# 2AC---Hopes & Prayers (Religiously Agnostic)

1155

## Education ADV

### Education---Impact---2AC

### Leadership---Impact---2AC

### Arrogance---Impact---2AC

### Disease---Impact---2AC

### AT: Circumvention

## Doctrinal Stability ADV

### Civil War---Impact---2AC

### AT: Double turn

### LIO---Impact---2AC

### Migration---Impact---2AC

### RF---Impact---2AC

### Terror---Impact---2AC

## OFF

### T-Trumping Power/Scope (Schauer 82)---2AC

#### 1. WE MEET: a) Schauer says the strength of a right is its ability to overcome other rights within its scope. We meet ‘within its scope’ because Schauer defines ‘scope’ as the activities a right reaches---in this case, bargaining over the terms and conditions of employment

Frederick F. Schauer 82, the David and Mary Harrison Distinguished Professor of Law at the University of Virginia School of Law and Frank Stanton Professor of the First Amendment at Harvard University's Kennedy School of Government, 1982, Free Speech: A Philosophical Enquiry, p. 134-136

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

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

#### b) Plan strengthens capacity of workers’ labor rights to overcome bosses’ religious rights---AND, religious employers are not exempted from the NLRA, the Court invented their lack of coverage contrary to the statutory text

Charlotte Garden 16, Associate Professor, Seattle University School of Law, January 2016, “ARTICLE: RELIGIOUS EMPLOYERS AND LABOR LAW: BARGAINING IN GOOD FAITH?,” Boston University Law Review, 96 B.U.L. Rev. 109

This Article has advanced a new, simplified way to address the conflict between employers' sincere religious beliefs and the requirements of labor law. First, a modest yet fundamental change in the application of the constitutional avoidance canon would better preserve Congress's lawmaking function by preventing entrenchment of Court lawmaking via the constitutional avoidance canon. Applying this adjustment to constitutional avoidance should lead to the retirement of the flawed Catholic Bishop decision, which essentially amended the NLRA without congressional approval. In its place, statutory exemptions from labor law should turn only RFRA's free exercise accommodation model. Applying that model leads to the conclusion that religious exemptions from labor law are, as a general matter, inappropriate both because the NLRA is the least restrictive means of furthering a compelling state interest and because of the burdens accommodations would impose on employees. But in any event, courts can minimize both the incentive to manufacture insincere religious claims and the burden of religious accommodations on employees by carefully structuring narrow accommodations that avoid needlessly burdening employees' labor rights. Often, bargaining itself will allow employers to [\*160] structure accommodations through self-help. Where this is not the case, then at minimum, employers should compensate employees for the lost opportunity to improve their wages through collective bargaining. Applying these principles faithfully should ensure that employees' collective rights are not lost as the Board and the Courts apply Hobby Lobby in the context of labor law.

#### 2. COUNTER-INTERP: strengthening CBR requires moving toward a duty to bargain. We meet.

Noel D. Johnson 11, Assistant Professor of Economics, George Mason University, **et al.**, June 2011, “Pick Your Poison: Do Politicians Regulate When They Can’t Spend?,” https://www.mercatus.org/media/54351/download

We use two approaches to examine the impact of fiscal restrictions on regulatory policies. Under the first, we use panel data on four specific regulatory measures: “Workersʼ Compensation,” “Minimum Wage,” “Right-to-work,” and “Collective Bargaining.” Workersʼ Compensation is total benefit payments per 10,000 persons.13 Minimum Wage is the effective minimum wage in each state. We use data for 1981 to 2010 since only Alaska had a minimum wage above the federal level before 1981. Right-to-work is a dummy variable indicating whether a state has adopted a right-to-work law prohibiting a “closed union shop” in which payment of union dues can be made a condition of employment. Collective bargaining is a seven-category classification of state laws measuring the strength of collective bargaining rights for public sector workers developed by Freeman and Valletta (1988) and extended by Kim Rueben to 1996. The categories from lowest to highest are: 0. “Collective Bargaining Prohibited” 1. “No Provision” 2. “Employer Authorized but Not Required to Bargain” 3. “Right to Present Proposals” 4. “Right to Meet and Confer” 5. “Duty to Bargain Implied” 6. “Duty to Bargain Explicit.”

### Movements DA---2AC

#### Trump shuts them down.

Joseph Nunn 23, a counsel in the Brennan Center’s Liberty and National Security Program. He focuses on issues surrounding the domestic activities of the U.S. military, including the Insurrection Act, the Posse Comitatus Act, National Guard deployments, and martial law, 11-17-2023, "Trump Wants to Use the Military Against His Domestic Enemies. Congress Must Act.," Brennan Center for Justice, https://www.brennancenter.org/our-work/analysis-opinion/trump-wants-use-military-against-his-domestic-enemies-congress-must-act

As recent reports have revealed, former President Donald Trump and his allies are making plans for how a second Trump administration would use the powers of the federal government to punish Trump’s critics and political opponents. Among other things, Trump would reportedly invoke the Insurrection Act — a law that gives the president nearly unchecked powers to use the military as a domestic police force — on his first day in office, so that he could quash any public protests against him.

#### Deep divisions make organizing impossible.

Erik Loomis 9-1-2025, Historian of Labor who writes extensively about unions, politics and workers, "Trump Is Wiping Out Unions. Why Are They So Quiet?," https://www.nytimes.com/2025/09/01/opinion/trump-unions-labor.html

One cannot overstate the significance of Mr. Trump’s attacks on government workers. Public sector work has become organized labor’s power base, allowing the total workforce’s union membership rate to remain at around 10 percent, despite less than 6 percent of private sector workers having unions.

Based on actions Mr. Trump has taken this year — and without any notable public pushback from supposedly pro-labor Republicans like Josh Hawley and Marco Rubio — it is unlikely that there will be any unionized federal workers outside of policing agencies by the end of his term in 2029.

Mr. Trump has attacked workers in other ways. He has gutted the Department of Labor through cuts by the Department of Government Efficiency. He is also rolling back Labor Department rules from the Obama and Biden administrations that allowed home care workers to earn overtime and farmworkers to campaign for better working conditions. And he has severely undermined the National Labor Relations Board, which handles thousands of union matters every year by firing its head and nominating corporate-friendly figures to steer its operations away from supporting workers.

Organized labor, for all its talk about solidarity, remains deeply divided on how best to approach organizing, politics and Mr. Trump. Certain labor leaders, particularly Sean O’Brien, president of the Teamsters, have embraced Mr. Trump and his brand of Republicans, particularly around immigration restrictions. Other unions with memberships that are heavily white and male also lean toward Republicans. But they still represent a minority of union members.

#### No internal. Movements solve nothing.

Marc Kagan 25, the author of the book manuscript The Fall and Rise and Fall of NYC’s TWU Local 100, 1975–2009, 8-14-2025, "What Trump’s Decertification of Federal Employee Unions Means," Jacobin, https://jacobin.com/2025/08/trump-decertification-federal-employee-unions

Talk, but No Walk, From Unions

Across the labor movement, some major unions were completely silent about Trump’s declaration; others issued statements claiming that they were upset but managed to avoid using the word “Trump,” presumably to give them the leeway to kiss the ring later. The most common response was to complain, even to use the word “fight,” but then suggest either no action whatsoever or the tamest ones imaginable — like the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) did in suggesting people call Congress.

The two largest federal unions, the American Federation of Government Employees (AFGE) and the National Treasury Union, did nothing to mobilize their members — but they did file lawsuits in Washington and California challenging the “national security” designation and claiming Trump’s actions were retaliation for protected First Amendment speech criticizing Trump. Those suits were initially successful at the district court level, with two judges issuing preliminary injunctions prohibiting the voiding of CBAs, finding that the unions’ lawsuits were likely to succeed “on the merits” and that, in the meantime, the unions and their members would suffer “irreparable harm.”

But then appellate courts in both regions “stayed” those injunctions from taking effect. In Washington, the court ruled that it was Trump who would suffer irreparable harm from the injunctions “impeding his national-security prerogatives,” and argued that “preserving the President’s autonomy under a statute that expressly recognizes his national-security expertise is within the public interest.” The California court added that an injunction “ties the government’s hands . . . in the national security context.” It declined “to assess whether the President’s stated reasons for exercising national security authority . . . were pretextual [a lie].”

Even though the government had removed from its decertification order eight unions and locals that had not joined the legal action, there was no retaliation, the California court said, since “the government has shown that the President would have taken the same action even in the absence” of the unions’ criticism of Trump.

Then both courts applied the coup de grâce. In Washington, the court was comforted by what it called “the Government’s self-imposed restrictions.” Government lawyers in both venues cited a “fact sheet” that directed agencies to “not terminate any CBAs until the conclusion of litigation or further guidance from OPM [Office of Personnel Management] directing such termination.” Because of “the direction to agencies to refrain from collective bargaining agreements until litigation has concluded,” the California court wrote, any claim of irreparable harm to the unions or their members was purely “speculative.”

What Now?

As we know, both courts’ reliance on this “fact sheet” assurance was a complete fantasy. After the California ruling, it took only five days for that “speculation” to turn into the hard brutal facts of losing all contractual rights. Gone from the government’s statements were any “national security” claims. Instead, we have the typical management mantras of wasteful “union time,” “poor performers,” and “union bosses.”

What has unfolded since March was obvious; so was the tragically inadequate response of labor. In an article for Jacobin this spring, I compared the federal unions’ legal-only strategy with that of 1970 postal workers who, facing the potential loss of their civil service status (and grumbling about low pay), took militant strike action. Seeing other federal workers demanding similar efforts, President Richard Nixon’s right-hand man H. R. Haldeman feared “radicalization, a national strike, other walkouts, i.e., Teamsters, Air Traffic Controllers [who were about to start a sick-out], etc. to cripple whole country at once.” In a matter of days, Nixon flip-flopped from making threats against the postal workers to making promises to them.

#### LABOR CONFLICT. Exclusion results in labor strife, including strikes and individual bargaining, which is worse. That’s Tenenbaum and Govern.

<<FOR REFERECE---Tenenbaum>>

As set forth in Part IV, by limiting inquiry concerning religious issues, the important rights of lay teachers to be protected from anti-union and discriminatory animus can be safeguarded without violating the rights of religious schools. There are particularly important reasons for ensuring that lay teachers at religious schools have these protections. The labor relations acts promote a harmonious educational environment for the children at religious schools by encouraging the peaceful resolution of disputes. The anti-discrimination provisions help ensure that children are not exposed to divisive discriminatory practices in a school setting, that children are exposed to diverse views that help prevent future discrimination and that discriminatory values are not perpetuated by example. Indeed, the courts have found a compelling interest in eliminating discrimination 225 and in applying labor relations statutes to lay teachers. 226

*A. The Importance of Applying Labor Relations Statutes to Lay Teachers*

The labor relations acts did not create the rights of employees to unionize or to strike. These rights have long been recognized at common law. 227 Moreover, the First Amendment's protection of freedom of association has been held to extend to labor union activities such as the right to solicit union members and the right of union members to assemble and discuss their own affairs. 228

Neither the common law nor the First Amendment, however, imposes a legally enforceable duty on an employer to recognize and deal with a bargaining agent selected by his employees. 229 Consequently, before the enactment of labor relations statutes, employees frequently had to resort to strikes and picketing to compel their employers to negotiate. As the Supreme Court wrote, "[rlefusal to confer and negotiate has been one of the most prolific causes of strife."230

Labor relations statutes impose a duty on the employer to bargain collectively with the employee. If the lay teachers and their chosen bargaining representatives are excluded from the coverage of the labor relations acts and their employers refuse to bargain voluntarily, they will be forced to revert to strikes to resolve their labor disputes or to negotiate with their employers on an individual basis. A strike, or the failure to amicably discuss the teachers' needs, may cost the schools more than money. It may affect the goodwill, credibility and trust that must be present between teachers and administrators and among teachers to maintain a productive environment in the schools. 231 \*\*\*FOOTNOTE BEGINS\*\*\* *See* Hill-Murray Fed'n of Teachers v. Hill-Murray High Sch., 487 N.W.2d 857 (Minn. 1992). Applying the Minnesota Labor Relations Act to lay teachers at a religious school, the court wrote: "[t]he nature of collective bargaining is unique; other alternatives pale in comparison and remain unable to effectuate the strength of collective action. Collective bargaining allows the individual 'David' to negotiate against the employer 'Goliath."' *Id*. at 867.

<<FOR REFERENCE---Govern>>

For some educators and staff at state institutions and the limited number of secular private institutions where faculty collective bargaining units have the right to bargain conditions and academic freedom, negotiated contractual commitments may offer greater security as well as retained stake in the operation of their institutions. Hierarchy has its place in academia, but a vast expansion of administrative officials without commensurate growth in faculty positions presages increased conflict between academics and administrative leadership. Administrators should always retain primary responsibility for finances and budgets, but private faculty encountering disparity in compensation and disenfranchisement in institutional governance may be inclined to pursue protections afforded under the NLRA, a sort of "New Deal for Higher Education [to support] labor rights and salary parity of all college [and university] teachers."1 5 4 Nevertheless, federal influence over higher education has generally been achieved by means of Congress' *spending* power;155 the NLRA, in contrast, was an assertion of Congress' *commerce* power.156 A challenge to *Yeshiva* in the realm of labor relations and education would therefore have to "'substantially affect interstate commerce."" 57

#### RF rulings are thumped.

Dr. Tashlin Lakhani et al. 24, PhD, Assistant Professor, Management & Organizations, Cornell University; David Sherwyn, JD, Professor, Hospitality Human Resources, Cornell University. Academic Director, Cornell Center for Innovative Hospitality Labor & Employment Relations. Presidential Fellow, Cornell University; Paul Wagner, JD, Adjunct Assistant Professor, Hotel Administration, Cornell University, "Same Words, Different Meanings— Same Courts, Different Leanings: How the Supreme Court's Latest Religious Accommodation Holding Changes the Law and Affects Employers," Cornell Hospitality Quarterly, Vol. 65, No. 4, pg. 420-428, 2024, SAGE. [italics in original]

As expected, the Supreme Court dropped several of its most anxiously awaited and controversial cases during the last week of June 2023. While two of the cases, *303 Creative LLC v. Elenis and Students for Fair Admissions., Inc., v. President & Fellows of Harvard College*, received most of the press, a third case will likely be the most consequential of the three for the hospitality industry. In *Groff v. DeJoy*, Postmaster General, the Supreme Court, in a 9-0 decision, rejected a 25 year+ interpretation of a Supreme Court case defining employers’ obligations to accommodate religion. Because the Court released its *Groff* decision during the same week as the release of both *303 Creative* and the *Harvard* cases, *Groff* was lost in the shuffle. Moreover, because it was a 9-0 decision and, on its face, seems somewhat benign, there was little fanfare surrounding the case. In fact, one MSNBC commentator, who was decrying the outcomes of *303 Creative* and *Harvard*, stated that *Groff* simply means large intractable employers will no longer be able to deny employees their rights to practice their religion. If only it were that simple. *Groff*’s imprecise but radical change of what constitutes an undue hardship for religious accommodations under Title VII of the Civil Rights Act (CRA) of 1964, as amended (Title VII or the CRA of 1964) will create confusion, may cause dissention, and will add to an already difficult labor market in hospitality and other industries. To support our proposition, this article examines (a) the development of religious accommodation law before 1977, (b) the 1977 Supreme Court case that the Groff Court rejected, (c) the subsequent precedent of that 1977 case, (d) the passing and development of the Americans with Disabilities Act (ADA), and then, (e) the effect of Groff.

