to the press, and other means. The CSRA protects the right of employees, when speaking in their capacity as union representatives, to present the “views of the labor organization” to “appropriate authorities,” which the FLRA interprets, in many circumstances, to include the press.149 Union officials can thus speak publicly about agency policy and management, even when line employees cannot. Union officials have leveraged their protected status to criticize executive branch policy in environmental regulation, education, immigration, and labor, among other policy areas.150 Unions also advocate for the right of other employees to speak out through litigation and labor agreements. Immigration judges, for example, have historically been protected by labor agreements in their right to critique removal policies, even if they are not union officials.151

3. Direct Constraints on Policy

Labor provisions may also directly constrain policy choices. Theoretically, many such provisions are limited by management rights.152 But labor has been pushing for such contractual provisions more aggressively in recent years, sometimes with the encouragement of sympathetic presidents looking to lock in policy preferences.

By way of disputes over conditions of employment, labor can resist substantive policy directives to which line employees are opposed for professional, ideological, or other reasons. As discussed in greater detail in Part III, law enforcement functions, particularly in the immigration context, are perhaps the most prominent example. Unions representing CBP and ICE agents have successfully used labor rights to challenge many substantive management policies touching core questions of immigration enforcement tactics and priorities, often over the objection that such challenges infringe on protected management rights. These include what weapons agents are issued,153 what types of searches they must perform and how,154 and what information officers must provide to detained immigrants, including identifying information about officers and information about potential legal remedies,155 among many other issues. Complaints about conditions of employment have been used, among other things, to delay the implementation of agency policies directing agents to prioritize detentions of violent criminals and to deprioritize arrests of minors and other nonviolent immigrants.156

Under President Trump, both CBP and ICE negotiated, with the encouragement of the administration, for even more expansive rights to challenge any enforcement guidance affecting the conditions of their employment and to delay the implementation of those policies until any labor disputes have been resolved, a process potentially lasting years.157 Under the Biden Administration, unionized employees at the EPA are now attempting to bargain for similar protections that would preclude the agency from adopting any policies that violate certain principles of “scientific integrity.”158 These developments demonstrate the capacity for labor to become not only an influence on policy but, through the deliberate use of conditions of employment as a restraint on managerial discretion, a primary driver of it.

B. How Unionization Rights Mediate Bureaucratic Relations

This Section sets forth the special rights that unions enjoy under the CSRA, and the ways in which union rights advance the separation-of-powers goals of the CSRA. Unions are the bedrock of legalized resistance to presidential management. The CSRA did not individualize labor rights, but instead provided for collective organization in institutions that are capable of bargaining, litigating, and lobbying.159 Battles between the civil service and the President over the scope of unionization rights, the proper bargaining units to be represented by unions, and the resources and legal rights available to unions reflect the growing centrality of collective bargaining to disputes over bureaucracy and the importance of unions in determining the balance of power between the President and the tenured workforce. The following sections set forth: (1) the value of unions to the civil service and the internal separation of powers, (2) the ways in which the President and the civil servants contest the scope of union power, and (3) the ways in which unions serve to further democratic and interbranch supervision of the President.

1. The Value of Unions

The civil service’s move toward unionization reflects a broader recognition of the value of organized groups in protecting rights and pursuing key political objectives.160 Unions accumulate resources and expertise, allowing civil servants to mount sophisticated and well-financed defenses in labor disputes and to lobby effectively on key issues.161 Unions, for instance, are more effective at litigating employment disputes, a key tool in resisting the disciplinary efforts of management.162 They achieve higher win rates than unrepresented employees before arbitrators, a key strategic consideration for union side counsel, as well as a key source of criticism from opponents of unionization rights.163 Unions also bolster the ability of civil servants to successfully litigate employment disputes against agencies in other ways. Through FLRA litigation, unions have secured civil servants *Weingarten* rights: the right to have a union representative present during a disciplinary investigation.164 Unions have likewise fought, with mixed success, to bargain for specific substantive rights for civil servants during interviews by agency inspectors general.165 Unions also provide extensive financial and logistical support to individual employees. The National Border Patrol Council, for instance, has established legal defense funds for CBP officers who are under investigation for their involvement in “critical incidents,” such as the use of force.166

Even when unions do not litigate labor disputes directly, the threat of litigation—the possibility of losing, the need to delay policy implementation, the drain on budgets, and the attendant uncertainty—incentivizes agencies to cooperate with unions, and to take their preferences into account when staffing political positions and formulating policy. For instance, powerful unions, including those representing ICE and the EPA, can and do express their opposition to certain agency heads, dissuading the President from appointing them for fear of souring labor relations and inciting costly litigation battles.167

Perhaps the best example of labor’s deterrent power is President Clinton’s National Performance Review (NPR) program, launched in 1993. NPR’s goal was to “reinvent[]” government by streamlining agency operations, reducing the size of the federal workforce, and reducing labor-management litigation.168 In exchange for union support for a variety of cost- and personnel-cutting measures, President Clinton granted unions substantial new powers.169 The National Partnership Council, which shaped agency reorganization policy, was given four union representatives (one from AFL-CIO, and one each from the largest federal unions—NTEU, AFGE, and NFFE).170 Further, in exchange for union cooperation, President Clinton issued Executive Order 12,871 requiring agencies to bargain over formerly optional subjects, effectively waiving a broad range of management rights and significantly expanding union bargaining power.171 Unions also took a substantial role in shaping the federal government’s downsizing to ensure union positions received protection during workforce reduction.172

In addition to litigation, unions also have extensive statutory power to lobby Congress, often acting as one of the only sophisticated, proregulation advocacy groups in a competition of political influence dominated by private interests and well-funded nonprofit groups. The CSRA created unions that are, in effect, federally subsidized by dues, “official time” (time during which union officials are paid to engage in organizing and bargaining work), and protections against unfair labor practices.173 To facilitate union lobbying, Congress also created numerous exceptions to rules governing political engagement by civil servants, including the right to lobby on behalf of a labor organization and Hatch Act exemptions to participate in politics.174

Unionized federal employees have been politically engaged since the enactment of the CSRA, lobbying on a range of budgetary and regulatory reform issues.175 Unions lobby on issues ranging from regulatory enforcement policy, to the selection of agency leadership, to questions of funding—and their efforts have had substantial influence in Congress.176 Unions representing the employees of the NLRB, Department of Education, and IRS have all, for instance, lobbied for increases in appropriations for regulatory efforts that have been regular targets of under-funding.177 Labor also endorses political candidates, testifies routinely before Congress, and speaks to the press on high visibility policy issues, often expressing views contrary to the views of agency leadership.178

#### Restoring CBRs enables policy autonomy and scientific integrity.

Dorning ’25 [Jennifer; September 1; JD, president of the Department for Professional Employees, AFL-CIO, serves on the Labor Advisory Committee for Trade Negotiations and Trade Policy; The Hill, "Congress must immediately restore the union rights of federal employees," https://thehill.com/opinion/congress-blog/labor/5477873-trump-union-busting-attack/]

Over the last month, the Trump administration has started to implement the president’s union-busting executive order by unilaterally and unlawfully terminating union contracts at the Environmental Protection Agency, Federal Emergency Management Agency, U.S. Citizenship and Immigration Services and the Department of Veterans Affairs.

Union rights provide federal employees a way to improve their workplaces and report wrongdoing. The loss of union rights, therefore, not only impacts federal employees, but also the American people, who depend on the federal government and the services it provides.

That is why, on this Labor Day, we are calling on Congress to immediately pass the Protect America’s Workforce Act.

The Protect America’s Workforce Act is bipartisan legislation introduced by Reps. Brian Fitzpatrick (R-Pa.) and Jared Golden (D-Maine) and cosponsored by 222 members of Congress.

It restores the collective bargaining rights of the union federal employees impacted by President Trump’s attempted union-busting. It has the majority support needed to pass if it came to the House floor for a vote today.

Members of Congress on both sides of the aisle back the Protect America’s Workforce Act because they know that employees with a voice in their workplace have higher morale and are able to better serve the American people.

In fact, Republicans supporting the bill wrote to President Trump emphasizing that collective bargaining in the federal government plays a positive role by providing a structured way for employees and management to communicate and address workplace concerns.

Specifically, through collective bargaining, federal employees are able to offer expertise and experience that improves processes, reduces waste and generates efficiencies.

Officers at the Transportation Security Administration have been able to negotiate for policies that provide for better work-life balance and expanded benefits that have helped performance and retention at the agency.

Additionally, collective bargaining at the Department of Veterans Affairs led to an improved promotion process, which is important to ensuring the agency can retain talented staff.

At the Social Security Administration, union members secured more time for employees to attend and complete training that helps them perform their responsibilities more effectively.

Union rights also provide federal employees with a voice and protections that allows them to push back against politically motivated requests to compromise professional standards or ignore facts without putting their jobs at risk.

For example, EPA staff secured scientific integrity provisions and whistleblower protections in their union contract to ensure federal scientists cannot be pressured to alter climate data to align with political agendas. FEMA employees, who support communities that have suffered from natural disasters, negotiated for the right to refuse unlawful orders.

