## 1NC

### OFF

Topicality-Workers

#### ‘Workers’ are those in a formal employment relationship.

Jill M. Johanson 15, JD, Judge, Washington Court of Appeals, Department of Labor & Industries of the State of Washington, Respondent, v. Lyons Enterprises, Inc. dba Jan-Pro Cleaning Systems, Appellant, Court of Appeals of Washington, Division 2, No. 45033-0-II, 03/31/2015, Westlaw. [italics in original; language edited]

II. RCW 51.08.180—DEFINING WORKERS

6 7 20 Lyons argues that its relationship with its franchisees is not one of employer and worker but rather a bilateral contract between two independent businesses. Essentially, Lyons claims that it is a separate entity from each of its franchisees and that the franchise agreement establishes the • terms of their business relationship. Lyons argues that its franchisees are not workers because they can and do hire their own employees to do the work, meaning that their contracts with the franchisees are not for personal labor. L & I argues that Lyons' franchisees are covered workers because the franchisees serve a function that is indistinguishable from the function that an employee in a traditional cleaning service would perform. Lyons is partially correct—we hold that those franchisees who *actually* take on their own subordinates are not covered workers, but those franchisees who work alone are covered under the IIA. We affirm the superior court in part, reverse the superior court in part, and reinstate the Board's decision.

8 9 10 21 The IIA is meant to provide broad workers compensation coverage. See RCW 51.12.010 (“it is the purpose of this title to embrace all employments”) (emphasis added). In keeping with that goal, RCW 51.08.180 defines a worker as

*every* person in this state who is engaged in the employment of ... or who is working under an independent contract, *the* essence *of which is [their] ~~his or her~~* personal labor *for an employer*.

#### Violation: federal workers are not employees.

Ryan Vacca 19, Professor of Law at the University of New Hampshire School of Law, 2019, “Uncertainty in Employee Status Across Federal Law,” Temple Law Review, University of Kansas Libraries, Lexis

As such, only an “employer” may be cited for a violation of the act.172 Like with the NLRA and ERISA, the definitions in OSHA are circular. “Employer” is defined as “a person engaged in a business affecting commerce who has employees,” but not federal, state, or local governments.173 Unhelpfully, “employee” is defined as “an employee of an employer who is employed in a business of his employer which affects commerce.”174

#### Vote neg:

#### 1. GROUND. This Aff avoids every topic controversy: wages, benefits, strikes, and militant labor are unique to the private sector. Public unions are high and AFF thumpers are OP. Debate is only educationally valuable with an evenly split, debatable resolution.

#### 2. LIMITS. Federal workers blows the lid off the topic: too many niche agencies to track with common “bargaining key” themes AND no unified NEG generics.

### OFF

Civil Servants PIC

#### The United States federal government should substantially strengthen collective bargaining rights for federal public servants in the United States.

#### Using the term “civil servants” abstracts government officials from their core responsibility of serving the people---using ‘public servants’ instead solves.

Bilaal Eusi Nantambu 10, Islam Cares, “Political situation in UK should be lesson to local Muslim community”, https://kaieteurnewsonline.com/2010/05/16/political-situation-in-uk-should-be-lesson-to-local-muslim-community/

Such acts included but not limited to changes of names of existing institutions, streets and titles.

One such causality was the term “civil servants”, which depicted the people to be served i.e. civil society and also the manner in which this service should be given i.e. “civilly.”

In an attempt to broaden both the understanding of the term and to be specific as to who the services are directed, “public servants,” is now used.

This term includes any and all offices that are maintained by government coffers. The presidents, prime minister and all cabinet and parliamentary offices are included.

It means therefore that politicians, who “only” recognise this important fact when seeking office, are elected to “serve.”

I am therefore hoping that during the upcoming election, politicians across the divide who are elected and selected remember that they are only there to serve the citizens.

It is most comforting and hopeful to have read what presidential hopeful and front runner Benigno Aquino, son of former Philippine President Corazon Aquino, said and I quote, “We are public servants.

You’re the public, you’re the masters, you’re the one with wants and needs that should be wanted and delivered. And we’ll bring it back to that point.”

#### Making politicians---and 'civil servants’ especially---accountable to the people solves extinction.

Cleaner Ocean Foundation 20, a not-for-profit charitable company dedicated to cleaning the planet’s oceans and advancing the philosophy of Blue Growth, “THE PLANET EARTH ACT 2020”, https://www.blue-growth.org/Climate\_Warming\_Action\_Plans/Laws\_Planet\_Earth\_Rights\_Natural\_Justice\_International\_Criminals\_Acts\_2020.htm, \*language edited

EXTINCTION OF SPECIES - From blue planet to scorched earth because vested interests prevent politicians from putting the brakes on. Economics stopped them thinking about the safety of life on earth, including the future of our children. They'd rather die richer, gambling with the lives of our offspring and every other species on planet earth. This kind of irresponsible thinking must be made illegal.