#### STABILITY. Conflicting precedent makes exemptions wholly uncertain…

<<FOR REFERENCE---Garden>>

This state of affairs is both normatively and doctrinally undesirable. First, it leaves a tremendous amount of uncertainty for religiously affiliated employers and their employees; the passage of thirty-five years has failed to resolve the proper application of Catholic Bishop, and Hobby Lobby adds to the mix a host of unresolved questions about RFRA. Thus, when employers arguably qualify for an exemption, unions, employers, and employees may fight a contentious battle over whether employees should vote in favor of union representation at all, only to have a cloud of uncertainty hover over their ultimate decision for the years that it can take to conclusively resolve the threshold question of NLRA applicability. 113 Even if the NLRA is ultimately deemed to apply, [\*128] employees' initial support for union representation may have eroded over time - possibly to the point of non-existence - by the time the decision is final. Conversely, where an employer is found to be exempt from the NLRA (either in general or with respect to a particular set of employees), the initial union drive and its attendant collateral damage will have been unnecessary. 114

Second, this uncertainty is compounded by the fact that some applications of Catholic Bishop are inconsistent with principles espoused by Justice Kennedy, a potential swing vote in any case concerning religious exemptions from labor law. The Court - and in particular Justice Kennedy - has expressed significant distaste for statutory schemes that dispense civil liberties protections based on corporate form. This distaste is most well known in the First Amendment context. 115 However, Justice Kennedy's Hobby Lobby concurrence expressed [\*129] much the same sentiment, criticizing the Department of Health and Human Services ("HHS") for "distinguishing between different religious believers - burdening one while accommodating the other … ." 116 That some of these believers adopted the corporate form for the purpose of making profits while others did not was irrelevant to Justice Kennedy, just as it has been in the speech context.

#### …which is creating new AND costly legal fights.

<<FOR REFERENCE---Schumann>>

These legal maneuvers distort the true meaning of religious freedom. The First Amendment was meant to shield houses of worship from state interference, not to provide religious organizations with a sword to cut down the rights of others whenever it suits their interests.

If left unchallenged, this string of rulings will create a two-tiered system of worker protections: one set of rights for people working for secular employers, and another — far weaker — set of rights for those working in religious settings.

The consequences are far-reaching. Religious organizations employ an estimated 1.2 million people nationwide. Nearly 20 percent of hospital beds in the U.S. are in religiously affiliated facilities. Catholic schools alone employ tens of thousands of teachers and staff members.

If these employers are allowed to claim broad exceptions to labor laws, millions of workers could find themselves without protections. And if secular employers are allowed to claim religious motivation and take advantage of religious exemptions, the number of workers denied civil rights protections could increase exponentially.

<<FOR REFERENCE---Casper>>

Organizing efforts at religiously affiliated hospitals have continued often successfully throughout the first two decades of the twenty-first century. While employer objection to unionization is widespread both amongst religiously affiliated hospital employers and others176 the shape of the objections has changed. Objections to NLRB jurisdiction on First Amendment grounds have abated in recent years, replaced with more commonplace anti-union rhetoric and arguments.177 Numerous examples exist of protracted and bitter fights between religiously affiliated hospital employers and unions, yet they nonetheless lack any suggestion that NLRB jurisdiction is impermissible.178 Rather, [\*537] the permissibility of NLRB jurisdiction is simply presumed.

#### That makes exemptions unsustainable.

<<FOR REFERENCE---Carmella>>

Now that the Court has explicitly held that for-profit entities are capable of exercising religion, free exercise claims from closely-held, secular businesses owned and operated by people with religious convictions will likely surface. As for this class of claimants, an explicit autonomy argument is difficult to make; courts may more easily stay within the *Hobby Lobby* balancing framework. But *religious for-profits* - a potentially large class of entities - could make a plausible claim for the categorical protections offered by the autonomy doctrine. Religious for-profits, which provide religious goods and services or provide educational, health care and social services traditionally within the domain of nonprofits, are free-standing religious institutions rather than simply extensions of family businesses. In some instances, they function 216 in the same markets alongside religious nonprofits. These entities are made all the more possible by new corporate forms that facilitate combinations of charitable and religious mission alongside profit-making. 2 17 But despite the changes in corporate law that blur the traditional divide between nonprofits and for-profits, the religious for-profit is not capable of meeting the jurisdictional and jurisgenerative prerequisites for autonomy protection. Further, the harms to persons and groups that accompany autonomy exemptions would multiply in number and intensity if an entire class of market actors, wielding economic power over access to goods, services and jobs, were permitted to act without regard to those they employ and serve. And, finally, once the doctrine is expanded, protection will likely become diluted across the board. Churches and those religious nonprofits that warrant autonomy protection will see the doctrine eroded even in its core application. Courts must recognize that for all these reasons, the autonomy doctrine should not be extended to for-profits.

#### Only narrowing them through the RFRA solves. That’s Garden and Schumann.

<<FOR REFERENCE---Garden>>

Regarding RFRA accommodations in the labor and employment context, there is one area in which both employers and employees should be able to agree (at least in the abstract): the interests of all concerned are served when accommodations are as narrow as possible, particularly if they burden third parties. Of course, narrow accommodations minimize encroachments on employees' interests. But, perhaps counterintuitively, religious employers are also better off when RFRA accommodations are narrow. As discussed previously, the sincerity determination will be much easier – and much more likely to come out in an employer's favor – if a desired accommodation will not yield secular as well as religious benefits for the person invoking it. 262 Finally, the Constitution itself demands narrowness: Justice Kennedy has observed that "a religious accommodation demands careful scrutiny to ensure that it does not so burden non-adherents or discriminate against other religions as to become an establishment." 263 Thus, five Justices (Justice Kennedy plus the Hobby Lobby dissenters) may agree that RFRA accommodations are permissible only where they do not burden employees. However, the remainder of this Section proceeds from the assumption that courts may entertain religious exemption claims that impose some degree of burden on employees.

It is difficult to say exactly what a religious accommodation might look like without knowing the precise scope of the conflict between the NLRA and a given employer's religious beliefs. However, this Section offers some suggestions regarding the procedure for settling on an accommodation, as well as strategies for minimizing an accommodation's burden on third parties. It uses as examples two of the most likely conflicts between an employers' religious beliefs and the NLRA: first, the risk that a union will bargain for a specific term (such as insurance coverage for contraceptives or abortion) to which the employer would object on religious grounds; and second, the requirement to bargain in good faith with a duly certified labor union in general.

Accommodation claims are not unique to RFRA; they also arise in other statutes, such as the employment provisions of the Americans With Disabilities [\*158] Act. 264 In that context, they are generally handled through an interactive process – one in which a disabled employee and an employer exchange information about how a job's essential functions might be restructured to accommodate the employee's needs. 265 This process can be easily adapted to the NLRA/RFRA context; in fact, as a statute that has bargaining at its core, the NLRA is uniquely well suited to an interactive process. In such a process, the person seeking the accommodation – here, the employer – would need to come forward, identifying the precise nature of the conflict between their sincere religious beliefs and the NLRA. 266 Then, assuming that the employer was entitled to an accommodation, the employer and the union – or, where that fails, the NLRB itself – would engage in an interactive process to shape the accommodation. This process has two main advantages. First, it is familiar: it would not need to be constructed from the ground up. Second, it is well suited to the task: the interactive process would allow the Board to educate the employer about the NLRA's requirements (which the employer might not understand correctly, particularly if it is unrepresented), and the employer to educate the Board about the precise nature of its religious objection – both necessary precursors to arriving at an appropriate accommodation. 267

#### Assumptions about the precarity of gig work are unfounded

Tammy McCutchen & Alex MacDonald 23, McCutchen is a senior affiliate with Resolution Economics, MacDonald is inhouse counsel at Instacart, “The War on Independent Work: Why Some Regulators Want to Abolish Independent Contracting, Why They Keep Failing, & Why We Should Declare Peace”, The Federalist Society Review, Vol 24, p. 165-195

First, some policymakers hold deep misconceptions about independent contractors. They think independent contractors are exploited because they are not eligible for overtime pay, don’t have access to employer-provided health care, and are not covered by workers’ compensation and other employment laws. 40 Of course, this perspective assumes that independent workers are somehow unaware of their situation and have been bamboozled into working independently.41 But it is not irrational for workers to choose the freedom and flexibility of independent work. As noted, many of them prefer independence to being controlled by an employer. 42 They choose to work independently even if it means giving up some predictability. 43

Second, as always, follow the money. Some policymakers think that independent contracting costs them tax revenue.44 Indeed, some older studies back that assumption up.45 They estimate that independent contracting costs the federal government and some states tens of millions, even billions, of dollars each year.46 The reason is simple: collecting taxes from independent workers is more difficult without payroll deductions. 47

Again, these studies are old and potentially out of date. They may not reflect the current state of tax collection. But even if they’re still accurate, the solution should not be to force workers into an employment relationship. Policymakers should be looking to preserve work options, not funnel people into arrangements that may not fit their lives.48

Third, labor unions have tried to limit independent contracting.49 The reason, again, is simple: independent contractors cannot bargain collectively, and so do not join unions.50 That means unions lose potential members, and thus potential membership dues.51 Unions play a powerful political role in many blue states, where their campaign contributions give them a seat at the policymaking table.52 So in those states, policy has trended away from allowing independent work and toward restrictive classification rules.53

#### Movements fail to get rights for gig workers

Wade Rathke 24, Founder of the Association of Community Organizations for Reform Now, “Organizing Unions in the Gig Economy”, https://mcaapmd.org/news/organizing-unions-gig-economy

Worker conditions seem to cry out for a union, but unions have to be wary at answering the call no matter how loud.

A recent “strike” by Uber drivers in Los Angeles illustrates the problem. The company had triggered the strike by increasing its percentage of the fare, thereby decreasing drivers’ pay. In response, the drivers turned off the Uber application on their phone. Stated more plainly, they went on strike by simply didn’t respond to any calls or inducements to drive.

Did it work? Who knows? How would any of us, whether organizers, curious observers, or company officials, know how to measure the number of drivers protesting in this way versus those who just decided not to drive on any given day or got ticked off and responded to Lyft instead or whatever?

The Association of Communities for Reform Now (Acorn) tried a similar approach in the early 1970s when it fought increases by the Arkla Gas Company in central Arkansas. Our “Turn Off Arkla Day!” action got a bit of press, as the Uber drivers did in Los Angeles. But in both cases, the company yawned since there was no way to measure whether the strike affected their cash flow at all.

#### Traditional gig worker strikes are ineffective and impossible to measure

Wade Rathke 24, Founder of the Association of Community Organizations for Reform Now, “Organizing Unions in the Gig Economy”, https://mcaapmd.org/news/organizing-unions-gig-economy

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### Congress CP---2AC

### Distinguish CP---2AC

### Court Politics DA---2AC

#### Court rules for Trump, balances on other cases, AND other rulings either thump or mitigate institutional concerns.

Peter Kirchgraber 25, JD, MA, Senior Policy Analyst, National Council of Nonprofits, "Supreme Court Term Opens with Significant Cases Impacting Nonprofits," National Council of Nonprofits, 10/20/2025, https://www.councilofnonprofits.org/articles/supreme-court-term-opens-significant-cases-impacting-nonprofits.

On October 6, the first Monday in October, the U.S. Supreme Court returned to a new term and a docket packed with highly significant cases, many of which are of interest to nonprofits.

This term, several matters before the Court will have far-reaching implications for the balance of power among the three branches of government, the limits of executive authority, and elections, among other issues. Two cases will determine the extent of presidential powers to terminate officials from independent federal agencies – such as the Federal Reserve Board and the Federal Trade Commission – despite legal protections from dismissals. Another key case concerns the administration’s use of emergency economic powers to unilaterally impose tariffs, which could trigger higher prices for consumers already struggling to make ends meet, raise costs for nonprofits, and leave potential donors with less disposable income. Dismissing nonpartisan professionals from independent agencies can upset regulatory and funding mechanisms for nonprofits and undermine agency independence and expertise, and using emergency economic powers undermines democratic accountability for decisions with far-reaching impacts.

Looking ahead to the 2026 midterms, an important ruling is expected in Louisiana v. Callais, which will decide the constitutionality of creating a majority-minority congressional district. The court could potentially invalidate key parts of the Voting Rights Act and direct states to redraw congressional maps across the country. Nonprofits can and should engage in nonpartisan voter engagement activities to ensure that the voices of their communities can be heard by their elected representatives, so that critical needs do not go unmet.

Other closely watched cases involve LGBTQ communities and gun rights. Two cases will determine participation by trans athletes in women’s sports at the collegiate and high school levels, and a third case addresses Colorado's ban on conversion therapy. Also under challenge is a Hawaii law that limits the concealed-carry rights of handgun owners on private property that is open to the public, such as malls. Nonprofits holding public events may be affected.

Based on the past few years, the Court has shown deference to expanding presidential powers in controversial cases, more often with little explanation. Using the emergency docket, sometimes referred to as the “shadow docket,” the Court has issued nearly 30 rulings without expounding upon the merits of the various cases. This has allowed the Administration to move forward with many executive actions. For example, in Social Security Admin. v. AFGE, the Court blocked a lower court’s ruling that would have stopped members of the Department of Government Efficiency (DOGE) from accessing sensitive records at the Social Security Administration. In another case, Trump v. J.G.G., the Court overturned a lower court’s order blocking summary deportations under the Alien Enemies Act. The Court did not address the merits in either case. In two cases on birthright citizenship, the Administration has asked the Supreme Court to address the merits.

This is expected to be a momentous year at the nation’s highest court. Forthcoming decisions have the potential not only to reshape funding and regulatory structures at the federal level and the constitutional barriers between the three branches of government, but they also could have far-reaching effects on the people nonprofits serve every day and on the ways our communities make their voices heard in the corridors of power.

#### RF is popular.

Michael Baxter 20, Visiting Associate Professor at the McGrath Institute for Church Life at the University of Notre Dame, 6 October 2020, “Religious Freedom: A Non-Partisan Principle for Hyper-Partisan Times,” *Church Life Journal*, https://churchlifejournal.nd.edu/articles/religious-freedom-is-a-nonpartisan-principle/.

In the coming weeks, with Amy Coney Barrett now nominated to the Supreme Court, we are sure to hear a lot about “religious freedom.” Much of what we hear and read will link religious freedom to the conservative politics of the Republican Party. But the principle of religious freedom is by no means the sole domain of “conservative politics,” nor is it owned and operated by Republicans alone.