If federal employees’ union rights are not restored, we can expect to see a politicized civil service that puts politicians and special interests ahead of the American people. This means that the effectiveness of government services will suffer, which will result in worse outcomes for everyday Americans.

#### The damage is severe but not irreversible. Most experts are sticking it out, but avoiding confrontation.

Schumaker ’25 [Erin; September 14; Health care reporter at Politico; Politico, “The ‘deep state’ is proving to Trump it’s a worthy foe,” https://www.politico.com/news/2025/09/14/trump-federal-workers-deep-state-civil-service-00558940]

President Donald Trump and his team are crowing about the downsizing of the federal bureaucracy, which is set to shrink by tens of thousands more Sept. 30 when workers who took a DOGE buyout hang it up.

But if Trump’s goal was to dismantle the workforce he calls the “deep state” — and blames for the failings of his first term — he’s got a long way to go. Although he’s disrupted swaths of the government, the vast majority of career federal employees who avoided the firings of the past seven months are sticking it out, according to Labor Department statistics and the White House’s own admission.

Many of those who’ve chosen to remain are keeping their heads down. Some aren’t — and their open defiance of Trump administration policies may make it harder for the administration to achieve Trump’s goals — much like Trump complained they did in his first term.

At the end of the day, career staffers still believe that politicians come and go and it’s them who will persevere, the survivors told POLITICO.

“They are staying in their jobs — the vast majority of people, even though they could get a job somewhere else or look for a job somewhere else,” said Rushab Sanghvi, general counsel for the American Federation of Government Employees, whose bargaining agreements at at least six agencies Trump has sought to scuttle. “There will be a new administration, with new priorities.”

For many, that’s true, but for others, such as those in highly specialized fields like foreign aid, the job market for former government workers is limited. The Bureau of Labor Statistics said Sept. 9 it likely overestimated past job growth by hundreds of thousands, painting a grimmer picture of the employment market than previously thought. That too could be a factor in federal workers’ apparent resolve to stay.

While 200,000 federal workers have left the government this year, the most in a single year since World War II, Trump still employs about 2.2 million civil servants.

By year’s end, the administration expects to cut loose 100,000 more federal workers, according to the White House Office of Personnel Management. That’s a lot, but it amounts to a cut of about 12 percent.

## Plan---1AC

#### The United States federal government should substantially strengthen collective bargaining rights by restoring collective bargaining rights for federal government workers.

## Overreach---1AC

#### Advantage Two---OVERREACH:

#### Trump’s assault on the civil service paves the way for broad executive aggrandizement and authoritarian fill-in.

Moynihan ’25 [Donald; May 23; PhD, Professor of Public Policy, University of Michigan; American Society for Public Administration, “Trump’s Politicization of the Civil Service: Taking the Unitary Executive Seriously,” vol. 45]

President Trump’s commitment to a mass politicization of the public sector was signaled repeatedly for years (Moynihan, 2022). Nevertheless, the speed and scale of his actions have been breathtaking, collectively representing the greatest change in the American civil service system since its inception.

The lynchpin of this plan is the revised Schedule F (now “Policy/Career”) Executive Order, which allows Trump EO to convert career employees into political appointees, and in doing so removes their job protections (US Executive Office of the President, 2025a). The United States federal government has traditionally had about 4,000 political appointees, that is, officials who serve at the pleasure of the President, and are selected partly based on their political loyalty to the President, and depart when his term ends, or sooner. Their typical duration in government is 18 to 24 months. Most of the rest of the 2.3 million civilian workforce are career civil servants, who have been hired via some form of merit-based, non-partisan process, and operate according to merit principles, including the promise that they cannot be fired for political reasons.

The Biden administration issued a rule intended to block Schedule F, but the Trump administration has claimed it is not obliged to follow such rules. This new category of involuntary appointees will include tens of thousands, and perhaps even hundreds of thousands, of federal employees.

In the Schedule F Executive Order and elsewhere the Trump administration is explicitly relying on unitary executive theory. This is the novel legal theory that the founding fathers of the American constitution wanted a President with King-like powers. More specifically, it is a theory that the vesting and take care clauses of Article II of the constitution gives the President previously unrecognized powers over the executive branch, and protects him from traditional constraints. Bill Barr, Trump’s Attorney General in his first term, put it this way: “Constitutionally, it is wrong to conceive of the President as simply the highest officer within the Executive branch hierarchy. He alone is the Executive branch. As such, he is the sole repository of all executive powers conferred by the constitution” (emphasis in original, Moynihan, 2022, 175).

This broad assumption of power, and protection from accountability, can be applied in a myriad of ways that upends our traditional understanding of the role of the Presidency in American governance. For example, it can be used to argue that the President is allowed to remove the heads of independent agencies or Inspectors General without due process or cause, impound federal funds to selectively ignore Congressional appropriations, cancel collective bargaining agreements, and effectively eliminate agencies, all of which Trump has done. Adherents of the unitary executive theory believe that the civil service system is an unconstitutional constraint on his powers. Together, these changes represent an unprecedented politicization of the people and dollars that make up the federal government, as well as upend the balance of power between Congress and the President. In doing so, they weaken the democratic institutions, norms and practices that have shaped American government in a dramatic and unprecedented ways.

The revised Schedule F executive order begins by evoking unitary executive theory: “Article II of the United States Constitution vests the President with the sole and exclusive authority over the executive branch, including the authority to manage the Federal workforce to ensure effective execution of Federal law.” Later, the order specifies that employees will be fired if they do not go along with executive authority: “They are required to faithfully implement administration policies to the best of their ability, consistent with their constitutional oath and the vesting of executive authority solely in the President. Failure to do so is grounds for dismissal.”

A separate Presidential memorandum directed just at the Senior Executive Service (SES) declares that all SES officials serve “at the pleasure of the President” (US Executive Office of the President 2025b). The Civil Service Reform Act of 1978 created the SES, seeking to establish an elite cadre of the most senior public employees. Such employees were offered fewer protections than civil servants, but there was a clear separation between career and appointees, and there was always an expectation that dismissals would have to be performance-based. Making the approximately 8,000 SES at-will employees is clearly at odds with the intent of the Act.

As with Schedule F, the SES memo is framed in terms of unitary executive theory rather than statute: “As the Constitution makes clear, and as the Supreme Court of the United States has reaffirmed, “the ‘executive Power’—all of it—is ‘vested in a President,’. . .The President’s power to remove subordinates is a core part of the Executive power vested by Article II of the Constitution and is necessary for the President to perform his duty to “take Care that the Laws be faithfully executed.”

Trump firings of career employees also draw on unitary executive theory. A General Counsel fired from the Department of Justice told reporters that she had only ever received outstanding performance evaluations. She was fired via email, and the only explanation for her removal was: “Title II of the Constitution” (Katz, 2025).

Employees who may be forced to choose between their oath to the constitution and loyalty to the President are being told that these are of equivalent importance, and indeed, that the constitution itself demands such loyalty. This makes it harder for them to raise objections about illegal behavior.

Just how far the courts will allow unitary executive theory to be applied remains to be seen. It is important to understand that the theory itself was constructed by Republican officials and supportive organizations, first in the 1970s and 1980s, and then again during the Bush administration, to push back against legislative oversight of the executive branch (Skowronek 2009). Since the majority of the Supreme Court served as lawyers for Republican Presidents, they may be willing to endorse such ideas, despite their lack of precedence and its upending of more than a century of administrative practice.

Unitary executive theory has implications far beyond public personnel issues, including for the balance of power between different branches of government. But scholars of public personnel can play a particular role in helping to better document the likely effects of politicization (Moynihan 2025). These include:

#### It’s part of a broad test to see how far Trump can go. Halting power grabs before it’s normalized by precedent is key to reel in executive crusades.

Chotiner ’25 [Isaac; February 3; B.A. from UC Davis Staff writer at The New Yorker; The New Yorker, “How Donald Trump Is Transforming Executive Power,” https://www.newyorker.com/news/q-and-a/how-donald-trump-is-transforming-executive-power]

Throughout his first two weeks in office, Donald Trump has been firing officials across the federal government, including inspectors general at Cabinet agencies and prosecutors at the Department of Justice. In the former case, Trump was required by law to inform Congress in advance, and to provide a “substantive rationale.” (He did not.) The latter case may have violated civil-service protections for nonpolitical members of the federal bureaucracy. It remains to be seen exactly how the courts—and perhaps even the Supreme Court, which has shown deference to broad theories of executive power—will respond to Trump’s actions.

I recently spoke by phone with Jack Goldsmith, a Harvard Law professor and former head of the Justice Department’s Office of Legal Counsel. (He co-writes a Substack called Executive Functions.) Goldsmith recently told the New York Times, about these issues, “We’re going to find out a lot about Chief Justice Roberts’s ultimate commitments.” During our conversation, which has been edited for length and clarity, we discussed just how strategic the Administration’s actions are, why the Roberts Court might be likely to affirm extreme theories of executive power, and what Trump is really trying to do to the Justice Department.