Our precious Blue Planet has no enforceable Rights. We need to change that right now, to prevent the G20 playing for time while their wealthy energy magnates and manufacturers of fossil fuel powered machines, builders of factories and homes remain at large, to plunder the reserves of the planet. For these are the drivers of politicians who are putting economics above life, when life should be first before profits. ~~Irresponsible profiteering from the planet = rape~~.

[continues condensed, none omitted]

We need the opposite, a phased period of deflation, back to stability and carbon neutrality. This is difficult to achieve without a cushion, where homeowners and property developers rely on inflation to profit from doing nothing. It's like a squirrel storing nuts for winter, with the nuts magically multiplying without any effort in collecting them. When push came to shove, the G20 showed their true colours in 2019. DELAY, DELAY, DELAY. Why don't we try and change that in 2020? When BP allowed oil to escape into the environment and kill marine life for hundreds of miles around the Deepwater Horizon offshore well, they were fined massively. What is the difference between that and the burning of fossil fuels that is killing more life on the planet? The only difference is that there is no law to be able to prosecute the offenders. Why? Because the most powerful nations like it that way. POLITICS - As industries become threatened by new technology, they typically embrace it in public and talk passionately about its potential, but only in terms of how the new technology can support the existing industries. Under absolutely no circumstances must the new technology be allowed to come into a position to replace the existing industries. A famous example of this is the Locomotives Act of 1865 in the United Kingdom, better known as the Red Flag Act. It was a law that limited the speed of the new so-called automobile to 2 miles per hour in urban areas, and required them to always have a crew of three: a driver, a stoker, and a man who would walk before the automobile waving a red flag. The car was seen as amazing, but only as long as it didn’t threaten the railroad or stagecoach industries. These industries were behind the lobbying that led to the Red Flag Act. The fledgling automobile industry stood to make the older industries obsolete, or at least significantly smaller, which could not be permitted. Therefore, they went to Parliament and argued how tremendously important their industries were, and claimed that their special interest was a public interest. Essentially, the stagecoach and railroad industries tried to limit the permissible use of the automobile to carry people and goods the last mile to and from the stagecoach and railroad stations. That wouldn’t threaten the existing industries, and they could pretend to embrace its usefulness. Parliament agreed in its time that the stagecoach and railroad industries were important enough to prevent technology challenge. But Parliament made the mistake of seeing yesterday as the present time and everlasting. Whereas, those industries were only important before the technology shift that the car introduced. The special laws to deny change caused inevitable delays to allow outdated technology to continue making profits as the expense of advancement. What the planet needs is an International Convention that may pass into law in every country that is genuinely concerned at the plight of our world, such that those countries that fail to adopt what amounts to a natural Code Of Life, become branded for what they are: Climate Criminals and species Mass Murderers. An example of which is the bushfires in Australia at the moment claiming half a billion animal lives and Scott Morrison refusing to do any more to combat global warming. Hey Scott, why not stand down and give the reigns to Green Flag politician who cares! It begs the question, how did he get elected prime minister? The objective is that the perpetrators of such crimes may be prosecuted under International law in a World Court and penalized with fines that really hurt, making further offences against nature less likely and unprofitable. Fines and Orders may also include other sanctions. Such as Restitution Orders. For example, following World War Two, Reparations included confiscation of assets and payments to victims. This might include confiscation of oil wells, coal, copper, iron, aluminum, gold and other mines, patent and copyright annulments and the seizure of ships, including their cargo. Extremes, yes. But we are in the middle of a climate emergency where our house is on fire. The only way to stop a climate thief, is to catch them and confiscate their ill gotten gains. AN ACT TO PROTECT THE PLANET AND ITS INHABITANTS FROM HARM & POLITICAL OR POLICY CORRUPTION Be it enacted by the majority votes of the Member of the United Nations and other non-member countries, with one vote for one Country as proportional to representation - and no right of veto for any country - an Act that is designed to be entered onto the National Statute books of each participating country and the International Statute Books as a Convention, a law making it a criminal offence for any Government or Corporation to damage the natural environment or cause harm to any life form dependent on the natural environment (as it was before the burning of fossil or other harmful fuels caused the earth to warm and the ice caps to melt), or by over-exploitation of the flora or fauna endangers any species. Whereby any such action or failure to act to protect Planet Earth and its inhabitants with due diligence is a criminal offence subject to the penalties set out below : - 1. By any action or inaction cause, whether directly or indirectly, harm to any species on Planet Earth. 2. By any action or inaction cause harm to the atmosphere of Planet Earth. 3. By any action or inaction cause harm to the rivers, seas or oceans of Planet Earth. 4. By any action or inaction, if a politician or other public official fails to pursue policies on which they campaigned for and were elected to represent the public, they should be immediately suspended from public office for a period of at least 3 years, subject to a right of appeal to be able to defend any claim of breach of election promises. 5. In relation to any failure to perform in 4., that should proof of conflicts if interest, bribes or other corruption surface, that a lifetime ban should be imposed on the offending politician, civil servant, or other public official, together with appropriate restitution orders or fines in proportion to financial gains, or future gains from such corrupt practices. 6. In relation to Sections 1., 2., and 3., harm may be defined as changing the natural composition of ground soils, the atmospheric air we breath, rivers, or the waters of the seas and oceans, chemically, physically, or in any other way. GREEN FLAG POLITICS - Is based on proactive policies that give the go ahead for urgent renewable energy projects with state backed finance to make things happen during Research and Innovation stages, through to Innovation Action stage - perhaps with statutory boosts as appropriate. Otherwise, manufacturers will carry on without developing sustainable solutions. PROFITING FROM SUFFERING - Given that billions of dollars worth of indulgences are at stake for big countries like China, India and Brazil, this is a huge issue for those with large investments in oil, coal and even beef production - where they will spin out their profiteering for as long as they are allowed to get away with it, using delaying tactics that they know will cause suffering in other geographical locations, that they do not appear to care about. The protestors are correct on this. The immediate action to counter the present emergency is not going to happen, meaning that lobbyists should perhaps ramp up their activism to include proposing or even demanding changes in the law. It may be that introducing new laws to make local councils, energy companies, car makers, ship builders and the aviation industry directly responsible, and ministers who promote such anti-earth policies criminals. Lobbyist might therefore consider proposing new laws at United Nations level, to make it illegal to threaten or kill any life on earth, by any action or inaction, directly or indirectly. We should criminalize those responsible, to make them answerable in the International Courts of Justice. We should make the identified climate criminals pay for the damage they are causing - for taking lives and for destroying natural habitats. Fines could be levied against those organizations and administrations that are not acting swiftly enough to avert the meltdown that is happening. The fines would need to be hefty to be anywhere near Just Satisfaction. We will be working on the details of such legislation and write to the UN with such proposal ASAP. Feel free to email us with any suggestions for THE PLANET EARTH ACT 2020. We must remember where the United Nations came from. We must look to where they should be heading as representatives of the electorate.