It is a non-partisan principle, a two-edged sword, so to speak, that cuts against and scrambles the nice, neat categories of the hyper-partisan politics of our day. This becomes clear if we look at its recent emergence onto the political scene and then at the full range of its potential applications.

The principle of religious freedom was set forth, of course, when the framers enshrined it in the First Amendment of the Constitution. There it stands as the so-called First Freedom, taking the lead among a litany of freedoms (speech, the press, assembly, and petition). It is expressed in the words: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

This brief formulation has vexed lawyers, judges, and legal scholars ever since, as they try to balance its two clauses, the establishment clause and the free exercise clause. But two centuries of legal argument took on a special urgency rather recently, when the Supreme Court handed down its notorious, much disputed Employment Division, Department of Human Resources of Oregon, v. Smith (1990).

The Smith case took up the question of whether or not two Native American employees of the Department of Education of the State of Oregon, would receive unemployment benefits after being fired for smoking peyote as part of their religious rituals. The case focused on the unemployment benefit, not the firing itself; hence the cumbersome name. It worked its way through the state courts, with one ruling being overturned by another higher court, until it arrived at the Supreme Court.

The majority found for the State of Oregon, arguing that the plaintiffs had no religious right to smoke peyote nor, therefore, to the unemployment benefits they sought. The Court also argued that religious freedom is not protected when an overriding concern of the state calls for restricting it, as in the use of a controlled substance like peyote, so long as the restriction is applied equally to all religions.

In reaching this ruling, the Court posited a distinction between belief and action, holding that one is free to believe what one believes, but not necessarily free to carry that belief into action. When religious belief moves from the invisible sphere of interior faith into the realm of visible, external action—at that point, the Court held, if the reasons are compelling, the state has the right to restrict religious freedom.

When Smith was handed down, some observers hailed it—George Will for example. Others expressed shock at such a naked assertion of the rights of the state to curb “religious freedom” whenever it—the state—determined when its concerns were overriding. What is especially worth noting, for our purposes, is that the majority opinion for the case was written by Antonin Scalia, paragon of judicial conservativism and chief proponent of originalism, a judicial theory that will surely be discussed in the nomination hearings in the coming days. Here we have a good reason not to see religious freedom simply as a Republican issue. Ironically, If the Supreme Court favors more protections of religious freedom in the coming years, it will be moving against the direction set by Scalia in the Smith case.

But there is more. The outcry against the Smith ruling was so swift and forceful that it led three years later to Congress passing the Religious Freedom Restoration Act (RFRA). The act stated that the government may wield its sword to limit religious freedom only when it meets two criteria: the State must have a compelling interest for limiting religious freedom, and it must use means that are the least restrictive. It was an attempt to limit the power of the state to restrict religious freedom. And here we find another reason to see religious freedom as a non-partisan principle: its provenance in the legislature was Democratic.

To be specific, RFRA was introduced by a Democratic Representative from Brooklyn by the name of Charles Schumer, who went on to be elected to the Senate in 1998 and who now serves as Senate Minority leader. Moreover, the RFRA bill that Schumer sponsored had 170 co-sponsors, Including Nancy Pelosi, Democrat of California and Speaker of the House; John Lewis, the recently deceased Democrat from Georgia who marched with Martin Luther King, Jr.; Barney Frank, Democrat of and author of Dodd-Frank bill limiting banking policy; Maxine Waters, the Democrat of California who has publicly called for resistance to President Trump’s policies; Ron Dellums, Democrat of California whose radical politics earned him a spot on the Nixon Enemies List; and 116 other Democrats.

Not only that, the RFRA had 48 Republican co-sponsors, including Newt Gingrich, Republican from Georgia who now serves as an advisor to President Trump; Peter King, Republican from New York, another outspoken supporter of Trump; and 46 other Republicans. We should also note that there was one lone independent supporter of RFRA, a senator from Vermont by the name of Bernie Sanders. And then, of course, the bill was signed into law by President Clinton. So much for religious freedom as a partisan principle endorsed only conservatives in the Republican Party.

#### RF rulings are thumped.

Dr. Tashlin Lakhani et al. 24, PhD, Assistant Professor, Management & Organizations, Cornell University; David Sherwyn, JD, Professor, Hospitality Human Resources, Cornell University. Academic Director, Cornell Center for Innovative Hospitality Labor & Employment Relations. Presidential Fellow, Cornell University; Paul Wagner, JD, Adjunct Assistant Professor, Hotel Administration, Cornell University, "Same Words, Different Meanings— Same Courts, Different Leanings: How the Supreme Court's Latest Religious Accommodation Holding Changes the Law and Affects Employers," Cornell Hospitality Quarterly, Vol. 65, No. 4, pg. 420-428, 2024, SAGE. [italics in original]

As expected, the Supreme Court dropped several of its most anxiously awaited and controversial cases during the last week of June 2023. While two of the cases, *303 Creative LLC v. Elenis and Students for Fair Admissions., Inc., v. President & Fellows of Harvard College*, received most of the press, a third case will likely be the most consequential of the three for the hospitality industry. In *Groff v. DeJoy*, Postmaster General, the Supreme Court, in a 9-0 decision, rejected a 25 year+ interpretation of a Supreme Court case defining employers’ obligations to accommodate religion. Because the Court released its *Groff* decision during the same week as the release of both *303 Creative* and the *Harvard* cases, *Groff* was lost in the shuffle. Moreover, because it was a 9-0 decision and, on its face, seems somewhat benign, there was little fanfare surrounding the case. In fact, one MSNBC commentator, who was decrying the outcomes of *303 Creative* and *Harvard*, stated that *Groff* simply means large intractable employers will no longer be able to deny employees their rights to practice their religion. If only it were that simple. *Groff*’s imprecise but radical change of what constitutes an undue hardship for religious accommodations under Title VII of the Civil Rights Act (CRA) of 1964, as amended (Title VII or the CRA of 1964) will create confusion, may cause dissention, and will add to an already difficult labor market in hospitality and other industries. To support our proposition, this article examines (a) the development of religious accommodation law before 1977, (b) the 1977 Supreme Court case that the Groff Court rejected, (c) the subsequent precedent of that 1977 case, (d) the passing and development of the Americans with Disabilities Act (ADA), and then, (e) the effect of Groff.

#### No issue spillover. Judges compartmentalize.

Martin H. Redish 87, Professor of Law, Northwestern University. A.B., 1967, University of Pennsylvania; J.D., 1970, Harvard University, and Karen L. Drizin, Law Clerk to the Honorable Seymour Simon, Illinois Supreme Court. A.B., 1974, Grinnell College; A.M., 1976, University of Chicago; J.D., 1986, Northwestern University, “Constitutional Federalism and Judicial Review: The Role of Textual Analysis”, New York University Law Review, 62 N.Y.U.L. Rev. 1, Lexis

a. The fallacy of the concept of fungible institutional capital. The basis for Dean Choper's suggested judicial abstention on issues of federalism 143 is the desire "to ease the commendable and crucial task of judicial review in cases of individual consitutional liberties. It is in the latter that the Court's participation is both vitally required and highly provocative." 144 Judicial efforts in the federalism area, he asserts, "have expended large sums of institutional capital. This is prestige desperately needed elsewhere." 145 Dean Choper's fundamental assumption, then, is that Supreme Court abstention on issues of constitutional federalism would somehow increase, or at least curtail loss of, limited capital for the more vital area of individual liberty. However, even if one were to concede that judicial review is more fundamental to our constitutional scheme in the area of individual liberty than in matters of federalism, acceptance of Dean Choper's proposal would not necessarily follow.

The problem is that it is neither intuitively nor empirically clear that the Court's so-called capital is transferable from one area of constitutional law to another. As one of the current authors has previously argued:

It is difficult to imagine . . . that the widespread negative public reactions to Miranda v. Arizona, Engle v. Vitale, or Roe v. Wade would [\*37] have been affected at all by the Court's practices on issues of separation of powers and federalism. Rather, public reaction in each seems to have focused on the specific, highly charged issues of rights for criminals, prayer in public schools, and abortions. It is doubtful that the Court would have had an easier time if it had chosen to stay out of interbranch and intersystemic conflicts. 146

#### Winners win.

Laura Little 2k, Professor of Law at Temple University, Beasley School of Law, Hastings Law Journal, November 2000, 52 Hastings L.J. 47, Lexis

Other scholars bolster Redish's position by pointing out that judicial review of both federalism and separation of powers questions presents something of a self-fulfilling prophesy. Through review of these sensitive issues of power, the judiciary bolsters its own position or amasses "political capital" and, thereby, legitimates its own power to engage in such review . 237 The judiciary has therefore established  [\*98]  itself as an effective watchdog to ensure that governmental structures are functioning appropriately. n237. Perry, supra note 11, at 57 (Supreme Court has "amassed a great deal of the political capital it now enjoys ... precisely by resolving problems arising under the doctrines of federalism and of the separation-of-powers "); see also Archibald Cox, The Role of the Supreme Court in American Government 30 (1972) (explaining that "history legitimated the power [of judicial review], and then habit took over to guide men's actions so long as the system worked well enough").

#### Court doesn’t swing.

Dr. Adam Feldman 25, PhD, JD, Statistics Editor, Supreme Court Analysis, SCOTUSblog. Creator, Empirics SCOTUS, "It Is Not a 3-3-3 Supreme Court," SCOTUSblog, 08/05/2025, https://www.scotusblog.com/2025/08/it-is-not-a-3-3-3-supreme-court/.

People often talk about the Supreme Court as divided into groups, or “blocs,” such as liberals, conservatives, and sometimes “swing” justices who can tip the balance. But these labels don’t always capture the real story. Over the years, the way justices vote together has shifted in ways that often surprise even close Supreme Court-watchers.

Since Chief Justice John Roberts became the leader of the court in 2005, the justices have faced big debates, national crises, and personnel changes. During this time, many have wondered if there’s a new way the court is dividing itself – not just into two camps, but sometimes into three, with a “3-3-3” structure, posited by multiple court watchers. In this theory, you have three conservatives (Justices Clarence Thomas, Samuel Alito, and Neil Gorsuch), three liberals (Justices Sonia Sotomayor, Elena Kagan, and Ketanji Brown Jackson), and three so-called “institutionalist” justices (Roberts, along with Justices Brett Kavanaugh and Amy Coney Barrett) who sometimes form their own group in the middle.

This article uses new data and modern analysis to dig deeper into these coalition patterns across nearly 20 years. It tracks when the court sticks to classic liberal vs. conservative lines, when it splinters into different groups (including the 3-3-3 idea), and when justices act independently. The goal: to give a clearer, more realistic picture of how Supreme Court alliances actually work. Based on this data, it appears that the idea of a 3-3-3 court is largely untrue.

Methodology: how I analyzed Supreme Court coalitions

To track common voting blocs, I measured agreement in two ways. “Hard” agreement means justices not only vote the same way but also give the same legal reasoning – so their decisions and logic match. “Soft” agreement is more lenient: justices are counted as agreeing if they end up on the same side, even if their explanations differ, such as writing a separate concurring opinion.

After calculating these agreement rates for every pair of justices, I sorted justices into groups, based on who agreed most often. This technique starts by pairing the two justices who agree the most, then adds the next closest, and so on, eventually forming natural “blocs.”

To see how good these groupings are, I calculated so-called “silhouette scores” for each justice. Here’s how it works:

For every justice, I compare two things:

* How similar is this justice’s voting to others in their own group? (the average “distance” or disagreement)
* How similar is this justice’s voting to those in the nearest other group?

The silhouette score is calculated by taking the difference between these two averages and dividing by the larger one. If a justice votes much more like the members of their own group than any other, their score is close to 1. If they’re right on the border, it’s near 0. If they’re more similar to another group, the score is negative.

When most justices have high silhouette scores, it means the blocs are clear and strong; low or negative scores, on the other hand, mean group lines are fuzzy or that the coalition structure doesn’t fit well.

The early Roberts court (2005-2008): classic two-group splits

In the first five years under Roberts, I found that the Supreme Court usually broke into two predictable groups: conservatives (Roberts, Justices Antonin Scalia and Anthony M. Kennedy, along with Thomas and Alito) and liberals (Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg, and Stephen Breyer). Conservatives agreed about 70% of the time (hard coding); liberals were even more unified, at 75%.

Silhouette scores between 0.60 and 0.70 confirmed that two blocs was the best way to describe the court.

Within each group, some justices served as anchors – Kennedy for conservatives, Stevens for liberals – almost always agreeing with their bloc. Others, like Thomas and Breyer, were more likely to split off, but these exceptions were rare. This does not mean that these justices were not ideologically aligned with their respective bloc members. In fact, it could mean they are more ideological than other conservative or liberal justices, voting on the extremes.

Although civil rights cases caused more separate opinions or occasional cross-bloc votes, the splits didn’t last. More than 80% of voting patterns from 2005 to 2009 could be explained by this simple two-group conservative-versus-liberal structure.

The first few terms with Obama’s appointees (2009-2011)

When Sotomayor and Kagan joined, the basic two-bloc pattern continued. The court’s conservatives (Roberts, Scalia, Kennedy, Thomas, Alito) stayed together for the most part, and the liberals (now Ginsburg, Breyer, Sotomayor, Kagan) remained effectively unified.

The data showed the conservatives agreed with each other about 78% of the time (soft coding), while the liberals reached up to 88%. Silhouette scores confirmed that dividing the court into two groups still fit the voting data best.

Breyer and Kagan were the most consistent “anchors” for the liberals, and Kennedy continued as the anchor for conservatives. Thomas was again the most frequent outlier on the right (perhaps because of his more extreme views), with Ginsburg sometimes diverging on the left.

The addition of the two new liberal justices did not disrupt the two-bloc structure as statistical checks consistently showed no evidence of a lasting third or “middle” group during this period.

Section 4: The middle Roberts court years (2012-2016)

During these years, the Supreme Court still mostly followed a two-bloc pattern: conservatives (Roberts, Scalia, Kennedy, Thomas, Alito) and liberals (Ginsburg, Breyer, Sotomayor, Kagan).

Agreement rates within the groups stayed high: conservatives averaged 80-86% (soft agreement) and liberals 88-93%. Silhouette scores and other statistical tests again confirmed that two groups fit the data best.

Roberts and Kennedy often anchored the conservatives, while Ginsburg was the steady anchor for the liberals. Thomas (on the right) and Breyer or Kagan (on the left) were the most likely to break from their group and vote in the middle, but not often enough to form a new bloc.

Civil rights cases – like the Fisher affirmative action decisions– produced some surprise votes and short-term coalitions, especially with Kennedy occasionally siding with liberals in these cases. Despite these anomalies, statistical analyses showed that more than 80% of voting still lined up with the standard two-group split.

Section 5: Trump’s appointments (2017-2020)

With the arrival of Gorsuch, Kavanaugh, and Barrett, the court’s conservative bloc expanded to six (Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett), while the liberal bloc was reduced to three (Sotomayor, Kagan, Breyer, and (until 2020) Ginsburg).