You recently told the Times, about all these firings, “On one level, this seems designed to invite courts to push back because much of it is illegal and the overall message is a boundless view of executive power. . . . But really, they are clearly setting up test cases.” What specifically do you view as illegal?

The things that are legally problematic, or clearly illegal, include the overbroad Office of Management and Budget spending-freeze memo, which they at least temporarily withdrew, and which appeared to be based on an assertion of Presidential authority to not spend appropriated money. They have a theory about why that’s O.K., but I don’t think it’s going to succeed in the Supreme Court.

They have fired civil servants, which runs afoul of civil-service protections, and is not a removal power that the Supreme Court has yet recognized. The removal power is the power to remove executive-branch officials, which the Supreme Court has recognized with a couple of exceptions. The Trump Administration has fired a member of the National Labor Relations Board—there’s a precedent that says the President does not have the authority to fire in that context. I also believe that the refusal to enforce the TikTok ban goes far beyond what the Supreme Court has said is the permissible scope of Presidential law-enforcement discretion. The President can’t just decide to not enforce a law passed by a prior Administration because he wants to study its national-security implications. He also withdrew from the Paris Agreement without complying with the one-year notice, and that’s inconsistent with the treaty, and inconsistent with executive-branch precedents that say the President has to follow the notice requirements. There are probably a lot more, but these are the ones that have stuck out to me.

What did you mean by “setting up test cases”? Does that imply that you think this is a conscious strategy in some way?

It’s a bit of a puzzle. It’s not clear who’s running the legal shop in the Trump Administration right now. But this could be part of a concerted strategy to set up test cases because they want to push the outer boundaries of executive power before a Supreme Court that they think might be sympathetic to their views. By flying in the face of Supreme Court precedents, they’re setting themselves up to ask the Court to overrule those precedents. That’s what I meant about bringing test cases. But that assumes something I’m not sure of, which is that this is part of a conscious, legal strategy by some sophisticated, informed lawyers who are managing all of this. And there’s an alternate theory that there’s none of that going on, that this is Trump 1.0, just on a larger scale. It might be a combination of both.

If it is a legal strategy, is the goal to expand Presidential authority around the specific acts that they’re setting up test cases about, or is the theory that it’s to accomplish something broader?

So, if I understood you correctly, it’s a bit of both. Some of the things they’re doing fly in the face of Supreme Court precedents. These are Supreme Court precedents about the President’s removal power, where the Court has recognized some restrictions. Some people think these are fragile and jeopardized precedents, but they’ve been recently reaffirmed by the Court.

By doing things that explicitly fly in the face of those protections, it seems that they’re itching for a fight over whether the Supreme Court is going to stick by those restrictions on Presidential power or expand it.

The issue of spending power has been settled since Richard Nixon tried to say that the President had broad constitutional authority to not spend money appropriated by Congress for broad, policy-based reasons. William Rehnquist, the head of his Office of Legal Counsel, said that he didn’t think that was lawful and Nixon did it anyway. And then Congress pushed back, enacting a law, passed in 1974, that has governed ever since, and that Presidents have more or less complied with. By having these very broad spending freezes and very broad claims of not wanting to appropriate money, the Trump team seems to be setting up a legal challenge to get a recognition of a new Presidential power to not have to spend money that Congress has appropriated.

The Supreme Court has never addressed this question. They’ve never addressed the Nixon theory. And, if the Supreme Court blesses that theory, the Trump team will have achieved a large expansion of Presidential power. They wouldn’t have to spend other appropriated monies. That’s the precedent they’re seeking.

How extreme of a theory does it seem to you?

“Extreme” is not the word I would use, but it’s a novel theory. I don’t think it works at all. I don’t think there’s any plausible legal basis to it. But there is an argument for it, and I can flesh it out if you want me to.

Please.

It’s got a couple of components. The Constitution says that the President can’t spend unappropriated money. But the Constitution does not say that the President has to spend all appropriated money. For much of our history, going back to at least as early as Thomas Jefferson, Presidents did not always spend all of the appropriated money for a whole variety of reasons. There was a practice, in the nineteenth and twentieth centuries, of Presidents sometimes not spending appropriated money. Early on, Congress didn’t always specify that all the money appropriated had to be spent. And sometimes Presidents wouldn’t spend it and, sometimes, this led to disputes. But there was no broad-based constitutional power to not spend money until Nixon’s assertion.

I do not think, and most people don’t think, that those points add up to an exclusive Presidential power, granted by the Constitution, not to spend appropriated money. It would be an extraordinary shift of power from Congress to the President. And the appropriations power in Congress is thought to be one of the most important powers that the Framers gave it. This is not a small thing if the President can do this. So I’m not saying that there’s no argument on the other side; I’m saying it’s a weak argument.

And what about some of the firings that you saw as illegal? What is the legal argument behind them?

The theory of the “unitary executive.” Article II of the Constitution invests the executive power in the President. And as the Supreme Court has said, more than once, the President is a branch of government. The second point is that the President has broad, exclusive power to remove executive-branch officials below him because the President, since he embodies the executive power, has to completely control the executive. And that means that the President gets to fire subordinate executive officials so that he can make sure that the executive runs the way he wants so he can exercise his executive power. The idea is that he’s fully accountable for that because he was elected by the people. That’s the general theory of the unitary executive. And if you take a strong unitary-executive view, the President should be able to fire all executive-branch officials.

Now the Supreme Court has put limits on that. They’ve put limits on the President’s ability to fire some executive officials. And the modern Supreme Court—the Roberts Court—has been pushing back on the congressional ability to constrain the President from removing people. The Supreme Court has never gone all the way, but some people think they will go all the way now and bless the Trump firings, even though the Trump firings fly in the face of some of the restrictions that the Court has continued to recognize.

Do you think they’ll go all the way?

There are two contexts in which this is going to come up. One is the firing of officials who are part of independent agencies. I think that’s the precedent most in jeopardy. The Court might allow Trump to do that. The other question is whether the President can fire career civil servants. This is another one of the exceptions to the President’s broad removal power. I’m not sure the Court will allow that, because technically the precedents in place don’t allow Trump to do what he did. But we also know that at least five Justices on the Court have been pushing back on these exceptions.

This is why I wonder whether there’s a master plan for test cases, because if you wanted to bring cases to expand Presidential power before the Supreme Court, and to attack these precedents, you would think hard about setting up the right case, the right context, the right facts, and you would do it in a way where you didn’t seem like what you were proposing was too extreme or that you had a Presidency that was undisciplined or was otherwise indifferent to the law. Everything that’s floating around the early Trump executive orders right now is not well designed to get to the Supreme Court to dramatically expand executive power. It’s not a good context. The way they’re going about doing this is at odds with the legal goals they might have.

Let’s say that the Court blesses these acts as not illegal and says the President has that power. What, then, would Trump, or the next President, be able to do that you think would grant them the most power?

Well, if we’re just focussed on the firings part, it would really change the government. There’s debates about how much this would change the government, but it would mean that there are no more independent agencies—the National Labor Relations Board, the Securities and Exchange Commission, a whole bunch of three-letter agencies.

#### The most potent tool in a rogue executive’s arsenal is manipulation of employee rights and constraining bargaining.

Kellough ’24 [J. Edward; November 11; Ph.D., Professor of Public Administration and Policy and Head of the UGA Department of Public Administration and Policy; The Fragility of Merit, “Personnel Is Power,” Ch. 2, pg. 31-33]

The recent focus by political conservatives and Republicans generally on the unitary executive theory and expansive versions of that theory positing that the President has control over everything within the executive branch and that Congress may not constrain the President’s power to direct the federal bureaucracy and its personnel is simply the latest and most direct attack on government policies that impose regulatory costs on industrial and business interests they support and legislation that appropriates federal resources for social programs to aid the underprivileged. The goal is to eliminate regulations, reduce taxes, and limit or curtail federal government expenditures to assist people experiencing poverty. The conservative argument is that the President should use available constitutional authority to direct government personnel to push the federal bureaucracy in these preferred policy directions. Control is to be achieved by reducing federal employee rights, constraining the power of employee unions, and ultimately, through the threat of removal (if not actual removal) of employees.