[para breaks resume]

PEOPLE POWER

The only way to change the world we live in is ....... to change it. How do we manage that in a world where our present leaders remain aloof? The answer is that we vote in eco candidates and ensure that they promote policies for change and represent the wishes of the people for a protected planet.

The world as it is, is resilient to revolutions as in days of old, the new revolution is the voting revolution where lobbyists drive political thinking - and politicians actually do what they say they are going to do before being elected; after they are elected. Or they fall foul of the Planer Earth Act 2020.

This will make politicians accountable. We might start with civil servants who attain a position of trust, and then persistently fail to perform thereafter, treating their trusted positions and responsibilities as theirs for life - despite inability to perform, when in fact they should only remain in employment if they serve the public who employed them, as they were employed to do.

#### Reps shape reality.

Dr. Riaz Laghari 26, PhD in English Linguistics from Riphah International University, “Discourse, Narrative, and Society”, https://medium.com/@riazleghari/discourse-narrative-and-society-1508fa310beb

Language does not merely encode thoughts; it organizes social reality. At the level of discourse and narrative, linguistic structures scale up from sentences to shared meanings, collective memory, ideology, and power. This Medium post situates discourse as a cognitive, neural, and social phenomenon, where syntax and semantics are embedded within larger narrative architectures that shape how individuals and societies understand the world.

### OFF

Topicality-Subsets

#### Interps:

#### ‘Collective bargaining rights’ precludes subsets.

Kimberly J. Mueller 22, JD, Chief United States District Judge, United States District Court for the Eastern District of California, Amalgamated Transit Union v. United States DOL, US District Court for the Eastern District of California, No. 2:20-cv-00953-KJM-DB, 12/28/2022, Nexis Uni.

A. Plural "Rights"

The ATU argues first that the phrase "collective bargaining rights" in section 13(c)(2) shows Congress unambiguously enshrined a separate collective bargaining right for each term and condition of employment. See, e.g., Prev. ATU Mem. Summ. J. at 6, 9-12, ECF No. 33-1. In other words, the ATU argues there is a collective bargaining [\*\*83] right related to pensions, another right related to wages, another right related to hours, and so on. That reading does not appear to be what Congress intended.