My analysis showed the two-group pattern remained strong. Conservatives agreed with each other about 79% (hard coding) to 85% (soft coding) of the time; liberals were even more united, up to 94% of the time. Silhouette scores were consistently high (0.60-0.68), again supporting the two-bloc model over any alternative.

Kavanaugh and Barrett became key anchors for the conservatives, and Sotomayor for the liberals. Thomas was the most likely conservative to diverge, while Kagan played that role for the liberals.

There were a few cases, especially regarding civil rights, in which conservatives split into smaller “mini-blocs,” but these shifts were temporary. Statistical tests showed no stable third group, and the overwhelming majority of votes fit the classic two-coalition structure.

Section 6: The Supreme Court in the 2021-2023 terms

In the most recent terms, the Supreme Court continued to be sharply divided into a 6-3 pattern: six conservatives (Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett) and three liberals (Sotomayor, Kagan, Jackson).

Within each group, justices agreed at very high rates – conservatives at 80-86% (depending on the measure), liberals even higher at 94-96%.

Kavanaugh was the main anchor for conservatives, rarely dissenting from his bloc, while Sotomayor anchored the liberals. Thomas was the most likely to split off among conservatives, and Jackson among liberals.

While civil rights cases sometimes caused the conservative bloc to fracture temporarily – such as in *Students for Fair Admissions* for soft agreement, where separate opinions and concurrences appeared – these mini-blocs were short-lived. There were two strong and separate groups with no lasting “middle” or swing bloc.

Section 7: The most recent term (2024)

In the 2024-25 term, the Supreme Court kept its sharply defined 6-3 split, with six conservatives (Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett) and three liberals (Sotomayor, Kagan, Jackson).

Within these groups, agreement remained very high: Conservatives averaged 79% (hard agreement) and 85% (soft), while liberals stayed at 93-94%. Silhouette analysis confirmed that dividing the court into two blocs still provided the clearest and most accurate picture.

Kavanaugh continued as the anchor for the conservatives, and Sotomayor filled that role for the liberals. Thomas was the most likely to disagree within the conservative group, and Jackson stood out as the liberal most willing to dissent or write separately.

Civil rights cases once again saw the greatest fractures – sometimes splitting conservatives into smaller subgroups with three middle justices (Kavanaugh, Roberts, and Alito) separated from the more conservative justices – but these moments were isolated. (Two rare instances of this include 6-3 majorities with Alito, Gorsuch, and Thomas in dissent in *Kennedy v. Braidwood Management* and *FCC v. Consumers’ Research*.) Statistical methods showed that the overwhelming pattern remained two strong, stable coalitions with no evidence for a third group or lasting “middle” bloc.

In the end the data show that, despite changes in membership and major national debates, the Supreme Court has overwhelmingly operated as two stable, well-defined blocs for nearly 20 years. In other words, I found no strong evidence of a so-called “3-3-3” court, as suggested by some prominent analysts of the current court. Indeed, when temporary fractures or mini-coalitions appeared in certain cases, especially in those concerning civil rights, the overall data-driven pattern remains a sharply divided but cohesive two-bloc court.

### AT: Tariffs

#### Court rules for Trump on tariffs.

Jim Edwards 1/14, executive editor for global news at Fortune, 14 January 2026, “The longer the Supreme Court delays its tariff decision, the better it is for President Trump,” *Fortune*, https://fortune.com/2026/01/14/us-supreme-court-tariff-ruling-trump/.

The court could issue a ruling as soon as today. It had been expected to rule last week. It is not clear why the court is delaying.

But Wall Street analysts are increasingly sanguine about the ruling. As time goes by, many say, the tariff issue becomes less and less dramatic. And in the bigger macro picture, the tariffs are less significant than predicted.

The longer the delay in the ruling the more likely it is the court is leaning toward Trump, according to JPMorgan.

“Legal experts continue to expect the Supreme Court to rule against the use of emergency powers [under the International Emergency Economic Powers Act] to authorize tariffs, but note that each week the Supreme Court delays its decision increases the likelihood of the Trump administration prevailing,” JPMorgan analysts Amy Ho and Joyce Chang told their clients. “Historically, SCOTUS reserves its most impactful decisions for the end of its term in June, which allows for extended deliberation.” Both Supreme Court cases on the Affordable Care Act were pushed to June, they wrote.

#### The ruling doesn’t matter for tariffs. If anything, it’s more uncertain.

Mary Park Durham 25, research analyst for JP Morgan, 14 November 2025, “How could the Supreme Court ruling affect tariffs?” *JP Morgan*, https://am.jpmorgan.com/us/en/asset-management/adv/insights/market-insights/market-updates/on-the-minds-of-investors/how-could-the-supreme-court-ruling-affect-tariffs/.

If the IEEPA tariffs are ruled illegal, the average statutory tariff rate would drop to 10.4% from the current 16.1%. This would be especially good news for countries like India, Brazil and Switzerland, where IEEPA tariffs make up most of their current rates. However, the administration is expected to act quickly to implement other tariffs under different authorities. As a result, the ruling will probably have very little impact on overall tariffs and could trigger another cycle of announcements, increasing uncertainty and keeping markets on their toes.

#### Current trends blunt institutional concerns.

Zachary B. Wolf & Joan M. Biskupic 11-11, Senior Writer, CNN Politics; JD, MA, Supreme Court Analyst, CNN, "Are Tariffs a Tax? The Court's View May Decide the Fate of Trump's Tariff Battle," CNN, 11/11/2025, https://www.cnn.com/2025/11/11/politics/tariffs-trump-supreme-court-roberts-tax-analysis.

Will the Court be thinking about its own image?

WOLF: These tariffs are a major part of Trump’s agenda that he promised during the campaign. The scale of them means they touch much of the US economy. To what extent are the justices likely to be talking about the scale of it, and whether deference should be given to the president because of the election? Are they going to be mindful of the external context?

BISKUPIC: In some cases, the external becomes the internal. Issues related to executive power weigh especially on this conservative majority. And the court has ruled over time, not just in today’s conservative era, that a president has broad authority when it comes to foreign affairs. So that’s in the atmosphere, as well as the fact that this is a signature initiative of the president. Just as was the situation with Obamacare. So whatever the court does will be viewed as either a major stamp of approval or a major rejection.

And I don’t think you can discount that the justices are concerned about whether people have confidence in the court, that it is not simply a tool of the administration. All these factors make this a very close case.

I think many of the justices, especially the chief, are mindful that there’s this public narrative that the court is always siding with Donald Trump. Now, they don’t like that narrative. They don’t believe that narrative. But it’s there. I’m not saying these factors would be decisive, but I don’t think we can discount them.

Are the justices intimidated?

WOLF: Justices have talked about their concerns over safety. Do you think that they are afraid or intimidated at the thought of crossing Trump in a big way?

BISKUPIC: No. I don’t think so. Just to break down the nine: I think we’ve got three justices who are going to be with him on this tariff dispute: Clarence Thomas, Samuel Alito and Brett Kavanaugh. Solidly against him on this issue seem to be Sonia Sotomayor, Elena Kagan and Ketanji Brown Jackson. In the middle would be the chief and Justices Neil Gorsuch and Amy Coney Barrett. I don’t think any of the three worry about crossing Trump, as you put it. And you mentioned safety. I’d say that is a general concern across the judiciary, but these justices have full-time security. Frankly, it’s the lower-court judges who have more real fears about safety. They’re on the front lines and unaccustomed to being so much in the public eye.

And I do not think any of the justices feel like they can’t vote a certain way because they’re going to draw out President Trump’s wrath. In many cases, they’re with him anyway. That’s the bottom line for this conservative supermajority court. They are very much aligned with Donald Trump on the law.

#### Individual swings are irrelevant.

Shruti Sneha 11-13, Contributor, Republic World, "The Supreme Court's Tariff Test: How a Landmark Case Could Redefine US Trade and Executive Power," Republic World, 11/13/2025, https://www.republicworld.com/initiatives/the-supreme-courts-tariff-test-how-a-landmark-case-could-redefine-us-trade-and-executive-power.

The Road Ahead

Predicting how the justices will rule is difficult. Analysts and AI-based models have forecast a 7–2 decision against the administration, with most justices likely to conclude that the IEEPA does not clearly authorize tariffs. But legal reasoning and the Court’s institutional instincts are rarely that simple.

#### Trump is reducing tariffs.

Catherine Lucey & Ilena Peng 11-13, White House Correspondent, Bloomberg; Reporter, Bloomberg, "Trump Readies Tariff Cuts, Trade Deals in Affordability Push," Bloomberg, 11/13/2025, https://www.bloomberg.com/news/articles/2025-11-13/us-argentina-reach-deal-to-open-their-markets-on-key-goods.

US President Donald Trump is readying substantial tariff cuts designed to address high food prices and a series of new trade deals — including framework agreements with Argentina, Guatemala, El Salvador and Ecuador — as he seeks to address voter concerns over the cost of goods.

The push comes after electoral victories for Democrats last week across a number of key state and local races where candidates stressed affordability concerns. Trade deals with Latin American countries unveiled Thursday will see the US reduce tariffs and barriers on common grocery items like beef, bananas, and coffee beans in a push to lower grocery bills that have for years frustrated Americans.

Separately, Trump and other senior administration officials have previewed broader tariff exemptions that could cut levies on popular food products across the board. In interviews earlier this week on Fox News, Trump pledged to “lower some tariffs” on coffee while Treasury Secretary Scott Bessent suggested fruit imports would receive a break.

#### OR they’re inevitable regardless of the Court.

Bloomberg 11-13, Bloomberg Editorial Board, "Supreme Court Can't Mend US Trade Policy," Bloomberg, 11/13/2025, https://www.bloomberg.com/opinion/articles/2025-11-13/supreme-court-can-t-mend-us-s-broken-trade-policy.

If last week’s Supreme Court proceedings were any guide, the wide-ranging tariffs the US has been imposing in recent months are in serious jeopardy. Yet whatever the justices decide, the fog surrounding America’s trade policy won’t lift unless the White House changes its goals — not just its dubious methods.

When it imposed the so-called Liberation Day tariffs in April, the administration invoked the International Emergency Economic Powers Act, which gives the president exceptional authorities to respond to overseas crises. Last week, it argued before the court that trade deficits are a national emergency and that tariffs are an appropriate response. Despite the deference the court usually grants the executive in such circumstances, its conservative and liberal justices seemed equally skeptical, albeit for different reasons.

According to one school of thought, the tariffs run up against the “major questions doctrine,” which says Congress must explicitly authorize a highly consequential policy that goes far beyond previous practice. Another asks how far Congress can legitimately delegate its own powers to the executive. Yet another says IEEPA doesn’t actually authorize tariffs, only measures to “regulate” trade.

The most telling point might be that tariffs are taxes, which are under the constitutional purview of Congress. To counter this objection, the administration said that the revenue is incidental to the policy’s real purpose — even though, in other settings, it has emphasized the fiscal necessity of raising hundreds of billions of dollars in this way. The inconsistency, not to say absurdity, of arguing that such revenue doesn’t much matter was conspicuous.

Yet suppose the court does rule against the IEEPA tariffs, on any or all of these grounds: New complications will immediately arise. How will ongoing negotiations with trade partners be affected? Will the tariffs be stopped or merely modified? Will the plaintiffs in the case be compensated? What about the countless consumers, producers and assorted intermediaries who’ve borne most of the cost? Accurately apportioning the burden is impossible. Subsequent litigation could be endless.

Trump's Statutory Authority to Impose Tariffs Beyond IEEPA

There are at least five other options if the International Emergency Economic Powers Act cannot be used

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Reason for imposing tariffs | Federal agency investigation required? | Limit on duration of action | Limit on tariff rate |
| Section 232 | Threat to national security | Yes, by Commerce Department | None | None |
| Section 201 | Injury to domestic industry | Yes, by International Trade Commission | Four years. May be extended to a maximum of eight years. | 50% increase. Phasedown required after one year. |
| Section 301 | Discrimination against US businesses or violation of US rights under trade agreements | Yes, by US Trade Representative | Four years. May be extended with no maximum limit. | None |
| Section 122 | International payments problem | No | 150 days. Can be extended with congressional approval. | 15% |
| Section 338 | Discrimination against US commerce | No | None | 50% |

In the meantime, the administration will be free to reimpose its tariffs under other authorities. It might call on trade-law provisions known as Section 232 (threats to national security), 201 (injury to domestic industry), 301 (discrimination against US producers), 122 (balance-of-payments deficits and pressure on the dollar) or 338 (unfair practices). From the White House’s perspective, these all have pros and cons. From the economy’s point of view, they promise exactly the same thing: maximum economic uncertainty — with consequent effects on investment, output and employment — as far as the eye can see.

Applying constitutional limits to the administration’s assertion of executive power is essential, to be sure. But the judicial branch can’t stem the harm that this deeply misguided trade policy has already caused and, with or without IEEPA, will keep on causing. The only sure remedy lies with Congress and the administration itself. Move past “tariffs are beautiful,” work toward free and fair trade, and restore some semblance of order and stability to global commerce. Or watch as the damage compounds.

#### Markets are resilient.

Libby George 11-13, Journalist, Emerging Markets, Reuters, "Most Emerging Nations Can Realign Trade to Weather US Tariffs, Report Finds," Reuters, 11/13/2025, https://www.reuters.com/world/china/most-emerging-nations-can-realign-trade-weather-us-tariffs-report-finds-2025-11-13/.

LONDON, Nov 13 (Reuters) - Most big emerging economies, including China, Brazil and India, can weather U.S. tariffs without excessive pain, a study by risk consultancy Verisk Maplecroft showed, raising doubt about the clout of President Donald Trump's trade tools.

The firm analysed the resilience of 20 of the biggest emerging markets using measures from debt levels to export-revenue reliance to gauge their ability to handle trade volatility and rapidly shifting geopolitical alliances.

"Most manufacturing hubs globally are in a better position in their current baseline than you would think or give them credit for to weather this tariff storm specifically coming out of the U.S., even if it comes to full capacity," said Reema Bhattacharya, head of Asia research who co-authored the report.

Mexico and Vietnam are among the most exposed to U.S. trade dependence, the paper showed, but progressive economic policies, improving infrastructure and political stability meant they were among the more resilient economies.

Brazil and South Africa, it said, are effectively building links with other trade partners that could shield them in coming years.

[Figure omitted]

"Almost every emerging market or global market understands that we need to do business with the U.S. and China, but we can't over-rely on either. So we need a third market," Bhattacharya said, adding that trade between members of the BRICS group of developing nations was rising.

### AT: Tariffs---AT: Economy Impact

#### Economic impact is muted.

Terry Lane 10-15, Contributor, Investopedia, "Tariffs Have Had a Modest Impact on U.S. Growth, But Risks Remain," Investopedia, 10/15/2025, https://www.investopedia.com/tariffs-have-had-modest-impact-on-growth-but-risks-remain-11829696.

Tariffs aren’t hurting the U.S. economy as much as expected, according to a new report from the International Monetary Fund. But they are still weighing on U.S. economic growth.