Recently, the conservative attack on regulation was fought on yet another front. Conservatively oriented public interest law firms sought to overturn an important legal precedent set in 1984 which established that the courts will give deference to the expertise of government agencies who must interpret ambiguous statutes when issuing regulations, provided that the interpretations by agencies are reasonable. This principle, known as Chevron Deference, was established in Chevron U.S.A., Inc. v. National Resources Defense Council (467 U.S. 837). In the fall of 2023, the U.S. Supreme Court agreed to hear two cases that directly challenged the Chevron decision. These cases were Loper Bright Industries v. Raimondo (No. 22-452) and Relentless Inc. v. Department of Commerce (No. 22-1219). Arguments in Loper Bright and Relentless were heard by the Supreme Court on January 17, 2024. The petitioners were two fishing companies from New Jersey and Rhode Island who were challenging a decision that required them to pay the costs of having federal monitors on their boats to ensure that they comply with a law intended to prevent overfishing. This decision was made by the National Marine Fisheries Service, an agency within the U.S. Department of Commerce. The fishing companies found the costs were unreasonable, but the U.S. District Courts and Courts of Appeals hearing the cases, following the ruling in Chevron, deferred to the agency’s expertise and ruled that the imposition of the cost on the fishing industry was based on a permissible interpretation of the agency’s legislative mandate. When the Supreme Court agreed to hear these cases, it indicated that it would reconsider the appropriateness of judicial deference to administrative expertise required by the Chevron ruling. A reversal of the Chevron decision would mean that deference would no longer be given to agency expertise in the interpretation of ambiguous statutory requirements. Such a ruling would be congruent with the Supreme Court’s reliance in recent years on what is known as the “Major Questions Doctrine,” a judicial construction dating from the year 2000 that requires courts to assume that Congress does not delegate to executive branch regulatory agencies the authority to decide issues of major political or economic significance (see FDA v. Brown & Williamson Tobacco Corp. (529 U.S. 120, 2000) and West Virginia v. Environmental Protection Agency (597 U.S. \_\_\_\_, 2022).

On June 28, 2024, the U.S. Supreme Court announced its decision in the Loper Bright and Relentless cases. The principle of Chevron Deference was overturned. The majority, consisting of Chief Justice Roberts and Associate Justices Thomas, Alito, Gorsuch, Kavanaugh, and Barrett, found that the requirement that courts defer to the expertise of administrative agencies in disputes over agency actions was a violation of the Administrative Procedures Act of 1946 that required the courts to decide “all relevant questions of law” when reviewing agency actions (5 United States Code, Section 706). The majority argued further that it is the courts rather than executive agencies that have competence in resolving legislative ambiguities. Associate Justice Jackson took no part in the Loper Bright decision, but Associate Justices Kagan and Sotomayor dissented. In the Relentless case, all three of the liberal Associate Justices, Kagan, Sotomayor, and Jackson dissented. This outcome does not mean, however, that agencies will no longer rely on their expertise when making decisions in the implementation of ambiguous statutes. But the courts will no longer be required to defer to agency interpretations. Still, the courts are likely to recognize agency expertise when rendering their own decisions, and judicial interpretation will not necessarily always replace bureaucratic expertise. The courts are, however, likely to continue to rely on the Major Questions Doctrine as outlined by the Supreme Court, and that approach, combined with the Loper Bright and Relentless decisions, could curb agency discretion in the interpretation of ambiguous legislation – an outcome currently favored by conservatives. Ironically, the Chevron ruling was viewed originally as serving the conservative agenda because it upheld a conservative interpretation of law by the Environmental Protection Agency during the administration of President Ronald Reagan.

In the following pages, this book will review these issues in the context of efforts to reshape the federal civil service during the Trump Presidency. The Trump years were tumultuous for several reasons, but one reason certainly was the concerted effort the Administration and its Republican allies in Congress engaged in to fundamentally alter the structure and operation of the federal merit system. Five specific events are reviewed: (1) the disabling of the Merit Systems Protection Board (MSPB) – the administrative board that hears appeals from employees of adverse personnel actions, (2) the President’s Executive Orders of May 25, 2018, designed to weaken federal employee unions and to make it easier to fire federal workers, (3) the effort from 2018 through 2020 to dismantle the U.S. Office of Personnel Management – the government’s central human resources management agency – and place authority over personnel policy within the Office of Management and Budget in the Executive Office of the President, (4) the establishment late in 2020 of “Schedule F,” a new employment category within the Excepted Service which was to receive large segments of the federal workforce housed previously in the Competitive Service, and (5) The Trump Administration’s effort to reorient the Federal Labor Relations Authority to weaken the position of federal employee unions.

In the end, the fact remains: If you can control how employees are selected, assigned, and managed, and how they can be disciplined or dismissed, then you can control how they perform their duties and how policy is implemented. This truth lies at the heart of struggles over control of the civil service. In working to redirect personnel policy, the Trump Administration had an ally in the Republican-controlled Senate in 2017 and 2018. One of the most direct mechanisms of influence the Senate has over the public workforce is the confirmation process required for a large portion of presidential appointees. That process is, of course, highly politicized and, as we shall see, was wholly dysfunctional in the case of President Trump’s nominees to the MSPB.

#### Enforceable collective bargaining enshrines worker input in regulatory decisions, stymieing aggrandizement.

Sherk ’25 [James; January 19; M.A. in Economics from Rochester University, B.A. from Hillsdale College; Harvard Journal of Law & Public Policy, “Reining In The Unconstitutional Powers of Federal Labor Unions and Arbitrators,” vol. 48]

A. CBAs Deprive the President of Control Over Agency Management Procedure

CBAs prescribe the procedures for exercising core management rights—such as how agencies hire, fire, or evaluate employees. These contract articles cannot be changed, without union consent, until the contract expires and is renegotiated. This deprives the President of control over agency management procedures for multiple presidential terms.

CBAs generally govern agency conditions of employment—with some exceptions. Agencies do not have to negotiate matters specifically provided for by law or covered by government-wide rules or regulations. 37 As a result, most federal unions cannot bargain over pay or benefits—those terms of employment are set by law.38 But where agencies have discretion over working conditions, the agency heads must bargain over them. The resulting CBAs are binding on the agency until the agreements expire.39

Unions generally cannot bargain over the substance of core management rights. 40 Subjects like an agency’s mission, budget, or organization are off the table. So are decisions about who gets hired, promoted, suspended, or dismissed, or employee work assignments. 41 However, these management rights come with a major carve-out. Federal unions can negotiate the procedures for exercising management rights, as well as “appropriate arrangements” for employees “adversely affected” by their exercise. 42 So while CBAs cannot dictate who an agency will fire or hire by name, they can (and typically do) dictate dismissal43 and hiring44 procedures, as well as arrangements for laid-off employees (like preferential re-hiring) that would otherwise infringe on management rights.45 CBAs similarly can determine how agencies promote employees, 46 assign work, 47 and evaluate performance. 48 They also typically set telework and remote work policies.49 In short, they can govern most aspects of agency workforce management.

CBAs Take Precedence Over Agency Regulations

The FLRA has also ruled that CBAs “take precedence” over agency rules and regulations.50 And while unions cannot bargain over matters covered by government-wide rules or regulations, section 7116(a)(7) of the Statute prohibits agencies from enforcing any rules or regulations that conflict with existing CBAs until they expire.51 So government-wide rules— including executive orders—cannot be enforced until conflicting CBAs terminate. 52

CBAs typically last three to six years.53 CBAs also almost universally contain “continuance” clauses that keep them legally in effect until a new contract is negotiated, a process that takes an average of about four years.54 Consequently, the Statute is applied to prevent the President from changing working conditions covered by CBAs for upwards of 7 to 10 years—the duration of the contract and subsequent re-negotiations. During this period, the agency cannot change course on matters covered by the CBA, nor can the President enforce an executive order telling it to do so.

Prolonged Restrictions on Presidential Power

CBAs can lock in policies even longer if unions deliberately drag out negotiations. 55 As discussed in greater detail below, the overwhelming majority of union leaders are agency employees paid by their agency to perform union business. However, when they negotiate CBAs they are formally acting on behalf of the union as a third party and are not subject to agency control.56 Union negotiators accordingly have complete freedom to—and often do—prolong bargaining to forestall policies they oppose.

For example, the VA negotiated its master CBA with AFGE in 2011. The Trump Administration reopened the contract in 2017. AFGE opposed making concessions and used stalling tactics to drag out bargaining. Negotiations did not conclude until August 2023—following six years of negotiations and more than a dozen years after the contract first took effect.57

As a result, the Statute has been interpreted to deprive the President of control of agency management procedures for prolonged periods. Once a provision is put in a CBA, neither the President nor his subordinates can change it—absent union consent—for the better part of two to three presidential terms. Until the CBA expires and is renegotiated, its terms remain wholly outside presidential control.

The outgoing Biden Administration openly used this aspect of the Statute to stymie the re-elected President Trump. After Trump won 2024 election several agencies reopened their contracts and negotiated extensions of CBA articles to prevent President Trump from changing course. For example, shortly after President Trump announced he would return federal employees to in-person work the Social Security Administration (SSA) agreed to extend their AFGE telework agreement until 2029. That agreement guarantees SSA employees between two and five days of telework a week, depending on their occupation.58 If this aspect of the Statute is constitutionally valid, President Trump will not be able to alter SSA management policies throughout his entire second term.

B. CBAs Affect Agency Operations

Management procedures have a large impact on agency operations. They are a major means by which agencies—like other employers—govern their workforces. Academic research unsurprisingly finds that federal unions significantly affect agency operations. One law review article documented how union CBAs prevented “structural deregulation” at the Internal Revenue Service (IRS). Union contracts stymied privatization efforts by making reductions-in-force difficult, undercut policies intended to shift enforcement incentives, and made it hard for managers to tie employees’ pay to their performance. This undermined efforts by the Clinton and George W. Bush Administrations to reorient the IRS away from aggressive enforcement.59 The author describes the Statute as effectuating “separation of powers by contract.”60

#### Resistance by the federal workforce is the best and only option. Protections create electoral costs that dissuade power grabs, quelling populist appeal, backstopping authoritarianism, and outpacing stagnant judicial checks.