To begin, the ATU does not confront the ambiguity of the word "rights" itself. "Rights" might be plural because there are multiple protective arrangements, multiple employers and multiple employees for the Secretary to consider. Congress might also have used the plural "rights" to refer to the many actions employees can undertake to assert and protect their interests. It might have been referring to the rights to an employer's recognition, to collective negotiation, to advocate and to seek new members, among other things.

The ATU's interpretation suffers from a second basic flaw. Under its interpretation, "rights" can be defined with arbitrary granularity. It could encompass any part of the relationship between an employer and employee. Under the ATU's interpretation of the word "rights," section 13(c)(2) would permit the Secretary of Labor to indefinitely freeze any condition at will. Consider, for example, a defined benefit pension plan like the plans previously offered by many public employers in California. Under these plans, retirement [\*\*84] benefits were determined by the number of years an employee was in service, the salary at retirement and a multiplier. An employee [\*913] could increase the defined benefit by artificially increasing either their years in service or their salary at retirement. If "rights" corresponded to any term or condition of employment, the Secretary of Labor could freeze every aspect of the former retirement plan by defining the "right" to bargain very specifically—beyond retirement, beyond pensions, beyond defined benefit pension plans and how those benefits accrue, beyond even the calculation of service credits all the way down to an employee's ability to purchase additional service credits and the terms of that purchase. If the "bargaining right" associated with any isolated "term" of employment did not "continue," then the Secretary could deny certification.

Nothing in section 13(c)(2) suggests Congress intended to give the Secretary this power. If anything, the language of section 13(c) suggests it did not. Rather, Congress used different parts of that section and different language to protect the "rights, privileges, and benefits . . . under existing collective bargaining agreements" and to protect "individual employees against [\*\*85] a worsening of their positions related to employment." 49 U.S.C. § 5333(b)(2)(A), (C). Reading "bargaining rights" as the ATU proposes would therefore expand "collective bargaining rights" to conflict with the rest of section 13(c)(2).

#### ‘Substantially’ is without material qualification.

Shirley Troutman 25, JD, Associate Judge, Court of Appeals, In the Matter of Dynamic Logic, Inc., Appellant, v. Tax Appeals Tribunal of the State of New York et al., Respondents, Court of Appeals of New York, No. 35, 04/17/2025, Westlaw. [italics in original]

As used here, “substantially” means “fully, amply; to a great extent or degree; considerably; significantly; much” (Oxford English Dictionary Online [accessed Apr. 3, 2025]; *see also* Webster's Third New International Dictionary [2002] [defining substantially as “in a substantial manner: so as to be substantial”]). The majority, however, presents its own dictionary definition in support of its view (see majority op. at ––––). But what the majority provides is the definition of the word “substantial” as it appeared in the version of Black's Law Dictionary in print when the legislature enacted section 1105(c)(1). But the exclusion in section 1105(c)(1) does not use the word substantial, it uses the word “substantially” to modify the verb “incorporated.” Interestingly, that same version of Black's Law Dictionary provides a definition of the actual word at issue here—“substantially”—which supports petitioner's plain reading of the statute: “Essentially; without material qualification; in the main; in substance; materially; in a substantial manner” (*Substantially*, Black's Law Dictionary, 4th Ed. at 1597 [1951] [providing an additional definition of “substantially”: “About, actually, competently, and essentially” (id.)]).

#### ‘Workers’ without qualifiers means *all workers*.

ILO 5, International Labour Office, Office of the Legal Adviser, “Manual for drafting ILO instruments”, https://learning.itcilo.org/ilo/jur/en/bibl/Manual.pdf

The practice of the ILC has been to give the broadest possible meaning to the term “workers”. On many occasions, it has been emphasized that, if the subject matter of a given instrument is not limited only to employed workers, or the instrument does not provide for any specific exclusion in respect of one or more categories of workers, then “worker” is understood to cover all workers.99

#### Violation: the plan is a subset.

#### Vote neg: their interp opens the floodgates to an infinite number of single-sector or even single-company affs---makes the neg research burden unmanageable and undermines core neg ground by making the plan indistinct from the status quo

### OFF

Court Politics DA

#### The Court will rule against Trump on tariffs now, but Roberts is key. He’s an institutionalist, carefully and strategically calibrating the Court’s public image.

Jess Bravin 11/10/25, J.D. from UC Berkeley, covers the U.S. Supreme Court for The Wall Street Journal, following earlier postings as United Nations correspondent and editor of the WSJ/California weekly, “Chief Justice Roberts Faces Career-Defining Decision on Trump”, Wall Street Journal, UNC Libraries

Chief Justice John Roberts faces a defining challenge as he enters his third decade leading the Supreme Court: how far to let Donald Trump’s presidency rewrite the bounds of executive power.