U.S. trade deals helped blunt the impact of the tariffs, while quick action from corporations to front-load buying and reroute supply chains also helped, the IMF’s latest revisions to its World Economic Outlook showed.

“The good news is that the growth downgrade is at the modest end of the range. The reasons are clear. The United States negotiated trade deals with various countries and provided multiple exemptions,” wrote IMF Research Director Pierre-Olivier Gourinchas.

The IMF projected that U.S. gross domestic product (GDP) would grow 2% in 2025 and another 2.1% in 2026. That’s an improvement from the 1.8% U.S. growth projection the IMF made in April when tariff threats were escalating between the U.S. and its trading partners. But that growth is still below January’s estimate of 2.7% growth. Global economic growth is also projected to slow slightly in 2025 and 2026, the Fund said.

The IMF report also projected U.S. inflation to decline over the next two years, while U.S. unemployment was projected to moderately increase. The report comes as U.S. inflation has not increased substantially despite President Donald Trump’s tariff policies, while U.S. GDP grew at 3.8% in the second quarter.

#### Decline doesn’t cause war.

Dr. Stephen M. Walt 20, Robert and Renée Belfer Professor of International Relations at Harvard University, PhD in International Relations (with Distinction) from Stanford University, MA in Political Science from the University of California, Berkeley, “Will a Global Depression Trigger Another World War?”, Foreign Policy, 5/13/2020, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

### States CP---2AC

#### 4. Preemption.

Jesse Merriam 17, Assistant Professor, Political Science, Loyola University Maryland, 2017, “Preemption as a Consistency Doctrine,” *William & Mary Bill of Rights Journal*, vol. 25, pp. 1022, https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1815&context=wmborj.

Just as preemption doctrine makes the federal government the institutionally superior sovereign whose norms prevail over contrary norms issued by inferior sovereigns (the states), the Court’s pre–Employment Division, Department of Human Resources of Oregon v. Smith208 interpretation of the Free Exercise Clause,209 and its post-Smith interpretation of the Religious Freedom Restoration Act (RFRA)210 make a person’s religious beliefs the institutionally superior sovereign in the event of an inconsistency between those beliefs and a law.211 More specifically, to trigger strict scrutiny under the pre-Smith Free Exercise Clause, and now under RFRA, the religious individual bringing the suit must show that her religious beliefs were “substantially burden[ed]” by the law being challenged.212 This standard is a consistency doctrine because it means that, for strict scrutiny to apply, the individual must show a certain type of inconsistency between her beliefs and the law. The “substantial burden” test thus raises the question, analogous to the one raised in preemption cases, of what it means for two things to contradict each other, such that the norm issued by the superior sovereign (the religious belief) displaces the norm issued by the inferior sovereign (the government).

#### DCC premption. Especially over religion and education, will be interpreted to strike down the counterplan. That’s Gonn.

<<<FOR REFERENCE>>>

For some educators and staff at state institutions and the limited number of secular private institutions where faculty collective bargaining units have the right to bargain conditions and academic freedom, negotiated contractual commitments may offer greater security as well as retained stake in the operation of their institutions. Hierarchy has its place in academia, but a vast expansion of administrative officials without commensurate growth in faculty positions presages increased conflict between academics and administrative leadership. Administrators should always retain primary responsibility for finances and budgets, but private faculty encountering disparity in compensation and disenfranchisement in institutional governance may be inclined to pursue protections afforded under the NLRA, a sort of "New Deal for Higher Education [to support] labor rights and salary parity of all college [and university] teachers."1 5 4 Nevertheless, federal influence over higher education has generally been achieved by means of Congress' *spending* power;155 the NLRA, in contrast, was an assertion of Congress' *commerce* power.156 A challenge to *Yeshiva* in the realm of labor relations and education would therefore have to "'substantially affect interstate commerce."" 57

#### AND…

Brian Fraga 25, staff reporter for the National Catholic Reporter, 8 December 2025, “Faculty leaders fear St. John's University in NY could lose its union,” *National Catholic Reporter*, https://www.ncronline.org/news/faculty-leaders-fear-st-johns-university-ny-could-lose-its-union.

In recent years, a handful of Catholic universities and colleges across the country have used a similar playbook to undermine unionization efforts and to halt recognition of faculty unions on campus.

Those institutions claimed a religious exemption from the jurisdiction of the National Labor Relations Board, an independent federal agency that investigates unfair labor practices and that safeguards employees' rights to organize and collectively bargain.

Emboldened by the NLRB's 2020 decision that it does not have jurisdiction over religious schools, Catholic colleges and universities have cited the exemption in a manner that labor organizers have said amounts to union busting on their campuses. Faculty union leaders say that violates a tenet of Catholic social teaching: the right of workers to organize and collectively bargain.

Institutions that have claimed the religious exemption include Boston College, Duquesne University, St. Leo University, Marquette University, and most recently, Loyola Marymount University.

And now, faculty union leaders at St. John's University in Queens, New York, are sounding the alarm that they believe the 155-year-old Vincentian institution is laying the groundwork to follow the same path as other Catholic colleges.

"The university is beginning, it hasn't formally made that move yet, but it's beginning the process of trying to decertify us on First Amendment grounds," said Christopher Denny, a theology and religious studies professor who serves as president of the university's faculty association.

Fred Cocozzelli, president of the St. John's University chapter of the American Association of University Professors, shares Denny's concern that the university's recent legal filing before a state agency that mediates labor relations disputes poses a direct threat to the unions on campus.

"I think there's no way around it," Cocozzelli said. "Once the framework of that argument is made, it's hard to avoid where it can go. It doesn't mean that they are going to do it, but it certainly primes their position in a way that they haven't previously."

In a statement provided to the National Catholic Reporter, a spokesman for St. John's University did not directly address the union leaders' concerns that the university plans to bust the two unions that have represented faculty members on campus in collective bargaining since 1970.

"As has long been our practice, St. John's University is committed to respectful, good-faith negotiations regarding our dedicated faculty and to an outcome that benefits all parties. We are, however, deeply disappointed by the actions and false statements from union leaders, which question their seriousness in this protracted process," said Brian Browne, the university spokesman.

The flashpoint in the simmering controversy at St. John's University is an unfair labor practice complaint that the faculty unions filed on Oct. 6 against the university with New York's Public Employment Relations Board.

In their complaint, the unions alleged that the university's administration had not been forthcoming with how it calculates health insurance premiums for most of the unions' 1,266 full-time and part-time faculty members.

"We contend the administration has not been sharing information about its health care insurance calculations that they are required by law to share with us," Denny said.

The unions and the university have been negotiating since February on a new contract to replace the collective bargaining agreement, which expired on June 30. Among their contract demands, the unions are seeking 3.85% annual raises for full-time faculty, a 25-30% pay increase for part-time faculty and a reduction in health insurance premiums.

The university offered full-time and part-time faculty a 3% raise, according to the St. John's University chapter of the AAUP.

Browne, the university spokesman, told NCR that the union's contributions to health care costs are lower than those paid by their university colleagues.

"Our latest offer to the union representatives, in the context of declining enrollment and increasingly challenging market conditions, is already a more generous pay increase than what their administrative and staff colleagues received this year," Browne said.

In its official response to the unfair labor practice complaint, St. John's University denied the unions' accusation that it withheld information regarding health insurance premiums. Rather, the university said it provided the information requested.

But the university's Nov. 14 response went beyond addressing routine contract negotiations.

Asserting its identity as a religious institution of higher education, St. John's University argued that PERB lacks jurisdiction over the university on First Amendment grounds.

The university also argued that faculty members are "managerial employees" of the university and "therefore must be excluded from any bargaining unit." The university's response further argued that the state board was "preempted" from asserting jurisdiction under the federal National Labor Relations Act.

### AT: Worker Board

### AT: Protect Religious Teachers

#### Labor conflict. Exclusion results in labor strife, including strikes and individual bargaining, which hurts religious institutions like schools and undermines RF broadly. That’s Tenenbaum and Govern.

<<FOR REFERECE---Tenenbaum>>

As set forth in Part IV, by limiting inquiry concerning religious issues, the important rights of lay teachers to be protected from anti-union and discriminatory animus can be safeguarded without violating the rights of religious schools. There are particularly important reasons for ensuring that lay teachers at religious schools have these protections. The labor relations acts promote a harmonious educational environment for the children at religious schools by encouraging the peaceful resolution of disputes. The anti-discrimination provisions help ensure that children are not exposed to divisive discriminatory practices in a school setting, that children are exposed to diverse views that help prevent future discrimination and that discriminatory values are not perpetuated by example. Indeed, the courts have found a compelling interest in eliminating discrimination 225 and in applying labor relations statutes to lay teachers. 226

*A. The Importance of Applying Labor Relations Statutes to Lay Teachers*

The labor relations acts did not create the rights of employees to unionize or to strike. These rights have long been recognized at common law. 227 Moreover, the First Amendment's protection of freedom of association has been held to extend to labor union activities such as the right to solicit union members and the right of union members to assemble and discuss their own affairs. 228

Neither the common law nor the First Amendment, however, imposes a legally enforceable duty on an employer to recognize and deal with a bargaining agent selected by his employees. 229 Consequently, before the enactment of labor relations statutes, employees frequently had to resort to strikes and picketing to compel their employers to negotiate. As the Supreme Court wrote, "[rlefusal to confer and negotiate has been one of the most prolific causes of strife."230

Labor relations statutes impose a duty on the employer to bargain collectively with the employee. If the lay teachers and their chosen bargaining representatives are excluded from the coverage of the labor relations acts and their employers refuse to bargain voluntarily, they will be forced to revert to strikes to resolve their labor disputes or to negotiate with their employers on an individual basis. A strike, or the failure to amicably discuss the teachers' needs, may cost the schools more than money. It may affect the goodwill, credibility and trust that must be present between teachers and administrators and among teachers to maintain a productive environment in the schools. 231 \*\*\*FOOTNOTE BEGINS\*\*\* *See* Hill-Murray Fed'n of Teachers v. Hill-Murray High Sch., 487 N.W.2d 857 (Minn. 1992). Applying the Minnesota Labor Relations Act to lay teachers at a religious school, the court wrote: "[t]he nature of collective bargaining is unique; other alternatives pale in comparison and remain unable to effectuate the strength of collective action. Collective bargaining allows the individual 'David' to negotiate against the employer 'Goliath."' *Id*. at 867.

<<FOR REFERENCE---Govern>>

For some educators and staff at state institutions and the limited number of secular private institutions where faculty collective bargaining units have the right to bargain conditions and academic freedom, negotiated contractual commitments may offer greater security as well as retained stake in the operation of their institutions. Hierarchy has its place in academia, but a vast expansion of administrative officials without commensurate growth in faculty positions presages increased conflict between academics and administrative leadership. Administrators should always retain primary responsibility for finances and budgets, but private faculty encountering disparity in compensation and disenfranchisement in institutional governance may be inclined to pursue protections afforded under the NLRA, a sort of "New Deal for Higher Education [to support] labor rights and salary parity of all college [and university] teachers."1 5 4 Nevertheless, federal influence over higher education has generally been achieved by means of Congress' *spending* power;155 the NLRA, in contrast, was an assertion of Congress' *commerce* power.156 A challenge to *Yeshiva* in the realm of labor relations and education would therefore have to "'substantially affect interstate commerce."" 57

### AT: No Strikedown

#### It wrecks certainty and signal.

Aziz Z. Huq & Dr. Zachary D. Clopton 26, JD, Professor, Law, University of Chicago; JD, MPhil, Daniel Hale Williams Professor, Law, Northwestern Pritzker School of Law, "Agonistic Federalism," Texas Law Review, Vol. 104, 2026, pg. 1-54.

A second observation that can be drawn from historical and comparative evidence: Agonistic conflicts between levels of government create psychological pressure toward a fracturing of the national compact, and in the extreme, secession. There are two reason for positing this effect. First, in addition to the contingent factors identified above, one of the structural factors driving secessionary movements in the 1860s was a belief that “the South had lost its ability to win national elections” because of demographic changes.325 The belief that national government no longer offered a space for political negotiation and compromise, in other words, accentuated the turn to secession as a political goal. Second, empirical studies of the diffusion of pro-secession sentiments among Americans finds that such views are strongest among “those who see the largest political differences between the states, in terms of the quality of government services, state’s economic prospects, and the desirability of living in a state controlled by the ‘other’ party.”326 These sentiments would build upon surprisingly robust lingering identifications with states as such.327 As politicians and public intellectuals raise the prospect of secession with more gravity, these sentiments may harden into the basis for political identity and action.328

Finally, the contrasting examples of Venezuela and Brazil discussed above, suggest that we should not be too confident in predicting how agonistic federalism plays out. On the one hand, in the Venezuelan case, an authoritarian central regime prevailed, even though delegation to subnational units did not. Indeed, there is cross-national evidence that “federalism can remain alive under authoritarianism.”329 One study, for example, found that “Russian federalism under Putin has been strongest where subnational democracy was at its weakest.”330 The degree of “central manipulation” may increase, as subnational electoral authorities tend to be disbanded, while fiscal autonomy often persists.331 In Brazil, on the other hand, democratic norms held in parts thanks to federalism. As Landau and his co-authors observed, federalism can act as a friction on centralization with an authoritarian cast provided that states have the necessary incentives and institutional resources.332 While it is risky to extrapolate from just two cases, these conflicting outcomes at least rule out the view that effective federalism always prevails, and hence persists, or necessarily most fail in the teeth of aggressive centralization.

In sum, the resort to agonistic federalism courts considerable risk. The risk is not necessarily one of outright partition. On the one hand, secessionary movements are relatively rare in advanced democracies, and there are no recent cases of successful partition in a mature democracy.333 In a recent monograph, Dean Chemerinsky cited the examples of Czechoslovakia and Norway/Finland.334 But these were relatively recently created polities without long traditions of shared government.335 And it is hardly clear that either offers a template for a large and old nation-state such as the United States. On the other hand, democracies can end—sometimes surprisingly fast.336 One way in which that happens involves a slippage into what Barbara Walter calls “anocracy,” or a mix of democracy with some autocratic elements; this is a state in which there are no longer nonviolent channels through which political change can be plausibly sought.337 Hence, the conditions that might have restrained secessionary movements may well be fragile in an era of democratic backsliding. And if it were the case that a downshift in the quality of democracy responsiveness was associated with a spike in the risk of fragmentation, then the risks of secession may well be weighing more heavily, at least in the United States post-2025.

Conclusion

Agonistic federalism is a game of high, even existential, stakes. We cannot predict with confidence how it will unfold, and more modestly, our aim in this article is to offer an analytic lens that captures its basic logic, the doctrinal questions that it raises, and the possible forms of its acceleration into crisis. We believe these clarifications are timely, even necessary, if we are to avoid the worst. Still, we want to underscore that we have not offered a firm prediction about how these dynamics will play out. For in truth, we think that it is impossible to offer a definite prognosis about the end-state of agonistic federalism.