Blanc ’25 [Eric; February 19; Ph.D. from New York University, Assistant Professor of Labor Studies at Rutgers University; Labor Politics, “If Trump Crushes Federal Workers, We’re All Next,” https://www.laborpolitics.com/p/if-trump-crushes-federal-workers]

That’s why Trump has unleashed Musk to take a wrecking ball to piece after piece of the government under the guise of trying to increase efficiency. The organized power of federal workers is the main obstacle to MAGA’s looting of public services and consolidation of authoritarian rule. The stronger they are, the harder it is for Trump to fully impose his agenda on American society.

Just as ominously, Trump and Musk are using these attacks to wage an ideological assault on the very principle of public services. Dols’s response to Musk expressed this clearly: “Everything public is under attack. The entire public sphere is under attack by a handful of billionaires behind Donald Trump.… Are you trying to do this for the American people, or are you trying to do this for your own gain? I get the feeling you didn’t become the richest person in the world by looking out for others.”

Nobody else is as well positioned as federal workers to halt this administration’s reactionary ambitions. Democratic leaders seem mostly interested in convincing their base that there’s nothing they can do. And while it’s still possible that the courts may pause or rein in some of Trump’s most egregious legal violations, we shouldn’t expect the Supreme Court, a third of which Trump appointed, to check his conduct in any significant way. Besides, courts move slowly. While waiting for legal edicts to come down, Musk can gain de facto control of the entire governmental apparatus, while doing everything possible to decimate public services.

But by refusing to quit, by refusing to comply with the power grab, and by making a compelling public case for the importance of their services, federal workers can throw a major wrench into Trump’s operations. And by taking their story to the American people through attention-grabbing fights like the day of action taking place across the country today, they can challenge Musk’s disgusting claims that they are “a parasite class.” Only federal workers can convince the American public that MAGA is threatening their Medicare, Social Security, health care, and education, as well as basic safety protections at work and beyond. The following point must be loudly, bluntly, and repeatedly hammered home to the American public: The new administration is threatening you and your family’s ability to get by, all for the benefit of a handful of corrupt billionaires.

Until we can show ordinary Americans that their immediate material interests are being hurt by Trump’s billionaire wrecking crew, the sad reality is that our side will continue to lose. Working-class Americans are not ready to rise up in defense of a political system that they rightly perceive has ignored them for decades.

What’s more, the federal workers’ fight has direct material stakes for all Americans—and this isn’t just because of the vital services they provide.

We’re already seeing the newly Trumpified National Labor Relations Board roll back a host of vital labor protections that workers gained during the Biden administration. If Musk is also able to illegally bust federal unions with little public outcry or broad labor fightback, already-emboldened bosses will take it as a sign that the gloves can fully come off. We saw in 1981 how President Reagan’s firing of striking federal PATCO air traffic controllers sparked an employer offensive in all industries and against all unions. The result? Union memberships plummeted, inequality skyrocketed, and ordinary people’s living standards stagnated. We’re still dealing with the damage today.

The task ahead is to convince nonunion workers that the fight of federal workers is also their fight. Trump is playing with fire, since, contrary to what he now claims, he was not elected with any mandate to decimate public services or unions. Indeed, the popularity of labor unions remains at historically high levels, even among Republicans. But workers outside of progressive echo chambers still need to be convinced that if Musk can terrorize federal employees into submission, every boss in the country will be tempted to run the same playbook: use brutal intimidation tactics and mass layoffs to dramatically cut their workforces, obliging those who remain to work more for less.

The new administration’s witch hunt against federal employees has left many scared to speak out, a hesitancy exacerbated by legal restrictions on civil service employees’ free speech. This fear can be overcome, as the administration’s attacks deepen, as a minority of federal workers begin speaking out, and once public opinion continues to shift against the new administration. Always attuned to his popularity, Trump is surely measuring the extent of pushback against Musk’s wrecking-ball operation. Trump’s main instinct is for self-preservation, not ideological crusading. That’s why if enough people turn against Musk, then there’s a good chance the president could throw him to the wolves.

But if there’s only mild resistance when the new administration attacks a big powerful opponent like federal unions, this will encourage deeper power grabs, further efforts to destroy public services, and even harsher attacks against those with fewer resources: immigrants, trans people, Palestine activists, and leftists.

#### That goes nuclear. Extremist leaders are prone to miscommunication or misperception from failing command-and-control. They violate nuclear treaties and increase the risk of proliferation.

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The world could use some serious thinking about the relationship between political ideology and nuclear escalation—specifically far-right pathways to nuclear war.

The nuclear strategy literature is full of smart claims from many angles: entanglement risks, discrimination problems, first-use incentives, credible commitments, retaliatory v. catalytic v. asymmetric postures, the staying power of the nuclear revolution, and the escalatory potential of different kinds of nuclear crises.

But regime type is not a major preoccupation of nuclear wonks, and to the extent it factors into nuclear theorizing at all, it’s via the narrow coding scheme of democratic or authoritarian regimes.

A military junta, for instance, might be more likely to have a “cult of the offensive” mindset. A cash-strapped developmental autocracy may have more lax control of nukes, or be more prone to miscommunication or misperception because of broken command-and-control arrangements.

Good insights, but it’s not enough.

It’s common sense that autocracy comes in wide-ranging hues and we should be capable of separating a Singapore from a Nazi Germany. But also the democratic/authoritarian binary elides cases in which a far-right “populist” takes power via a democratic electoral system.

A Reactionary Blind Spot?

During the Trump years, many of us saw and worried aloud about the increase in nuclear escalation risks, especially during 2017 and early 2018. But even as I recognized that period of time as bringing us closer to nuclear war than any moment since the Cuban Missile Crisis, in explaining it I had focused on the idiosyncrasies of Trump the irrational man blustering into crisis-prone structures. I hadn’t thought seriously about the imagination and prejudices that colored his irrationality in the first place, or the reactionary militarist politics that can get activated within the bureaucracy because of who sits atop it.

Fast forward to 2023.

Not only have we seen the Trump years. We see an India that has become a flagrantly revisionist actor fuelled by violent, exclusionary Hindu nationalism. We see an Israel that has, in a matter of weeks, gone from an oppressive settler colonial project in the West Bank to an even more ruthless siege of Gaza in violation of international law.

The nuclear trouble here, if it is not obvious, is that if you can de-humanize one you can de-humanize all. This was always the most terrifying thing about Trump, it’s built into his politics, and you cannot really separate it from a willingness to engage in mass-casualty violence.

This has been on my mind for a while, but I was more recently triggered, in a good way, by a new book called Nuclear Flashpoint: The War over Kashmir. The author, who is not a nuclear specialist, tries to draw attention to the intersection of power politics and nuclear risk by way of Kashmir’s plight:

This wider conflict between the US and China is being played out not just in Ukraine and in the Middle East, but also in Kashmir…India is supporting the US in this wider rivalry and claiming Chinese territory. There’s some really outrageous language being used about fighting China and Pakistan at the same time…talking recklessly about a war between three nuclear powers! This tripartite nuclear entanglement is so dangerous.

The research space that book has just barely entered is one that deserves more attention.

Rather than thinking about nuclear risk in the context of democracy versus autocracy, what about regimes engaged in settler colonial projects or genocide? What about regimes that see some version of permanent war as necessary, or even good? What about regimes whose leaders engage in pogroms or embrace other modes of violent ethnonationalism?

Imagining New Hypotheses

When we see nuclear powers willing to engage in such humanity-erasing practices, should we judge nuclear risks only on the basis of the nuclear balance, ideal-type nuclear posture, or whether a state’s arsenal is survivable?

Maybe, for instance, our concern with Chinese nukes should transcend the relative or absolute lethality and consider the fact that China under Xi Jinping is fuelled by an ethnonationalism at home that spills over into jingoistic rhetoric and posturing abroad. Maybe.

What I’m getting at is this: The way we think about nuclear deterrence has an ideological blind spot when it comes to extremist politics like fascism (or whatever synonym you prefer) just as it does when it comes to patriarchy (which, not incidentally, forms part of the content of extreme reactionary movements of various types).

Ethnonationalism for sure colors risk propensity. But it would also seem that, in the modern world, white supremacists are not good geopoliticians. How could they be if they have a deranged mental map for how the world works? And the dehumanization of a population is at least a favorable condition (if not a prerequisite) for wielding nuclear death over them.

To take an illustrative example, prior to 1962, the US conducted 105 nuclear tests that poisoned water, destroyed territory, contaminated population centers, and spread cancer across large swathes of the Pacific. And it continued missile testing in these areas right up until the end of the Cold War. To this day, the US government has failed to remediate and repair the damage even as it tries to court Pacific governments in its struggle against China.