Over Trump’s first year back in office, the court has given the president wide latitude to implement his policies, through some two dozen emergency orders that paused the effect of lower-court rulings against the administration. But it hadn’t fully reviewed any of Trump’s actions until last Wednesday’s hearing on Trump’s global tariffs, where the dynamics shifted: Most justices suggested the president acted beyond his legal authority.

If those sentiments find their way into a ruling, it would be the court’s first real blow to Trump in more than five years. Now it is up to Roberts to cobble together a decision on a policy that Trump has portrayed as essential to the nation.

In addition to pressure from the president, the chief is navigating colleagues who have clashing visions of what the court should be. And he is under scrutiny from judges and court watchers who still aren’t sure what to make of him after 20 years.

“There is a reason people are mystified: He is something of a mystery,” says retired federal Judge Vaughn Walker, a 1989 George H.W. Bush appointee.

Roberts, 70 years old, eschews the spotlight. He has published no books, avoided ideological organizations such as the Federalist Society and largely limited his public activities to traditional obligations of the office.

There is little doubt about his legal views, which reflect the conservative he has been since his 20s, when he worked in the Reagan administration. Since taking his seat in 2005, he has been central to rulings that eliminated affirmative action, elevated religious-exercise rights, limited federal regulatory authority and, of particular focus now, expanded presidential power.

Still, in some areas, Roberts has been less aggressive than other conservative justices, and he has nurtured the reputation of an institutionalist: a judge who places value on consensus, stability in the legal system and building credibility with the public.

That has been more difficult this year. Trump has been deliberately aggressive in challenging norms and boundaries. A flood of lawsuits have followed. Judges have regularly put Trump policies on hold at least temporarily, spurring virulent criticism from the administration. Deputy Attorney General Todd Blanche, speaking Friday at the Federalist Society’s national convention, described the standoff as “a war” between the administration and what he described as “rogue, activist judges.”

For most of his tenure, Roberts has been a popular leader within the judiciary, calling for raising judges’ pay, improving courthouse security and defending judicial independence. That support has begun to erode, according to interviews with federal judges appointed by presidents of both parties.

A mix of judges voiced frustration with the Supreme Court issuing so many emergency orders in Trump’s favor without much explanation, which they said leaves them with little guidance on how to address legal questions the president’s policies have prompted.

One said Roberts should have spoken up more forcefully in response to the personal attacks on judges. Republican appointees have tended to be more sympathetic toward the chief justice’s dilemma.

Roberts must tread carefully when some in the MAGA movement suggest that defiance of judicial orders isn’t out of the question, several judges said. “That has to be part of the consciousness,” said a judge who has known Roberts for decades. “Not in the sense that you would ever vary a ruling, but in the sense that you don’t want to gratuitously offend.”

“As long as I’ve known him, he is by temperament a very cautious man,” the judge said. “You can’t ask people to be other than what they are.”

Another said, “He’s a deeply strategic man. I’m going to give him the benefit of the doubt for now.”

In last week’s case, Roberts appeared to lean against the administration’s arguments that Trump had the power to unilaterally impose tariffs with virtually every nation. But the arguments barely touched on the implications of ruling against the president. Not only are the economic consequences enormous—the government says it expects to have collected between $750 billion and $1 trillion in tariffs by next June—the political implications could be even greater.

Trump has championed an aggressive tariff regime for decades; as president, he views import taxes as essential to remaking the U.S. economy. Taken together, the economic stakes and the president’s intense personal commitment to his tariffs almost make the case too big to lose.

If the court does rule against the president, it could say that federal law doesn’t allow Trump to impose these types of tariffs on his own. It could also say that tariffs are taxes and Congress, which holds the taxing power, can’t outsource that authority to the president even if it wanted to.

The typical course if the government loses a tax case would be a court order to refund the money. That is less certain here. The scale of such a refund program would be unprecedented, and the court would have to take on faith that Trump would abide by an order to provide reimbursements. If he didn’t, it could spark a constitutional crisis.

“Look at Marbury v. Madison,” said Walker, the retired judge. The famed 1803 decision that established the power of judicial review, by Chief Justice John Marshall, “said, in essence, that the president is acting beyond his authority, but the court wrote the case in a way that didn’t require any enforcement,” Walker said. “We might be seeing the same dynamic here.”

Roberts has made clear that when it comes to presidential powers, he intends to drive the decision.