But even with that uncertainty in mind, we can say with confidence that the United States has entered a novel era of American federalism. Somewhat akin to the antebellum period—but with the higher stakes associated with the created capacity for state violence on both sides of the field—we are moving into a period in which both the federal government and the states will push the bounds of their authorities against each other, and even seek to disrupt the pre-existing rules of the game in order to “to resolve a perceived wrong … and thereby to defend a perceived institutional prerogative.”338 Whether there is a nation standing after the mutual cycles of offense and self-defense have played themselves out remains to be seen.

#### Congress deletes it.

Ernest A. Young 25, JD, Distinguished Professor, Law, Duke Law School, "States in the Separation of Powers," Harvard Journal of Law & Public Policy, Vol. 48, 03/21/2025, pg. 1-31.

The governmental capacity of the United States government is considerably greater, of course, but as already discussed it is not equal to the task of federalizing all the governance tasks currently entrusted to state implementation in cooperative federalism regimes. Congress could, in principle, alter these facts. No obvious constitutional principle requires the national government to transfer $1.2 trillion to state and local governments annually or forecloses it from preempting an even greater proportion of the revenue base for federal taxation.112 But the existing structure—high federal taxes relative to state taxation, large grants-in-aid to states in return for implementation of most federal regulatory programs—was deemed necessary to secure broad political support for those programs and would surely be extremely difficult to radically alter.113

#### Both process and result are uncertain, it links to politics, AND causes runaway.

Wilfred U. Codrington III 25, JD, Professor, Constitutional Law, Benjamin N. Cardozo School of Law, "Springboard to Article V (or Electoral Democracy & the End of Constitutional Amendment in the Nation & States)," Harvard Law & Policy Review, Vol. 19, No. 1, 04/08/2025, SSRN. [italics in original]

The first is a coordination problem. Inducing a convention call requires sufficient organization and alignment among state lawmakers throughout the country. Short of similar action by two-thirds of the state legislatures, Congress need not act—and corralling thirty-four states to speak in unison on a matter of constitutional import poses a unique challenge in this hyper-polarized era.251 The second and third problems are legal ones related to the uncertainty of the convention route for proposing amendments. On the one hand, and assuming that procedural and other threshold concerns are resolved, it is not clear that Congress will actually call a convention.252 \*\*\*FOOTNOTE BEGINS\*\*\* *See, e.g.*, RICHARD B. BERNSTEIN & JEROME AGEL, AMENDING AMERICA 125 (1993) (“Moreover, even if the required number of states adopted applications for a constitutional convention, the Senate could still block action to call a convention or could interfere with its results.”). \*\*\*FOOTNOTE ENDS\*\*\* Certainly, once in receipt of enough applications, Congress has an obligation to call a convention; Article V uses the operative word “shall,” signifying that it imposes a congressional duty.253 Yet, as suggested by scholars 254 \*\*\*FOOTNOTE BEGINS\*\*\* *E.g.*, Pozen & Schmidt, supra note 172, at 2378 (noting that while the Supreme Court has “adjudicated a number of disputes about the amendment process,” it has done so “infrequently,” and “has avoided reaching the merits of an Article V dispute for over ninety years.”); *id.* (“On account of the underdeterminacy of Article V and the momentousness of formal constitutional change,” making it “a strong possibility that significant conflicts over the validity of amendments will arise and yield no clear answers, only ‘political questions.’”) (citations omitted). \*\*\*FOOTNOTE ENDS\*\*\* and even the Court itself,255 \*\*\*FOOTNOTE BEGINS\*\*\* *See, e.g.*, Coleman v. Miller, 307 U.S. 433 (1939) (the validity of a state’s ratification raises a political question not suited for the courts, but Congress). \*\*\*FOOTNOTE ENDS\*\*\* most questions that stem from Article V’s scant text are not to be resolved by the judiciary, but the overtly political branches, most notably Congress. To that end, it becomes difficult to conceive of an official or body that might force Congress’s hand. If, on the other hand, Congress did oblige by calling a convention, there are still no guarantees that, once assembled, the convention would even consider the issues that prompted its call in the first place. For all of the scholarship and commentary discussing the prospect of a “runaway convention,” where the agenda or deliberations go far astray of the matters that led to the convention,256 little attention has been paid to a scenario that might be deemed equally concerning: the failure of delegates to discuss the reform idea that spawned the convention or, indeed, to discuss any ideas at all, much less advance a concrete proposal to the states for ratification. 257 \*\*\*FOOTNOTE BEGINS\*\*\* Note that this might be equally bad (or worse) because it would reveal that the U.S. is, in fact, an ungovernable country. One might rightfully wonder whether, on such a catastrophic failure, the country could proceed with business as usual. \*\*\*FOOTNOTE ENDS\*\*\*

#### It’s delayed.

Richard Albert 15, JD, LLM, Associate Professor, Constitutional Law & Comparative Constitutional Law, Boston College Law School; Visiting Associate Professor, Law & Political Science, Yale University, "The Progressive Era of Constitutional Amendment," Revista de Investigações Constitucionais, Vol. 2, No. 3, 08/19/2015, pg. 35-59.

There are two steps to formally amend the Constitution: proposal by a twothirds supermajority and ratification by a three-quarters supermajority.10 Article V assigns each of these two tasks to different institutions—the Congress, the states, and state or national constitutional conventions—and pairs these two tasks in various ways to create four separate methods of formal amendment. First, two-thirds of Congress may propose an amendment and three-quarters of the states may then ratify it by constitutional conventions. Second, two-thirds of Congress may propose an amendment and three-quarters of the states may ratify it by state legislative vote. Third, two-thirds of the states may petition Congress to call a constitutional convention to propose an amendment and three-quarters of the states may then ratify it by constitutional conventions. Fourth, two-thirds of the states may petition Congress to call a constitutional convention to propose an amendment and three-quarters of the states may ratify it by state legislative vote. In all cases, Congress chooses the method of ratification, whether by state legislative vote or state convention.

Congresspersons have introduced thousands of amendments but only thirty-three have satisfied the two-thirds congressional supermajority requirement to officially propose an amendment to the states.11 Of those, only twenty-seven have met the three-quarters ratification threshold to entrench the proposed amendment into the text of Constitution. The most recent formal amendment was ratified in 1992, having been first proposed by Congress and transmitted to the states two hundred years earlier in 1789. The Twenty-Seventh Amendment prohibits Congress from giving itself a salary raise until an intervening election has been held.12 Given this long delay between the proposal and ratification, some scholars have raised doubts as to the validity of the amendment,13 all to no avail.14 The Twenty-Sixth Amendment, the next-most recent amendment ratified twenty years earlier in 1971, fixes the voting age in federal and state elections at 18 years old, the same age at which the military draft applies.15 Prior to 1970, formal amendment appears to have been more frequent: the first fifteen amendments were ratified from 1789 to 1870; from 1871 to 1933, there were six; and from 1934 to 1970, there were four.

#### Declining RF causes loose nukes. That’s Abrams.

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However, the reality of nuclear deterrence in religiously charged conflicts is far more problematic than the theory suggests. First, deterrence may prevent large formal wars, but it does nothing to resolve the underlying religious animosities or territorial disputes that fuel tensions. The case of India and Pakistanis illustrative: nuclear weapons did not erase the bitter feud over Kashmir or reduce communal hatred; they simply forced the rivals to seek limited, proxy, or sub-conventional ways of hurting each other without crossing the nuclear threshold. The result has been a persistent state of low-grade conflict and a series of dangerous brink~~man~~ship incidents (such as the 2001 Parliament attack crisis, the 2019 Pulwama/Balakot strikes, and a major scare in 2025) that could accidentally spiral out of control. Deterrence has thu sproduced a tense peace, but not a trusting peace (Service, 2025) . In the Middle East as well, Israel’s nuclear deterrent has not brought harmony with its neighbours; war and violence short of an existential invasion from intifadas and insurgencies to sporadic conflicts like the Lebanon and Gaza wars continueunabated. The acquisition of nuclear weapons cannot solve issues such as the statelessness of thePalestinian people or the sectarian power struggle in the region. At best, some aspects of society are paralyzed by fear (Alzou’bi, 2025).

Moreover, the policy of deterrence presents serious risks and ethical problems. By its very nature, deterrence relies on trust; leaders must fear mass destruction in a way that prevents war. This means that peace can only be maintained through violence, which is always dangerous. It is a “bad peace,” basednot on reconciliation or justice but on fear and fragile security. Such peace is impersonal and affects the mind. As one study notes, a world under nuclear siege is like a city about to collapse under the shadow of arampart. Everyone is safe until the siege collapses, at which point nothing catastrophic happens. And history has shown that there is no such thing as a failure: the risk of accident, recklessness, or irrational decision leading to nuclear war is never zero. Many experts warn that it “denies the credibilityof thenotion that nuclear weapons will never be used,” whether by mistake or by design, if it remains stagnant (Hayat & Malik, 2022). The Cuban Missile Crisis of 1962 and the many close calls that followed have shown how easy it is to avoid disaster. In areas of religious extremism or weak command and control structures, the prospect of nuclear weapons falling into the hands of interested parties or being violently disposed of is a real nightmare (Ruepke & Veltri, 2023).

#### Loose nukes cause extinction.

Dr. Michael M. Andregg 22, PhD, Vice-President, International Society for the Comparative Study of Civilizations, "The Developing Global Crisis and Survival of Human Civilizations," Comparative Civilizations Review, Vol. 86, No. 86, Spring 2022, pg. 59-60.

Cutting through many details, a general thermonuclear war would probably destroy all of human civilization. MAD theory says that this should convince every leader on earth never to use such weapons because they assure destruction of nearly everyone. But theories of war that rely on human behavior and historic experience, rather than on sterile abstractions created by people to justify massive expenditures on exotic new weapons, are less optimistic. What is the exact probability that a general nuclear war will be triggered by some madman in some country, by accident,87 or by some clever attack by terrorists who acquire a few nuclear warheads by any method? No one knows or can know that theoretical number. But we can calculate the half-life of human civilization for any such probability using Poisson statistics.88

So, simply put as always, if the probability of a general nuclear war is 1% (one percent) per year, the half-life of our civilization would be about 69 years. If global civilization avoids that dark fate for 69 years, but retains the hardware, weapons, doctrines, and mindset of MAD, then the danger continues according to the same arithmetic. The combined probability of the rare event occurring (in this case a general nuclear war) asymptotes to .9999 (near certainty) very quickly on the time scale of civilizations. The practical result of such calculations is to recognize that humankind does not have forever to solve the “Developing Global Crisis” which already generates tens of millions of desperate young men every year with very stark economic futures. People who have nothing to lose and plenty to envy can be remarkably dangerous even with primitive weapons. Dominant powers call them terrorists, but they call themselves freedom fighters for oppressed peoples. And some of them spend every day trying to build or acquire the same weapons that dominant powers now use to sustain their dominance of global affairs.

Elsewhere many people have described hundreds of scenarios where this might occur.89 So, I will illustrate it with a single example here. Suppose that a well-financed terrorist group like ISIS managed to purchase just a few modern nuclear warheads, from say Pakistan that is sympathetic to many goals of militant Islamic groups. Smuggling heavy items is remarkably easy in our fractured world; ask any drug cartel. Suppose these “terrorists” choose to use the same tactics that dominant powers use, attacking enemies that bomb them every year.

Imagine one warhead in Washington D.C., one in Moscow, and one in Tel Aviv Israel, set to detonate simultaneously. Is anyone sure none of those nuclear powers would retaliate against targets they suspect? When the US wargames such nuclear scenarios, most of them escalate quickly to general nuclear war due to the exigencies of attack and uncertainties of the “fog of war” when capitols disappear in radioactive fire. Recognizing this basic instability of the MAD doctrine, four of the architects of America’s nuclear deterrence system called for the elimination of all nuclear weapons worldwide.90 They too have been ignored by a system that continues due to economic momentum among vested interests as much as for any strategic security reasons.

### Care K---2AC

#### Sustainable.

Dr. Detlef Pietsch 25, PhD, General Manager, BMW Group, "The Emergence of the Capitalism-Critical Society," in The Anti-Capitalist Society: Why a Successful Economic Model Is Under Fire, Chapter 1, pg. 1-14, 2025, Springer.

If one were to assess the viability of capitalism based on the number of its devastating critiques, it should not have survived the 19th century, let alone the 20th and especially the 21st century. And yet it still lives. It seems that the more frequently and intensely capitalism is criticized, the longer and more persistently it survives. It even thrives, regardless of financial market crises. Even though theoretical economics may have been disqualified as incapable of forecasting and clueless according to the famous dictum of the Queen (during a visit to the renowned London School of Economics in the context of the financial market crisis, cf. Dohmen, 2017), the world’s most famous economic system, capitalism, has survived these discussions unscathed. The Robinson Crusoe of economic models survives on his lonely island. Communism and socialism have given up all hope, especially after the fall of the “Iron Curtain”. Yet we live in the heyday of criticism of capitalism. Hardly an economics book is published that does not deal more or less critically with capitalism and its neoliberal excesses or its ecological consequences (representatively only the works published in recent years without claim to completeness: cf. Altvater, 2022; Chomsky & Waterstone, 2022; Fraser, 2023; Fraser & Jaeggi, 2021; Häring, 2021; Herrmann, 2022, 2018; Frevert, 2019; Ivanova et al., 2020; Piketty, 2023, 2020, 2014; Reimer, 2023; Ziegler, 2019; most recently Saito, 2023; Kaczmarczyk, 2023).

The abundance of literature critical of capitalism is almost overwhelming. Almost daily, it seems, a new critical work is added to the sea of publications that predict the end of this economic system. At the same time, the capitalist system, in its various forms and variants that have adapted to societal developments over the centuries (cf. Kocka, 2017, p. 77 ff.), has proven to be extremely successful: As the historian and sociologist Rainer Zitelmann demonstrated in his 2022 book (cf. Zitelmann, 2022) using all the rules of statistical art, none of the arguments critical of capitalism seem to hold water, at least statistically. All arguments can be statistically refuted. According to Zitelmann, capitalism is neither responsible for hunger and poverty in the world nor for increasing inequality, let alone for environmental destruction and climate change. The crises of the years around 1873, 1929/30, the (“Great Depression”) or 2007/2008 (“financial market crisis”) (cf. Kocka, 2017, p. 122) can no more be attributed to capitalism than wars or even Germany’s path into National Socialism. Not even the unanimously presented knockout arguments against capitalism, such as the promotion of profit greed and egoism at the expense of the common good, solidarity or simply humanity, are statistically significantly confirmed. Let alone that the rich determine politics or that capitalism leads to monopolies. Zitelmann does not accept any of these arguments in his admittedly painstakingly researched book “The 10 Misconceptions of Anti-Capitalists”.

### Reverse Midterms DA---2AC

#### GOP win inevitable.

Aaron Zitner 1/16, reporter and editor in The Wall Street Journal's Washington bureau, 1-16-2026, “Exclusive,” Wall Street Journal, https://www.wsj.com/politics/elections/trump-approval-rating-economy-poll-b3a62e57

The Democratic Party is contending with a badly tarnished image, making it hard for it to capitalize on any GOP weakness. Some 58% of voters have an unfavorable view of the party, compared with 39% who hold a favorable view. That’s marginally better for the Democrats than in July, when the party recorded its weakest image rating ever in Journal polls dating back more than 30 years.