The violence done against the Pacific by US nuclear testing was predicated on either seeing the Pacific and its peoples as less than or not seeing them at all—it was just a space for colonial projection, which allowed it to serve dubious strategic purposes.

Following this reasoning, I can imagine reactionary regimes (including, under certain alt futures, the United States) as more likely than others to wantonly violate nuclear-free zone treaties. We’ve seen that North Korea—which is far closer to fascism than communism—routinely depicts its enemies in debasing terms, which is an enabling condition for its nuclear strategy. And the “reactionary international,” sometimes called the fascist international or nationalist international, is a conceivable pathway for horizontal proliferation.

I don’t propose to have all the answers. My point is just that the nuclear community—which is not and should not be monolithic—is mostly in the business of thinking about futures that haven’t happened. The community’s value is as an anticipatory industry.

So maybe we should anticipate how and why extreme right-wing violence and governance (I repeat myself) could spill over into strategic considerations in ways that we’ve never bothered to imagine.

#### Unchecked Trump is a polycrisis accelerant, producing feedback loops to nuclear war and extinction.

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2. Impact assessment

General concerns about another Trump presidency fall into two main categories.

The first encompasses concerns about Mr. Trump’s personality and psychological and cognitive wellbeing. His narcissistic, impulsive, and generally unpredictable nature, combined with his transactional approach to politics, could trigger a crisis or [hamper] cripple the US response to one. Mr. Trump has also grown more psychologically erratic and distractible, showing signs of cognitive decline that would diminish his decision-making ability in a perilous world (see Box 3, “Implications of cognitive decline”).

The second category encompasses concerns about the loss of guardrails that personnel and institutional constraints have previously provided. Many commentators, and several of our interviewees, believe a second Trump administration will quickly dismiss large numbers of government personnel regarded as obstacles to the new administration’s agenda and replace them with staunch loyalists. This campaign would clear the way for a policy program far more radical and organized than that of Mr. Trump’s first term.

Beyond these general concerns, analysts and our interviewees focus on the impacts of Mr. Trump’s specific policies. Below, we use, where possible, critical-juncture analysis to highlight likely first- and second-order impacts of a second Trump administration’s policies. We group these specific policy impacts under three broad headings: institutional capture and deepening authoritarianism; socio-economic turmoil (particularly within economic, energy, climate, and health systems); and international conflict and insecurity. We focus on impacts that could have major consequences for global systems— consequences that we further analyze in Section 3.

<<BOX 3>>

Box 3: Implications of cognitive decline

Dementia is a degenerative disease in which deterioration worsens over time, beginning with mild cognitive impairment and progressing to an inability to execute daily functions without aid. Mr. Trump is susceptible to dementia simply because of his age (78) and family history (his father had Alzheimer’s disease). Some of his behaviors indicate cognitive decline that is either a precursor to, or evidence of, dementia.

Though he cannot be diagnosed without being subject to a full battery of neuropsychological tests, over 2,800 licensed clinicians have signed a public statement indicating that Mr. Trump is showing unmistakable signs of cognitive decline and probable dementia. Signatories cite an overall deterioration from his baseline level of verbal fluency; memory impairments beyond normal age-related forgetting of names and places; disordered speech filled with dementia-specific errors (tangential digressions and non-sensical words, for example); evident impairment of motor control in gait and hand coordination; and deteriorating control of impulses and judgments.

While dementia is heterogenous in both time of onset and progression, if Mr. Trump has the disease, certain outcomes are probable: he will show progressively more aggressiveness (especially if he has Alzheimer’s disease); a greater loss of insight, judgment, and impulse control; grander delusions; and further deterioration in verbal ability. His capacity to distinguish between reality and fiction, already uncertain, will decline.

Depending on the speed of disease progression, he could ultimately become incapacitated and unable to perform his presidential duties. Various pathways are then possible: the Vice President and a majority of Cabinet secretaries might invoke section 4 of the 25th Amendment, declaring the President cannot discharge his official responsibilities; an inner circle around the President might try to hide his dysfunction, making decisions on his behalf; or conflict among advisors and within the Cabinet could create a void in executive power.

2.1 Institutional capture and deepening American authoritarianism

Many analysts, including several of our interviewees, believe that Mr. Trump will attempt to capture government institutions, recast them in more authoritarian forms, and potentially use violent repression to reinforce and protect his rule.

Politicized civil service: By reintroducing the Schedule F employment category for civil servants, Mr. Trump could replace tens of thousands of civil servants with loyalists. Doing so would likely spur a secondary exodus of experienced civil service employees, taking with them invaluable experience and institutional memory. If the President were to adopt the Unitary Executive Theory, he might try to interpret Article 2 of the Constitution as legal justification to place the entire executive apparatus (including the Department of Justice and the Pentagon) under direct Presidential authority. Mr. Trump could order agencies such as the IRS to harass his opponents; and to bypass congressional opposition, he might rely on rule by executive order, vetoes, impoundment (of Congressionally allocated funds), and other extraordinary measures. While this approach to governing could allow Mr. Trump to advance his political agenda, it could also critically weaken the federal government’s ability to carry out key functions, from basic administrative tasks to disaster response. Mr. Trump’s actions could also incentivize judges to become more ideologically extreme to earn favour with the executive and improve their chances of ascending in the federal court system or to avoid repercussions of his wrath. 2

Weakened rule of law: The recent Supreme Court immunity ruling places the President substantially above the law. Even in this ruling’s absence, Mr. Trump likely has strong grounds to defer existing criminal proceedings until he has left the White House. He could also have the Department of Justice tell appellate courts that it no longer wishes to pursue conviction. The Department might additionally be used to advance the interests of the President’s allies and pursue charges against perceived political opponents (see Box 4 “Donald Trump on prosecuting election ‘cheating’”), as he has already threatened to do with Joe and Hunter Biden. Mr. Trump could achieve these ends by appointing a loyalist as Special Counsel and using this appointee to pursue charges. This action might be part of a wider strategy of installing partisan loyalists across federal agencies to influence their rulings. He could pardon convicted January 6th protestors and right-wing extremists. He might also instruct the Office of Legal Counsel to issue opinions that support extreme policies such as the use of the military against opposition protestors, seizing state voting machines, or using lethal force at the southern border. The rights, due processes, and checks and balances at the heart of a functioning judicial system would diminish accordingly.3

<<BOX 4 OMITTED>>

Imperiled civil-military relations: The US has long benefited from strong norms of professionalism governing the relationship between civilian and military officials. Even within those boundaries, the President can issue a wide range of “awful but lawful” orders that the military would be obliged to carry out. But Mr. Trump could additionally weaken existing civil-military norms by replacing the upper echelon of the armed forces with loyalists, and by exploiting divisions within the ranks. On grey-area issues (for instance, torture and assassinations), he could exercise more personalistic and partisan control over the military, perhaps even corroding its commitment to defend the Constitution.

Box 5: Extraordinary presidential powers The US President has available a wide range of extraordinary powers for use in specific circumstances. These powers confer abilities and permit measures not otherwise legal. Two main laws govern these powers: the Insurrection Act and the National Emergencies Act. The President may also have the authority to declare martial law. The Insurrection Act allows a President to deploy the US Armed Forces or National Guard to stem protests, rebellion, or civil disorder. In essence the act temporarily suspends the Posse Comitatus Act, which prohibits the military from assisting with domestic law enforcement. Three sections specify the conditions under which the Insurrection Act can be invoked: Section 251 allows for state legislatures to request federal military assistance in the event of rebellion. Section 252 allows for the deployment of the military to quell a rebellion or insurrection that makes it “impracticable” to enforce laws in the usual manner. It does not require the consent of the state. Section 253 allows for the use of federal troops if an insurrection, conspiracy, or act of domestic violence either deprives state citizens of their constitutional rights and states are incapable of dealing with the situation, or if a state “opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws.” It also does not require the consent of the state. These sections, especially 253, are broad and vague. The US President has the authority to define what constitutes an insurrection, conspiracy, rebellion, or act of domestic violence sufficient to invoke them. The National Emergencies Act provides the President with a set of 150 emergency powers: 137 potential statutory powers if the President declares a national emergency, and another 13 if Congress passes the declaration. What constitutes a “national emergency” is arbitrary, since it has never been legally defined. These powers, which are in effect for only one year unless renewed, include the ability to surveil political opponents and to block domestic transportation and financial transactions. As of September 11, 2024, 42 national emergencies were still in effect. President Trump himself declared a national emergency during his first term to procure billions of dollars of funding for a southern border wall (Proclamation 9844). He extended this national emergency twice (for a year each time), before it was repealed by President Biden. Martial Law in the US allows for the military to assist with non-law-enforcement activities domestically, engage in law enforcement, and to temporarily replace civilian government with military rule. In the most extreme case, military tribunals can replace the civilian judiciary, and the Constitution and normal rule of law are suspended. A state governor or Congress can invoke martial law, an act that has occurred 68 times in US history. Despite this frequency, the legality of martial law remains unclear. “Martial law” is not mentioned in the Constitution, Congress has never defined it, and Supreme Court rulings about it are “inconsistent and vague.” Whether the President can invoke martial law is contested, and arguably only section 253 of the Insurrection Act gives the President such authority. A President has declared martial law at a national level only once in US history, when Abraham Lincoln used it to suppress dissenters during the Civil War by suspending habeas corpus and civil rights across the country.