In such cases, “it’s important, to the extent we’re speaking with one voice, that the chief justice do that,” Roberts said in an interview for “Courtmaker,” a new PBS documentary about Marshall. “It’s kind of a symbol that I’m representing the branch of government and you’re hearing it from me.”

No matter what path the court chooses, Roberts will need to build bridges. His ability to direct outcomes has diminished since 2020, when Justice Amy Coney Barrett’s appointment to succeed the late Ruth Bader Ginsburg gave the court’s conservative wing the power to control decisions even without Roberts’s support.

#### The AFF’s ruling requires significant outlays of judicial capital.

James G. Pope 20, Professor of Law and Sidney Reitman Scholar at Rutgers University, J.D., labor activist and legal scholar, “How Amy Coney Barrett’s Appointment Would Escalate the War on Workers”, https://www.workplacefairness.org/how-amy-coney-barretts-appointment-would-escalate-the-war-on-workers/

I don’t think any­thing’s going to be so much dif­fer­ent from the recent direc­tion. It’s just that it’s going to be more intense and con­sis­tent. What’s going to be an issue here in terms of what the court does, I think, is the extent to which Supreme Court Jus­tice John Roberts, who has some sense of his­to­ry and some con­cern about what the his­tor­i­cal ver­dict on his chief jus­tice­ship is going to be, is going to con­strain the court in the labor law area. I think he under­stands the need to con­strain the court in the civ­il rights area, and even some of the oth­er con­ser­v­a­tive jus­tices have issued sur­pris­ing pro-civ­il rights opinions.

The Supreme Court is like any polit­i­cal body in the sense that you spend polit­i­cal cap­i­tal, and there’s an assess­ment: “Well, do we want to spend our polit­i­cal cap­i­tal on this issue? Are we going to spend it on that issue?” And that’s going to be the big ques­tion now that they’re going to have. If this nom­i­nee gets con­firmed, con­ser­v­a­tives are going to have a very strong major­i­ty. And they’re going to have the pow­er to trans­form the law immense­ly. And so the ques­tion is, where are they going to put their ener­gy? And my fear is not so much for labor law, because labor laws are fun­da­men­tal­ly weak any­way, but more in the area of vot­ing rights and gerrymandering.

#### That means Roberts will balance elsewhere to correct the signal of the plan.

Ann E. Marimow 25, Supreme Court correspondent at the Washington Post, former Nieman Fellow at Harvard, holds a degree from Cornell, “Supreme Court walks a tightrope as it confronts Trump’s power moves”, https://www.washingtonpost.com/politics/2025/05/29/trump-john-roberts-supreme-court/

Chief Justice John G. Roberts Jr. is navigating a fraught path, legal analysts say, trying to avert a direct confrontation between the Trump administration and a Supreme Court that has steadily expanded presidential power — but not without limits.

The stakes are as high as at any time in Roberts’s 20-year tenure. He is committed to protecting the independence of the courts to “check the excesses of Congress or the executive,” as he said recently, amid attacks by President Donald Trump and his allies on federal judges, including the justices.

Since Trump returned to the White House, the Supreme Court has granted him most, but not all, of what he asked for in emergency requests. The justices have allowed the administration for now to bar transgender troops from the military, fire independent agency leaders without cause, halt teacher grants and remove protections for as many as 350,000 Venezuelans. On Friday, the court cleared the way for Trump to revoke legal status for more than 530,000 migrants while litigation continues.

The court’s notable, increasingly forceful exceptions have come in cases involving the due process rights of migrants targeted for fast-tracked deportation.

It is still early in Trump’s term to draw conclusions about how the Supreme Court will ultimately rule on the many lawsuits challenging the administration’s most aggressive moves. Over the next few years, the justices could have the final word on issues including tariffs, birthright citizenship, the firing of independent agency leaders and more.

In handling the flood of emergency requests so far, Roberts seems to be taking a page from one of his heroes, John Marshall, who as the longest-serving chief justice established the court system’s independence while studiously avoiding fights with President Thomas Jefferson that he knew he couldn’t win.

Roberts “wants to avoid conflict with the other branches until he absolutely has to come into conflict with them,” said John Yoo, a law professor at the University of California at Berkeley who served as deputy assistant attorney general in the George W. Bush administration.

Unlike the executive branch or Congress, Yoo continued, “the court doesn’t have the sword or the purse. Its power is persuasion, and the justices understand that more than most people and are sensitive to it.”

With both houses of Congress controlled by Republicans, the federal courts have emerged as the primary potential roadblock to Trump’s initiatives, with significant implications for his presidency and the fragile balance among the three, coequal branches of government.