Negative views of the party now outweigh positive ones by 19 points, compared with an 11-point gap for the Republican Party. “Our branding is still as bad as it’s ever been,” said Anzalone, the Democratic pollster. “We see it in focus groups: No one can say anything positive about the Democrats.”

By several measures, the poll shows that even while many voters disapprove of Trump’s economic management, they don’t see the Democrats as a better alternative. Republicans in Congress are favored over Democrats as better able to handle the economy and inflation.

#### Other issues outweigh.

Zack Beauchamp 1-1, Senior Correspondent, Vox, "26 Things We Think Will Happen in 2026," Vox, 01/01/2026, https://www.vox.com/future-perfect/473166/forecasts-2026-trump-congress-democrats-musk-artificial-intelligence-hurricanes.

Point 5: Voter dissatisfaction is driven by a combination of affordability and concerns about his extreme policies in areas like immigration, and the White House seems either unable or unwilling to change in response to these concerns.

For all these reasons, Democrats are basically a lock to take back the House — barring hard-to-pull-off election tampering or some kind of unforeseen event that transforms the political environment. The Senate map is unfavorable, making it a much tougher fight, but they’re still competitive given the fundamentals.

#### Venezuela thumps and overwhelms signal of plan.

Conor Friedersdorf 1-3, Staff Writer, The Atlantic, "Trump's Risky War in Venezuela," Atlantic, 01/03/2026, https://www.theatlantic.com/international/2026/01/trumps-risky-war-in-venezuela/685485/. [italics in original]

This morning, President Trump unilaterally launched a regime-change war against Nicolás Maduro of Venezuela, ordering strikes on multiple military targets in the country and seizing its leader and his wife. They were “captured and flown out of the country,” Trump stated on Truth Social. “They will soon face the full wrath of American justice on American soil in American courts,” Attorney General Pam Bondi stated, in something like an inversion of the notion that justice should be blind and impartial.

After Pearl Harbor, Franklin D. Roosevelt addressed Congress and asked it to declare war on Japan. Prior to waging regime-change wars in Afghanistan and Iraq, George W. Bush sought and secured authorizations to use military force. Those presidents asked for permission to conduct hostilities because the supreme law of the land, the Constitution, unambiguously vests the war power in Congress. And Congress voted to authorize force in part because a majority of Americans favored war.

Trump says he will speak to the nation at 11 a.m. eastern time and address his rationale for the attack. The president may point to the fact that the State Department has branded Maduro the head of a “narcoterrorist” state, and that in 2020 Maduro was indicted in the United States on charges that he oversaw a violent drug cartel. For months Trump has been seeking the ouster of Maduro, and aligning the United States with opposition figures who contest the legitimacy of his presidency.

But these accusations and the indictment wouldn’t seem to constitute legal justification. Overnight, multiple members of Congress pointed out that Trump’s new war is illegal because he received no permission to wage it, and it was not an emergency response to an attack on our homeland or the imminent threat of one.

The probable illegality of Trump’s actions does not foreclose the possibility that his approach will improve life for Venezuelans. Like too many world leaders, Maduro is a brutal thug, and opposition figures have good reason to insist he isn’t the country’s legitimate leader. I hope and pray his ouster yields peace and prosperity, not blood-soaked anarchy or years of grinding factional violence.

But “toppling Maduro is the easy part,” Orlando J. Pérez, the author of *Civil-Military Relations in Post-Conflict Societies*, warned in November. “What follows is the hard strategic slog of policing a sprawling, heavily armed society where state services have collapsed and regime loyalists, criminal syndicates, and *colectivos*—pro-government armed groups that police neighborhoods and terrorize dissidents—all compete for turf.” Two groups of Colombian militants “operate openly from Venezuelan safe havens, running mining and smuggling routes,” he added. “They would not go quietly.”

If those challenges are overcome, Trump may lack the leadership qualities necessary for long-term success. Now that the United States has involved itself this way, its leaders are implicated in securing a stable postwar Venezuela and in staving off chaos that could destabilize the region. Yet Trump is best suited to military operations that are quick and discrete, like the strikes on the Iranian general Qassem Soleimani or Iran’s nuclear sites, as they do not require sustained focus or resolve. He is most ill-suited, I think, to a regime change war against a country with lucrative natural resources. I fear Trump will try to enrich himself, his family, or his allies, consistent with his lifelong pattern of self-interested behavior; I doubt he will be a fair-minded, trusted steward of Venezuelan oil. If he indulges in self-dealing, he could fuel anti-American resentment among Venezuelans and intensify opposition to any regime friendly to the United States and its interests.

Another problem confronting Trump as he goes to war is that his political coalition, and indeed his Cabinet, is divided between interventionists and noninterventionists. “The United States needs to stay out of Venezuela,” Tulsi Gabbard, his director of national intelligence, declared in 2019. “Let the Venezuelan people determine their future. We don't want other countries to choose our leaders—so we have to stop trying to choose theirs.”

Whether the outcome is ultimately good for Venezuelans, as I hope, or bad, Trump has betrayed Americans. He could have tried to persuade Congress or the public to give him permission to use force. He didn’t bother. He chose war despite polls that found a large majority of Americans opposed it. Perhaps, like me, they fear America is about to repeat the mistakes of its interventions in Afghanistan, Iraq, and Libya, where brutal regimes were ousted, then ruinous power vacuums followed.

“I look forward to learning what, if anything, might constitutionally justify this action in the absence of a declaration of war or authorization for the use of military force,” Senator Mike Lee, Republican of Utah, posted. After a phone call with Secretary of State Marco Rubio, he posted again: Rubio had informed him that Maduro “has been arrested by U.S. personnel to stand trial on criminal charges in the United States, and that the kinetic action we saw tonight was deployed to protect and defend those executing the arrest warrant,” he said. “This action likely falls within the president’s inherent authority under Article II of the Constitution to protect U.S. personnel from an actual or imminent attack.” But surely the president can’t invade any country where a national has an outstanding arrest warrant.

The real question isn’t whether this action was legal; it is what to do about its illegality. Ignoring the law and the people’s will in this fashion is a high crime. Any Congress inclined to impeach and remove Trump from office over Venezuela would be within their rights. That outcome is unlikely unless Democrats win the midterms. But Congress should enforce its war power. Otherwise, presidents of both parties will keep launching wars of choice with no regard for the will of people or our representatives. And antiwar voters will be radicalized by the dearth of democratic means to effect change.

War-weary voters who thought it was enough to elect a president who called the Iraq War “a stupid thing” and promised an “America First” foreign policy can now see for themselves that they were wrong. In 2026, as ever, only Congress can stop endless wars of choice. And if Trump faces no consequences for this one, he may well start another.

#### So do black swans.

David Corn 1/3, Washington DC Bureau Chief at Mother Jones, author of Our Land newsletter, "Maybe Donald Trump Isn't Immune to Political Gravity After All," Mother Jones, 01/03/2026, https://www.motherjones.com/politics/2025/12/donald-trump-polls-lame-duck-venezuela-hegseth-political-gravity/

It’s far too early to make any predictions. External circumstances can always change any political equation. What happens if there’s a war in Venezuela? Or if the White House can find a trans migrant who commits a heinous crime? And we all ought to worry about Trump and his crew concocting ways to screw with next year’s elections.

Don’t put on any rose-colored glasses. Trump has done so much harm and damage. According to Impactcounter.com, the ending of US foreign assistance and the demolition of USAID has led to nearly 700,000 deaths, including the deaths of 451,000 children. There’s still much harm and damage to come, here and abroad. But it is reassuring that the laws of politics remain partially intact. Trump, the GOP, and MAGA are not immune. But their opponents need to keep in mind that these vulnerabilities do not predetermine a downfall; they only provide an opportunity for a fight.

#### Redistricting.

Julia Mueller 12-31, Staff Writer, The Hill, "5 Takeaways from the 2025 Elections," The Hill, 12/31/2025, https://thehill.com/homenews/campaign/5662518-redistricting-war-congress-2025/.

Redistricting is major wild card

A tense redistricting war gripped states across the country this year as both parties seek to improve their odds of winning control of Congress.

A Trump-backed plan for GOP-friendly redistricting in Texas kick-started a high-profile standoff: State Democratic legislators fled Texas to stall the process, and Democrats in other states started eyeing ways to offset the projected Republican gains.

In response to the Texas push, California voters overwhelmingly passed Proposition 50, a ballot measure that aims to effectively nullify the changes in Texas by creating five additional Democratic seats that will hold until the next census.

Missouri, North Carolina, Ohio and Utah also crafted new House maps this year. And more states could be added to the list next year: Florida, Indiana and Virginia are among those looking at redistricting.

Democrats are also bracing for the Supreme Court to weigh in next year on a case around Louisiana’s congressional map that could decide the fate of the Voting Rights Act. If the high court guts a section of the act that limits racial discrimination in voting, it could give several Republican states in the South the green light to redraw their congressional lines ahead of the midterms.

With the House majority potentially coming down to just a handful of seats, the national redistricting war shows no signs of slowing down and has thrown a wild card into parties’ calculus for winning Congress next fall.

#### No vote-switching.

Adam Bonica 25, Associate Professor of Political Science; et al., 14 August 2025, “The Electoral Consequences of Ideological Persuasion: Evidence from a Within-Precinct Analysis of U.S. Elections,” *Working Paper*, pp. 41, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=5172049.

This study advances our understanding of ideological accountability in contemporary U.S. elections by employing a within-precinct design to isolate persuasion effects and estimate the electoral penalty associated with candidate ideology. Our findings demonstrate that while voters consider candidate ideology when voting, responsiveness to ideology is often muted and filtered through contextual factors.

The small electoral penalty presented here challenges traditional theories of voter behavior that assume a large and uniform response to candidate ideology. This might help explain the ongoing polarization of political elites; if the electoral costs of ideological extremity are small and potentially offset by turnout effects, political parties may have little incentive to moderate their positions. This creates an interesting tension with our supplementary macro-level analysis (see Appendix B), which finds that party-level ideological moderation is negatively correlated with electoral performance, as favorable wave elections have coincided with years when the winning party, on average, adopted more ideologically extreme positions. While individual candidates may reap small rewards from moderation, parties appear to benefit from the broader forces at play in wave elections where ideological extremity is not punished at the macro level.

Our results also inform the debate over mobilizing the base versus persuading swing voters. The limited size of the persuasion effect suggests that investments in voter registration and mobilization are likely to yield greater electoral benefits than broad-based ideological moderation. This is particularly true for Democrats, whose coalition often includes groups with historically lower turnout rates. Ultimately, while a candidate’s ideological positioning can be decisive in very close races, factors like incumbency, fundraising, and, most critically, the partisan composition of the electorate appear to be the primary determinants of election outcomes.

#### Disinfo shreds predictions.

Erica Orange 1-2, Partner, The Future Hunters, "15 Scenarios That Could Stun the World in 2026," POLITICO, 01/02/2026, https://www.politico.com/news/magazine/2026/01/02/black-swan-events-2026-00708074.

The shift in this scenario is from today’s highly polarized but still shared world — where groups interpret events differently — to a fractured reality in which the events themselves cannot be verified, origins cannot be traced, and no authoritative source can prove what is real. Instead of opposing political narratives and conspiracy theories, society enters a state of psychosocial freefall where AI creates a series of parallel realities. It will mark a transition not from disagreement to deeper disagreement, but from disagreement to the collapse of a shared reality altogether.

This leads to the upending of the midterm elections. Ultra-realistic deepfakes flood the infosphere. One week before the election, a deepfake shows one candidate accepting a bribe from a foreign government. Minutes later, another deepfake shows the opposing candidate calling for the abolition of elections. Both clips go viral before fact-checkers can respond. AI instantly generates thousands of supporting “eyewitness accounts,” each with hyper-realistic voices, backstories and social profiles. In the following days, AI-generated “leaked documents” allege voting manipulation, foreign hacks and corrupted ballots. The public no longer mistrusts the government. They mistrust reality.

Democratic institutions prove incapable of responding at digital speed. While verification protocols are debated, AI systems generate thousands of new, contradictory narratives every hour. Trust erodes. Civic responsibility withers. Fragmented truth enclaves harden into antagonistic tribes. Citizens become more apathetic. Institutional authority collapses. The vacuum is quickly filled by fast-moving authoritarian actors and ever-more powerful tech platforms that step in as the new arbiters of “truth.”

### AT: Labor Link

#### Religious voters are already part of the GOP coalition and big tech not key

Carroll Doherty 24, director of political research at Pew Research Center; et al., 9 April 2024, “5. Party identification among religious groups and religiously unaffiliated voters,” in *Changing Partisan Coalitions in a Politically Divided Nation: Party identification among registered voters, 1994-2023,* Pew Research Center, pp. 33-35, https://www.pewresearch.org/wp-content/uploads/sites/20/2024/04/PP\_2024.4.9\_partisan-coalitions\_REPORT.pdf.

The relationship between partisanship and voters’ religious affiliation continues to be strong – especially when it comes to whether they belong to any organized religion at all.

The gap between voters who identify with an organized religion and those who do not has grown much wider in recent years.

Protestants mostly align with the Republican Party. Protestants remain the largest single religious group in the United States. As they have for most of the past 15 years, a majority of Protestant registered voters (59%) associate with the GOP, though as recently as 2009 they were split nearly equally between the two parties.

Partisan identity among Catholics had been closely divided, but the GOP now has a modest advantage among Catholics. About half of Catholic voters identify as Republicans or lean toward the Republican Party, compared with 44% who identify as Democrats or lean Democratic.

Members of the Church of Jesus Christ of Latter-day Saints remain overwhelmingly Republican. Three-quarters of voters in this group, widely known as Mormons, identify as Republicans or lean Republican. Only about a quarter (23%) associate with the Democratic Party.

Jewish voters continue to mostly align with the Democrats. About seven-in-ten Jewish voters (69%) associate with the Democratic Party, while 29% affiliate with the Republican Party. The share of Jewish voters who align with the Democrats has increased 8 percentage points since 2020.

Muslims associate with Democrats over Republicans by a wide margin. Currently, 66% of Muslim voters say they are Democrats or independents who lean Democratic, compared with 32% who are Republicans or lean Republican. (Data for Muslim voters is not available for earlier years because of small sample sizes.)

Democrats maintain a wide advantage among religiously unaffiliated voters. Religious “nones” have become more Democratic over the past few decades as their size in the U.S. population overall and in the electorate has grown significantly. While 70% of religiously unaffiliated voters align with the Democratic Party, just 27% identify as Republicans or lean Republican.

#### Anti-union perception for dems is locked in.

Julia A. Glass 12-15, MA, Policy Analyst, American Worker Project, American Progress, "Year 1 of the Second Trump Administration Made the Working Class Weaker," Center for American Progress, 12/15/2025, https://www.americanprogress.org/article/year-1-of-the-second-trump-administration-made-the-working-class-weaker/.