Security crackdowns: If Mr. Trump fulfils his promise to implement some of his more extreme proposals immediately after his inauguration—such as mass-deportation of undocumented immigrants—left-leaning protestors could flood the streets countrywide, provoking right-wing counter-protests. Mr. Trump’s response is unlikely to be measured. He might leverage the unrest to justify a security crackdown by, for instance, directing the Department of Justice and FBI to target opponents or invoking the Insurrection Act to permit the military to suppress protests (see Box 5, “Extraordinary presidential powers”). Right-wing militias could join in attacks on opposing protesters. In the worst case, one of our interviewees argued, Mr. Trump could create a “state of exception” in which the executive is perceived to be legitimately and perpetually above the rule of law. 7 In Figure 2 we represent a Trump administration’s implementation of radical policies early in its tenure as a critical juncture with four possible subsequent pathways of public protest and administration response.

<<FIGURE 2 OMITTED>>

Populist authoritarian contagion: A Trump victory could embolden far-right movements worldwide. The measures described above, if implemented in the US, could legitimize populist authoritarian movements and their leaders elsewhere. But the strength of such a contagion effect, our interviewees stressed, would vary by region.

In Europe, the appeal of the far right is more limited than in America, because mainstream conservatives generally refuse to work with the far right, so the latter cannot subsume the former as Mr. Trump and his followers have done with the Republican Party. On the European continent, a second Trump presidency may indeed serve more to catalyze pro-democracy movements than to further empower the extreme right.

In Latin America, however, Mr. Trump’s first term legitimized copycat leaders like Brazilian President Jair Bolsonaro, and a second term would further embolden such leaders and the movements supporting them. Across the global South, an American shift towards authoritarianism would validate the politics of existing and aspiring authoritarian leaders.

More generally, since World War II the US has been a crucial exemplar of how democracy, peace, and prosperity can powerfully reinforce each other. No other country or bloc—not even the European Union—is well-positioned to pick up this mantle, should Mr. Trump abandon it. Conservative movements worldwide are already increasing their cooperation, and the loss of the American example will further cede ideological space to authoritarian ideology.

2.2 Socio-economic turmoil

Mr. Trump’s economic proposals could exacerbate inflation and weaken the country’s economic prospects in ways that ripple through the global economy and intersect with other socio-economic vulnerabilities.

Tariffs and inflation: The first Trump presidency implemented the biggest increase in tariffs since the Great Depression. For his second term, Mr. Trump has proposed blanket tariffs of 10 to 20 percent on almost all imports, and 60 percent or more on Chinese imports. Our interviewees indicated that such measures would increase inflation in the American economy by at least 2 percent, hinder long-term planning and investment, and perhaps trigger a wage-price spiral. The inflationary pressures would worsen further if Mr. Trump were to opt to “run the economy hot” by pursuing near-zero interest rates, cutting taxes, and using economic regulations to reward supporters and punish opponents. These measures would increase the US deficit, perhaps to the point of jeopardizing investor confidence. Any effort by Mr. Trump to politicize the Federal Reserve and directly influence monetary policy would worsen these stresses. In Figure 3, we represent the Trump administration’s trade policy as a critical juncture with three possible pathways of first-order effects on the US economy.

Inflation and malaise in the US economy would exacerbate economic stress worldwide. Sharply higher US tariffs would almost certainly spur retaliatory protectionism by other countries, slowing growth in the global economy by 1 to 2 percent. These impacts would not in themselves push the world economy into recession, but they could do so in combination with other forces.

<<FIGURE 3 OMITTED>>

Mass deportations: Mr. Trump has proposed deporting up to 10 million undocumented immigrants. The process would involve mass raids and arrests, internment in camps, re-imposition of Title 42 expulsion policy to curtail land entry, and use of the military along the border on land and sea to stop the drug trade. He has also proposed ending birthright citizenship.

Our interviewees argued that deportation measures are unlikely to be implemented at such a scale. A militarized cross-country deportation campaign would be incredibly complicated and economically disruptive. Farmers would react strongly to the sudden loss of essential agricultural labor. But even deportations at a smaller scale would raise inflation, dislocate labor markets, and involve draconian measures. And climate and other global stresses will continue to drive migration towards the US through the course of a second Trump administration, providing an ongoing motivation to harden the southern border and direct xenophobic anger against immigrants.

Figure 4 shows potential pathways arising from the critical juncture of a Trump administration’s immigration policy decisions.

<<FIGURE 4>>

Derailed climate action: Mr. Trump will almost certainly withdraw again from the 2015 Paris Climate Agreement, dismantle domestic climate and environmental regulations (particularly those seen to hamper the fossil fuel industry), and actively oppose a transition to green energy.

Modelling suggests that likely Trump administration climate and energy policies would result in 4 billion more tonnes of US carbon emissions by 2030, compared to estimated emissions under a Harris administration, producing around $900 billion in additional climate damages worldwide. Yet many commentators argue that bipartisan support in Congress for Inflation Reduction Act policies (the returns from which flow disproportionately to Republican states) will temper Mr. Trump’s attacks on the Biden administration’s climate legacy. 8

Nonetheless, our interviewees noted that if the United States, one of the world’s largest carbon emitters, withdraws from international climate action (and then actively hinders such efforts), other countries may have scant incentive to pursue their own climate action. They may even imitate Mr. Trump’s environmental deregulation to remain economically competitive. But broad defection from the international climate regime did not occur during the first Trump administration. It seems equally possible that a collection of national, international, sub-national, private, and non-governmental actors would redouble their climate efforts to offset American inaction, or that China would step into the role of global climate leader to expand its influence (see Figure 5).

<<FIGURE 5 OMMITED>>

Poor pandemic response: During the COVID-19 pandemic, Mr. Trump successfully executed Operation Warp Speed, creating a funding pipeline for rapid vaccine development. But he also actively spread misinformation and castigated the medical establishment, imperilling millions of lives. His disdain for scientists as part of a cosmopolitan elite would likely continue in his second term. Nominations of scientific and medical advisors and personnel within the administration would emphasize ideological alignment and loyalty over scientific expertise, increasing the risk that the administration would disseminate poor advice or even outright disinformation should another pandemic occur.

A Trump administration crackdown on migrants, who make up the vast majority of agricultural and factory farm workers, would both prevent virus testing (as workers avoid contact with authorities) and push those being detained for deportation into crowded facilities enhancing contagion. Mr. Trump has also said he would probably dismantle the Office of Pandemic Preparedness and Response Policy, an action that would hamper the government’s ability to prevent virus spread and counter misinformation. His likely weak support for public health measures (lockdowns, masks, vaccines, and the like) would exacerbate an outbreak.

2.3 International conflict and security

Mr. Trump has proposed actions in the foreign-policy and security spheres that—while appealing to his domestic constituencies—would greatly erode America’s international influence. His “transactional isolationism,”9 would lead to a more uncertain and conflictual world order.

Weakened NATO, emboldened Russia: Mr. Trump has suggested that the US might withdraw from NATO; he has threatened to abandon allies to Russian aggression; and he has brow-beaten NATO members into raising their defense spending. Yet the US is unlikely to leave NATO, as doing so would require a two-thirds majority vote in the Senate. Still, ambivalent or ambiguous support for NATO and its members, involving actions such as withholding diplomatic envoys or cutting funding, would critically undermine the alliance (see Figure 6).

Mr. Trump would probably end US military support of Ukraine, leaving Europe struggling to fill shortfalls in materiel. Together, US ambivalence about NATO and a Ukrainian defeat (of some kind) could encourage President Putin to extend his military aggression to other countries formerly part of the Soviet orbit (perhaps starting with Moldova). The resulting security panic in Western Europe would divert attention and spending from other policy priorities.

But our interviewees stressed that all these outcomes are uncertain due to Mr. Trump’s unpredictability. He may attempt to broker a ceasefire between Ukraine and Russia to bolster his image as a “dealmaker” (though neither Ukraine nor Russia would likely agree to any settlement Mr. Trump could propose). And even if the US disengages from Europe, Russia may still act cautiously, fearing Mr. Trump’s volatile nature.

<<FIGURE 6 OMITTED>>

Middle East conflict: Arguably, the Abraham Accords were the first Trump administration’s most significant foreign policy success. A second Trump administration would likely return to that playbook, by working to bridge the widening gulf between Israel and Saudi Arabia. But Mr. Trump’s affinity for Israeli Prime Minister Benjamin Netanyahu will handicap this strategy if the Israeli leader and his coalition supporters remain entirely unwilling to consider a realistic pathway to Palestinian statehood. US policy towards Iran will return to the extreme hardline taken by the first Trump administration.