Trump has said that he has great respect for the Supreme Court and that his administration will abide by its decisions. Solicitor General D. John Sauer, the president’s top advocate at the court, told the justices during oral argument this month that the administration views itself as bound by their judgments and precedents.

But the president’s social media posts have shown flashes of anger with a bench that includes three Trump nominees — Justices Neil M. Gorsuch, Brett M. Kavanaugh and Amy Coney Barrett.

“The Supreme Court of the United States is not allowing me to do what I was elected to do,” Trump wrote on Truth Social on May 16, after the high court’s sternly worded order temporarily blocking deportations of alleged gang members in northern Texas.

The next day, the president circulated an ominous post from legal adviser and conservative provocateur Mike Davis, who said: “The Supreme Court is heading down a perilous path.”

The escalating tension poses a serious test for Roberts’s leadership and the Supreme Court’s legitimacy at a time when the court and the country are ideologically divided, and when Americans’ trust in the court has plummeted.

Many of the court’s early decisions have been technical and procedural. In the case of Kilmar Abrego García, for instance, a divided court directed the administration to take steps to return the wrongly deported Maryland man. But the justices stopped short of ordering Trump to make it happen. That gave the administration an opening to drag its feet in response to lower-court orders and to suggest that Abrego García would not be returning to the United States.

Jeffrey Rosen, chief executive of the National Constitution Center, said Roberts is determined to protect the court and not invite a confrontation.

“He has a very sophisticated sense of how fragile the court’s nonpartisan role is,” Rosen said, calling Roberts’s approach a combination of diplomacy and law. “He’s trying to pull it off under extremely challenging circumstances, where it’s not clear whether or not the court will succeed.”

Yoo observed something similar in how the court handled Trump’s proposed ban on birthright citizenship, which has been blocked by several lower courts while litigation continues. The court put off for another day big constitutional questions about the legality of denying automatic citizenship for U.S.-born babies. Instead, the justices took up the procedural issue of whether a single judge has the power to temporarily block a president’s agenda nationwide.

“That’s his operating system — to try to delay having to decide these really controversial constitutional issues,” Yoo said of the chief justice.

The emergency orders from the court have been unsigned, with dissenters listed by name if they choose. Roberts appears to have been in the majority in all but one of the approximately 10 substantive actions the court has taken so far.

Rosen sees parallels between Roberts’s approach and the legacy of Marshall, whose portrait hangs above the fireplace in the justices’ wood-paneled private conference room and who led the court from 1801 to 1835. Marshall facilitated consensus among his colleagues and transformed what was a weak judicial body into a powerful check on Congress and the president. But he was also careful not to engage in unwinnable battles with rival Jefferson.

“I am not fond of butting against a wall in sport,” Marshall wrote to his colleague Justice Joseph Story in 1823.

Most notably, in the 1803 case of Marbury v. Madison, the Supreme Court had to decide whether it could order the secretary of state to deliver William Marbury’s commission as a justice of the peace, bestowed by outgoing President John Adams. The new president, Jefferson, did not want to honor the appointment, so Marbury sued.

Marshall found that the court lacked the power to grant Marbury’s commission, keeping the justices out of a conflict with Jefferson and his allies in Congress who had canceled new judgeships. But the chief justice also used the ruling to establish the court’s broad authority to “say what the law is” and invalidate laws that conflict with the Constitution.

Roberts invoked Marshall’s legacy during an interview at Georgetown Law School this month, crediting him with establishing the judiciary as an independent, coequal branch at a critical moment in the nation’s history.

“He is, I’m happy to defend, the most important figure in American political history” who was not a president, Roberts said, adding dryly: “A lot more important than about half the presidents.”

Trump’s early second-term record at the court is mixed. Roberts and the conservative majority have signed off on Trump’s efforts to consolidate presidential power by firing rank-and-file workers and independent agency officials while litigation continues. Last week, a divided court allowed Trump to carry out the firings of Gwynne Wilcox of the National Labor Relations Board and Cathy A. Harris of the Merit Systems Protection Board despite laws passed by Congress protecting their tenures.

But Roberts and Barrett joined with the court’s three liberal justices in March in refusing to block a lower-court order requiring the administration to unfreeze foreign aid payments for work already completed.

On immigration, in addition to telling the administration to take steps to bring back Abrego García, the justices issued an extraordinary middle-of-the-night order that temporarily barred Trump officials from using a wartime power to deport alleged gang members from parts of Texas.

Melissa Murray, a New York University law professor and co-host of a liberal podcast about the court called “Strict Scrutiny,” sees the court oscillating between two postures that she called “good court, bad court.”

In the course of a few days this month, for instance, the justices issued two starkly different immigration rulings.