President Trump talks a good game for workers, but the results from his first year back in office have been quite poor. The administration promised to revive manufacturing by imposing tariffs, but instead delivered a “Liberation Day” that inaugurated a loss of 58,000 American manufacturing jobs and raised prices for basic household goods.

The American worker needed a champion in 2025, but rather than delivering on a promised “golden age” for the working class and American manufacturing, the Trump administration has left workers struggling to find jobs and ill-prepared to deal with mounting costs. The Trump administration’s attacks on unions and the minimum wage, firing of pro-worker leaders at federal agencies, and appointment of nominees with a track record of opposing pro-worker policies will likely make things worse for American workers in the future.

#### Dems cannot capitalize on labor.

Jonathan P. Baird 1-2, Contributor, Concord Monitor, "Unsolicited Advice for Democrats," Concord Monitor, 01/02/2026, https://www.concordmonitor.com/2026/01/02/rethink-democratic-political-strategy/.

With the mid-term elections coming up in November 2026, Democrats need to rethink their political approach. This is true on a wide range of fronts, including our substantive politics as well as our messaging. It is not enough to simply be defined as against Donald Trump and his fascist regime. Democrats need a more affirmative identity.

Any honest appraisal of Democratic performance in recent years must acknowledge our weaknesses. Democratic Party leadership, which is both elderly and out of touch with Democratic base voters, has been unwilling to engage in any deep process of rectification. We have been losing elections with regularity, but I have not seen much soul-searching. Now the Democratic leaders hope to win with only minor adjustments.

Neither major political party serves the interests of the working class. Both parties are controlled by Big Money, but the Democrats were supposed to be the party of the have-nots. The Republicans have always been the party of the haves. In the last few election cycles, that has flipped around. More of the have-nots have voted Republican and more of the haves have voted Democratic.

MAGA has attracted more people who feel like neither party has served them, as we all have watched the economic erosion of working people. Economic anxiety is very high with undeniable inflation and fears about AI and job loss. While white working-class voters have gravitated to the Republicans, that tendency has also evidenced with Latino and African American voters.

I think the problem for Democrats goes back to Bill Clinton embracing the centrist path of neoliberalism. Clinton’s triangulation politics undermined workers’ bargaining power and entirely pushed aside progressives and those who favored an economic populist message. Clinton allied with Wall Street and the financial sector. Since that time, the majority faction in the Democratic Party has favored a strategy premised on appealing to suburban moderates. Most recently, it showcased Kamala Harris campaigning with Liz Cheney in the misguided belief that it would win Republican voters.

Centrist Democrats sidelined Bernie Sanders and his brand of progressive politics. This approach of moving to the middle as advocated by centrist Democrats is bankrupt. It is a vanilla brand guaranteed to continue the losing tradition and it fails to give people any reasons to vote. One thing you can say about the Republicans, they are not afraid to let the fascism hang out. Democrats have been political cowards, unwilling to stand up for strong values of any kind.

### AT: Trump Impact

#### No uniqueness. Can’t solve.

Thomas B. Edsall 25, Contributor, New York Times. Citing: Dr. Robert E. Litan, PhD, JD, MPhil, Nonresident Senior Fellow, Economic Studies, Brookings Institute, "What Can't Trump Wreck?" New York Times, 09/09/2025, https://www.nytimes.com/2025/09/09/opinion/trump-maga-government-future.html. [edited for readiability by Jordan]

How much would a Democratic takeover of the House restrict the scope of action available to Trump?

Litan:

Democratic takeover of House will do less than people think. Yes, subpoenas, but Trump will ignore them, and the Supreme Court won’t step in. Trump will ignore appropriations restrictions, he’ll move [money] $$ around without any check. Impeachment is pointless.

#### Especially with no legislative dependence.

Steve Benen 25, Producer, Political Media, MSNBC. Editor, MaddowBlog. Political Contributor, MSNBC, "'We Don't Need Anything More from Congress': Trump Has No Legislative Agenda," MSNBC, 10/29/2025, https://www.msnbc.com/rachel-maddow-show/maddowblog/-dont-need-anything-congress-trump-no-legislative-agenda-rcna240533.

Or at least it *was*. In 2025, Donald Trump has effectively given up on such that process, apparently under the impression that he already has everything he wants.

Delivering remarks in Japan, the incumbent president reflected on the GOP domestic policy megabill he signed into law in July. “It really covers everything, the Great Big Beautiful Bill,” Trump said, apparently forgetting the name he insisted on (it was the “One Big Beautiful Bill,” not the “Great Big Beautiful Bill”).

“We got everything done,” he added, “I said, ‘Put it all into one bill and if we get it done, we’re done for four years.’ We don’t need anything more from Congress.”

The president has emphasized this point quite a bit lately. Earlier this month at a White House event with a college baseball team, Trump again said, in reference to his party’s megabill, “We took care of everything. ... We didn’t know where we’d stand in a year or two years from now, so we put every single thing that we wanted in that bill for four years. So we don’t need any more votes.”

A month earlier at a press event in England alongside British Prime Minister Keir Starmer, the Republican boasted that the GOP megabill is “so big that we really don’t have to pass too much anymore.” He added, “We can just do this for four years — implement.”

In other words, as far as Trump is concerned, his legislative agenda, for all intents and purposes, no longer exists. Most modern presidents from both parties have a laundry list of bills they’d love to see congressional lawmakers take up, but the current president is apparently under the impression that he signed one large bill into law, and he can now coast *until January 2029*.

Part of this reflects Trump’s ongoing indifference toward governing and policymaking, but it also reflects something equally nefarious: Part of the reason the president is indifferent toward Congress is that he’s already seized many of the responsibilities that are supposed to rest with lawmakers, including the power of the purse.

#### Fopo fine.

#### Governance. Extinctions.

Dr. Fabio Petito et al. 25, PhD, Professor, Religion & International Affairs, University of Sussex. Nonresident Senior Fellow, Freedom & Prosperity Center, Atlantic Council; Dr. Scott Appleby, PhD, Professor, Global Affairs, Keough School of Global Affairs, University of Notre Dame. Research Fellow, Ansari Institute for Global Engagement with Religion; Dr. Silvio Ferrari, PhD, Professor Emeritus, Law & Religion, University of Milan. Honorary President, International Consortium for Law & Religion Studies; Dr. Michael Driessen, PhD, Professor, Political Science & International Affairs, John Cabot University. Director, Rome Summer Seminars on Religion & Global Politics, "Executive Summary," & "Introduction," in Changing the Conversation About Religious Freedom: An Integral Human Development Approach, 03/17/2025, pg. 3-5.

How can we talk of “leaving no one behind”— the central promise of Agenda 2030 of the United Nations—if we neglect all those who are marginalized, discriminated against, and persecuted owing to their very beliefs? And how can we invest in holistic models of human development without taking account of the human person’s religious and spiritual needs? This report reinforces and deepens the emerging recognition by scholars and policymakers of the interdependent relationship between freedom of religion or belief—the human right enshrined in Article 18 of the Universal Declaration of Human Rights—and global development, as defined by the seventeen Sustainable Development Goals set forth in the UN’s Agenda 2030. Put negatively, there is an increasing awareness of the intertwining nature of these two global existential challenges, namely the escalation of various forms of discrimination and persecution based on religion or belief, on the one hand, and the failure of the international community to arrest the devastating forces of climate change, violent conflict, global poverty, inequality, and other threats to human security, on the other.

The report explores the dual proposition that integral human development (IHD), an idea and aspiration resonant within many of the world’s religious, philosophical, and wisdom traditions, provides fresh insight into the crisis of freedom of religion or belief; and that the concept of IHD is itself enriched and its significance further clarified when it incorporates a profound appreciation of the intrinsic relationship between religious freedom and human dignity. This dual recognition, in turn, opens a path for addressing obstacles to the full realization of freedom of religion or belief.

The report is inspired by Pope Francis’s 2015 message to government leaders in his historic address to the United Nations on the occasion of the adoption of Agenda 2030:

The simplest and best measure and indicator of the implementation of the new Agenda for development will be effective, practical and immediate access, on the part of all, to essential material and spiritual goods: housing, dignified and properly remunerated employment, adequate food and drinking water; religious freedom and, more generally, spiritual freedom and education. These pillars of integral human development have a common foundation, which is the right to life and, more generally, what we could call the right to existence of human nature itself.

By viewing the persecution and discrimination based on religion or belief through the lens of integral human development, and by considering multifaith perspectives on religious freedom and human development, this report offers a path for creating a new global platform for engaging religious and policy leaders as well as recommendations for designing innovative government-religious partnerships aimed at achieving more inclusive and peaceful societies.

Introduction

With five years to go to achieve the United Nations’ Agenda 2030, no country is on track to do so. The Sustainable Development Goals (SDGs) have become an empty acronym, obscuring the fact that we are speaking not merely of theories or “targets,” but of concrete existential challenges: poverty, war, discrimination, environmental degradation, and access to resources. Violations of religious freedom represent their own existential challenge across the world. Watchdogs report high and sustained levels of religious persecution and discrimination through state and societal violations of this human right.2 These violations occur in a context of rising levels of polarization, social hostility, and communal violence, which are often accompanied by and intertwined with new waves of religious nationalism and extremism.

The right of freedom of religion or belief (FoRB)—which includes freedom of thought, conscience, and religious freedom—encompasses not only traditional religious beliefs but all nontheistic beliefs as well as the right not to believe.3 Enshrined in article eighteen of the Universal Declaration of Human Rights (UDHR), it is often described as the foundation of all human rights and is seen as a key component of flourishing, peaceful societies, especially as these are envisioned in Agenda 2030. Indeed, this freedom not only allows everyone to choose and profess the religion or belief that is most in accordance with their conscience but also encourages the formation of alternative normative worlds in which different people experience new social relations and generate innovative models of human development. Yet the relationship between FoRB and sustainable development has been overlooked: FoRB receives little to no mention within the SDGs and has long been absent from policy conversations on international development.

#### Thumped.

Seth J. Frantzman 25, PhD, Adjunct Fellow, Foundation for Defense of Democracies, “Why Donald Trump’s Diplomacy Appears to be Working,” FDD, 10/10/2025, https://www.fdd.org/analysis/2025/10/10/why-donald-trumps-diplomacy-appears-to-be-working/

President Trump’s signature transactionalism and emphasis on personal relationships with foreign leaders are helping not hindering US foreign policy.

President Donald Trump’s push for a peace deal in Gaza appeared to pay off in the late hours of October 8 as Israel and Hamas indicated they had agreed to the first phase of a deal. Trump has been pushing for peace in Gaza since a ceasefire deal was secured before he took office in January. However, the push for peace has still taken time. There may be lessons to be learned from what appeared to work in late September and early October.

The White House has focused throughout 2025 on ending the war in Gaza and bringing home the hostages that Hamas holds in Gaza. Towards that end, it played a key role in a ceasefire from January through March. When the ceasefire broke down, US envoy Steve Witkoff attempted to revive it, and the Trump administration secured the release of the last living American hostage in Gaza, Edan Alexander, in May.

In July, Trump again pushed for peace and continued to try to revive efforts for a Gaza deal in late August and then in September. What has brought success in October is the ability to bring together Qatar, Turkey, Egypt, Israel, and the United States in Egypt for discussions with Hamas. There may be a lesson in this for the Trump administration’s search for a global doctrine. It brings together US partners and allies with Trump’s personal approach.

During his first term in office and the first ten months of his second term, Trump developed a distinctive approach to foreign policy. This doctrine is not always clearly articulated, but it has several unique elements. One of the main themes is a desire to end conflicts abroad and avoid entangling the US in further conflicts.

A second theme is a transactional approach to foreign ties, which typically, if commonsensically, means assessing whether foreign countries are fulfilling their obligations. What that has meant in the past is pressuring NATO to increase spending, or ensuring that countries in the Middle East continue to spend heavily on US defense platforms and aircraft.

The process that led to the Gaza deal was emblematic of both themes in Trump’s approach. First, he sought to bring together several Middle East countries to promote peace. This included talks with Arab and Muslim states, including close US allies and partners such as Qatar, Turkey, and Egypt. Turkey is seeking numerous deals in the US that could total billions in potential purchases from Boeing and Lockheed Martin, according to reports from September.

The Turkey aircraft deals follow purchases by Qatar announced in May. The White House said in May, during a visit by Trump to Qatar, that “today in Qatar, President Donald Trump signed an agreement with Qatar to generate an economic exchange worth at least $1.2 trillion. President Trump also announced economic deals totaling more than $243.5 billion between the United States and Qatar, including a historic sale of Boeing aircraft and GE Aerospace engines to Qatar Airways.”

These trade ties also provide an incentive for long-term peace in the region. Turkey has already seen how this can become a roller coaster. After Ankara acquired S-400s from Russia in 2019, it was given the cold shoulder in the F-35 program. Now Ankara wants to be back on better terms with Washington. Turkey’s president, Recep Tayyip Erdogan, has enjoyed warm ties with Trump over the years.

A key feature of Trump’s foreign policy doctrine is to approach US foreign ties through the prism of personal relationships with leaders abroad. In the lead-up to the Gaza peace deal proposal, which was announced on September 29, Trump met with Arab and Muslim leaders on the sidelines of the UNGA. This face-to-face meeting appears to have paved the way for the deal that took place in Egypt on October 8.

Several key tactics helped push the deal forward. Trump frequently announced progress before the two sides had fully agreed. He was also willing to appear to pressure Israel, demanding an end to bombing in Gaza, for instance. This appearance of being willing to pressure everyone involved has succeeded because the pressure is combined with win-win promises for all the countries.

The president thanked Turkey, Qatar, and Egypt on October 8 as the deal was concluded. Israel also feels it has secured most of what it wanted in Gaza. Trump has appealed directly to Israelis and spoken with freed hostages and families of hostages to show he is in tune with what the Israeli public wants.

There is a sense that the White House believes this deal can reset strategy in the Middle East. One part of this policy portrays Trump as helping Israel get out of a conflict that was increasingly unpopular around the world.

“Israel cannot fight the world,” Trump said in a phone call with Netanyahu. He also believes that this deal will pave the way for future progress on peace in the region, much like the Abraham Accords, which were secured during the first term between Israel, the UAE, and Bahrain. US Secretary of State Marco Rubio has also praised this “historic moment.”

The question now is whether a successful doctrine will emerge from these first steps in ending the Gaza war. First, all parties must uphold the ceasefire. There is also a question as to whether the peace plan moves to its second phase. Last January’s ceasefire never reached the next stage of its planned sequence.

If the deal can be finalized, then the White House might try to apply this model for success to Ukraine and other conflicts. In any case, the United States has long sought to focus on Asia and near-peer rivalries with countries such as Russia and China.

Beijing and Moscow aim to establish a new world order, one that challenges the US-led order that emerged after the Cold War. They have been working to achieve this goal diplomatically, militarily, and economically. That means that after success in the Middle East, Washington will find its credibility increasing in other areas. Trump has claimed to have helped end seven conflicts in his first year in office. The Gaza deal will be the largest test yet for his doctrine.