Chinese aggression towards Taiwan: Our interviewees were divided as to whether a return of Mr. Trump to office would embolden Chinese President Xi Jinping to attack Taiwan, or if the return of Mr. Trump’s unpredictability might instead deter Chinese aggression. But they agreed that were Xi to act, President Trump would be more likely (than President Harris, were she in office) to make rash and unconsidered decisions, thus escalating the crisis—and ultimately perhaps stumbling into nuclear war.

Transactional isolationism and international leadership: In a second administration, Mr. Trump would eschew America’s longstanding international leadership in favor of “transactional isolationist” diplomacy and a broad turn inward. The world could progressively lose the coordination, security, and stability that America has provided by acting as a global referee and protector of international public goods, such as shipping routes. Mr. Trump would also reduce financial support for multilateral organizations, including United Nations’ agencies and international legal bodies, and scapegoat them for the world’s ills.

The international community’s long-term planning and conflict/crisis management capacities would erode, with adverse effects on development assistance, international trade, north-south relations, macro-economic stability, climate action, and peacebuilding. Our interviewees suggested, as shown in Figure 7, that Mr. Trump’s transactional isolationism and reliance upon military coercion as a single, blunt foreign policy instrument could ultimately create a more anarchic world order based on the principle of self-help; or it could create openings for China to expand its leadership around the globe, with all the risks that entails; or, finally, it could spur more collaborative and effective global governance by the European Union, middle powers, and overlapping coalitions.

<<FIGURE 7 OMITTED>>

Weakened nuclear command and control: The experts we consulted argued that the chain of command involving nuclear weapons is more robust than conventionally appreciated. Two scenarios involving Mr. Trump’s possible use of nuclear weapons are commonly presented. In the first, the Pentagon alerts the President about an emergency that requires his immediate decision on whether to use the weapons. In such circumstances, because the military would already be aware of the threat, it would be primed to respond, and key military and intelligence personnel would be ready to advise the President on appropriate actions. In the second, Mr. Trump, based on his own inclinations, unexpectedly orders the military to launch nuclear weapons. Here, the military apparatus is unprepared for launch, so various officials would have to review the President’s decision and reasoning, thereby delaying action. The public is most concerned about the second scenario—in which Mr. Trump uses nuclear weapons on a whim—but that kind of situation is highly unlikely to result in a nuclear launch. Of greater concern is the first scenario where the decision truly comes down to the President’s judgment and the quality of advice on offer, likely under extreme pressure.

3. Feedback assessment

In Section 2, we identified some significant first- and second-order impacts of a second Trump Presidency. In this section, we propose that these impacts could produce eight feedback loops in global systems that would further magnify inter-systemic risks.

We then show how connections amongst these eight feedback loops could have additional, cascading effects that escalate into a new and more perilous phase of global polycrisis—a complex tangle of simultaneous crises that, combined, would cause enormous human harm. This section thus fundamentally concerns the relationship between Donald Trump—an impulsive and unpredictable decision maker with an immense need for self-affirmation and a radical political agenda supported by a powerful, coordinated group of conservative US elites—and global geopolitical, economic, technological, and governance systems. It echoes longstanding debates about the relative roles of structure and agency in the course of human history.

In many ways, Mr. Trump is a product, or a symptom, of global systemic stresses that were worsening for decades before he became a Presidential candidate. Growing economic precarity and inequality, widespread political and social alienation, soaring international migration, American hegemonic retrenchment, and the weakening of multilateral institutions all predated Mr. Trump’s first term. He exploited many of these trends to gain office. The Biden administration found itself subject to the same array of stresses and felt compelled to continue many of the first Trump administration’s policies, including trade measures targeting China, harsh immigration restrictions, and support for domestic fossil-fuel production. A Harris-Walz government would likely do similar things. Global systemic stresses and the global polycrisis will continue to escalate regardless of the 2024 electoral outcome.

Still, Mr. Trump has significantly accelerated many of these stresses, while adding more stresses and triggers to the morass. As a system disrupter, he is uniquely determined and effective. For example, while stresses in the international system stemming from changes in relative economic and military power certainly demanded strategic shifts in American leadership, in his first term, Mr. Trump went farther, largely eschewing American leadership altogether while maligning multilateral institutions. His derision for the rule of law, electoral results, and scientific evidence alongside his authoritarian predilections—often accompanied by xenophobia, racism, misogyny, and misinformation—have undermined America’s democratic model. And the promised policies of his second term, such as rescinding American security commitments or radically boosting protectionist measures, could be uniquely Trumpian triggers of global systemic crises.

#### And guarantees that the cumulative effect of multiple risks is extinction.

Farrell ’25 [Henry; February 21; Professor of international affairs at Johns Hopkins University, Ph.D. in government from Georgetown University; Programmable Mutter, “When the polycrisis hits the omnishambles, what comes next,” programmablemutter.com/p/when-the-polycrisis-hits-the-omnishambles]

A couple of years ago, on my now deleted Twitter account, I had a brief joking dialogue with Adam Tooze, about the concept of polycrisis, which he didn’t invent but has popularized. Adam explains the polycrisis as a concatenation of big problems - e.g. climate change; the crisis of democracy; global migration - that not only hit simultaneously but plausibly make each other worse. I pointed to another neologism, the “omnishambles” (from Arnaldo Ianucci’s dark comedy, The Thick of It - Wikipedia definition), describing governmental situations in which no-one has any idea what is going on or what to do, and policy-making is utterly shambolic and fucked up. By construction, I suggested, there must be such things as the polyshambles and omnicrisis.

It wasn’t a very good joke, but I think that there is a useful intuition behind it, which is worth turning into an entirely unfunny diagnosis. We are in a world where our problems are getting bigger, and are feeding on each other. Those of us who live in the U.S. are at the beginning of a sudden and dramatic worsening of the quality of government policy making. In other words, we are about to see a collision between the polycrisis and the omnishambles. So how do we think about this collision usefully?

From this perspective, both Paul’s post, and our op-ed map specific pieces of a larger and more complex problem. And when I use the term ‘complex,’ I use it advisedly. The polycrisis is a simplified way of talking about the world as a complex system. In Scott Page’s description, a “complex system consists of diverse entities that interact in a network or contact structure.” In less academic language, it is a larger system composed of smaller sub-systems that interact with each other. Even when these sub-systems are relatively simple, the whole may be complex and unpredictable. And when they are themselves complex …

This way of thinking about the world helps clarify what the polycrisis involves. Complex interactions may give rise to positive feedback loops, in which different parts of the system reinforce each other so as to induce instability. To apply this to the polycrisis, think crudely of how climate change may increase the likelihood of large scale migration across borders, leading to crises of democracy and government legitimacy, which in turn makes governments less capable of regulating the economic activities that make climate change worse. But complex systems may also give rise to homeostasis, in which some parts of the system become adaptive, perhaps dampening down positive feedback loops and responding dynamically to unexpected changes in the environment.

One of Paul’s early books builds on these ideas (although he later became skeptical, since they are notably better at describing the phenomenon than predicting how it will unfold, let alone providing precise guidance on what to do about it). Indeed, the Minsky cycle is exactly an example of how government may act to limit the likelihood of positive feedback loops getting out of hand. Without regulation, irrational exuberance feeds upon itself and the behaviors it induces. The role of the Federal Reserve, famously, is to order “the punch bowl removed just when the party [is] really warming up.”

Behind Paul’s post - and our piece - lies a possible understanding of the larger situation we face. In good times, we have an environment in which the problems are not too big, or can be dealt with one by one, or, ideally, both things are true at once. We have a government that is capable of dealing with them, acting as a kind of homeostatic regulator, which dampens down the possible chaos without, and perhaps even takes advantage of the unexpected possibilities it provides (while avoiding eviscerating the dynamical aspects of the economy - one can absolutely have too much government).

We are not in those good times. Instead, we are in an increasingly unpredictable environment with multiple major problems reinforcing each other in complex ways (the polycrisis). At much the same time, the most significant government in the world is absolutely not acting as a homeostatic regulator. Instead, of dampening down the chaos, it is accelerating it, while ripping out large swathes of the administrative apparatus that potentially allow it to understand the environment and influence it.

Trump’s second term is going to be the apotheosis of the omnishambles. And it is potentially even grimmer than that. In an ideal world, there is at least a second order feedback loop such that bigger problems leads to better government and the expansion of capacity for government to deal with these problems in conjunction with other modes of problem solving (markets; democracy). In the world we are in right now, there seems to be just the opposite set of feedbacks. Bigger problems are not leading to better government in the U.S. and elsewhere, but to worse.

As noted already, complexity theory is much better at describing problems like this than at predicting how they will turn out, let alone solving them. But it at least provides a framework for seeing how the different sub-systems might interact together.

The crises we are likely to face in Trump’s second term are not simply going to be crises of financial regulation, or of tariffs, or of withdrawn security guarantees, or breakdowns of scientific knowledge, or loss of capacity to respond to emergencies. They are likely, instead to involve the interactions of two or more of these factors with each other, and with the pre-existing problems of the polycrisis. Mapping out - even crudely - the relationships between these different sub-systems will help us be better prepared for what happens, even if we cannot fully anticipate it.