First, they said the Trump administration could not invoke the Alien Enemies Act of 1798 to restart deportations in northern Texas. They chastised officials for not giving those targeted for removal sufficient time to challenge their deportations and alluded to the administration’s handling of Abrego García, saying the detainees’ interests were “particularly weighty” because of the risk of indefinite detention at a notorious megaprison in El Salvador.

Three days later, without explanation, the court cleared the way for the Trump administration to cancel temporary protections for up to 350,000 Venezuelans, some of whom have lived in the U.S. for many years.

Many of the court’s orders are written, Murray said, as if the justices are concerned that Trump officials won’t listen if they are especially forceful. In a different Alien Enemies Act case, the justices did not address the validity of invoking the wartime power last used during World War II. Instead, they said the migrants should have challenged their deportations in Texas rather than Washington and must be given notice and an opportunity to challenge their removals.

“They are trying to figure out what the right approach is that will engender compliance,” Murray said.

The administration has taken an aggressive posture in court and in public statements. Vice President JD Vance last week took issue with Roberts’s recent description of the high court’s role as a check on the excesses of the executive.

“I thought that was a profoundly wrong sentiment. That’s one-half of his job,” Vance, a Yale Law School graduate whose wife clerked for Roberts, said in an interview with New York Times columnist Ross Douthat. “The other half of his job is to check the excesses of his own branch.”

As much as Roberts may be trying to portray the court as a neutral arbitrator, Murray noted, the chief justice played a major role in creating the conditions for Trump’s maximalist approach, authoring the court’s opinion last summer that gave Trump broad immunity from criminal prosecution for official actions as president.

While the decision had the immediate effect of derailing Trump’s election interference prosecution in D.C., it was also a broad endorsement of executive authority that seems to have emboldened the administration.

The solicitor general’s office, for instance, has quoted from the court’s decision in Trump v. United States to bolster the president’s claims that he has the authority to fire independent agency officials who are protected by statute from at-will removal.

“It’s hard for him to say that the court is just trying to call balls and strikes,” Murray said of Roberts. The chief justice and the majority have “midwifed this movement and brought us to the moment we’re in now.”

Michael W. McConnell, however, a former federal appeals court judge, sees Roberts as trying to keep the judiciary in its proper lane.

In the case involving USAID funding, the court did not directly order the administration to restart payments, but said the lower court “should clarify what obligations the Government must fulfill to ensure compliance with the temporary restraining order, with due regard for the feasibility of any compliance timelines.”

“He doesn’t want the judiciary to be enlisted as a combatant in this political struggle, and he’s right about that,” said McConnell, who was a Supreme Court law clerk at the same time as Roberts and now directs the Constitutional Law Center at Stanford University.

“The role of our courts and our system is to adhere to stable legal principles. Not to throw their weight on one side or the other. I think that’s coming through loud and clear from the chief justice.”

Walking that tightrope, McConnell said, means the chief justice may be unpopular with both sides.

#### Striking down the tariffs saves global trade.

Tim Jay 11/6/25, Global Trade Magazine, “Supreme Court Reviews Legality of Trump’s Tariffs”, https://www.globaltrademag.com/supreme-court-reviews-legality-of-trumps-tariffs/

The stakes extend far beyond domestic law. Trump’s aggressive use of tariffs has ignited a global trade war, rattling financial markets, alienating U.S. allies, and injecting volatility into global supply chains. The former president has used tariffs both as leverage in trade negotiations and as punishment for political disputes — targeting nations from China to Canada and India.

Historically, IEEPA has been used to freeze foreign assets or sanction hostile governments, not to levy import taxes. Critics warn that Trump’s approach, if upheld, could transform the emergency powers statute into a tool for unilateral economic policymaking.

A Defining Constitutional Test

The Supreme Court’s eventual ruling will carry sweeping implications for the balance of power between Congress and the presidency — and for the stability of global trade.

With a 6–3 conservative majority, the Court has in recent months sided with Trump in several emergency cases, allowing controversial policies to move forward while legal challenges proceed. Yet the intensity of Wednesday’s questioning suggests unease about expanding executive authority further.

A decision is expected in the coming months, though the administration has asked the Court to move quickly given the economic stakes.

If the justices side with Trump, future presidents may gain near-limitless control over trade policy through emergency declarations, potentially reshaping U.S. economic governance for decades to come.

#### Impact is nuke war.

Steve Schifferes 10/29/25, MA, Honorary Research Fellow, Political Economy, City St George's, University of London. Former Professor, Financial Journalism, University of London, "The Rise and Fall of Globalisation: Why the World's Next Financial Meltdown Could Be Much Worse with the US on the Sidelines", Conversation, https://theconversation.com/the-rise-and-fall-of-globalisation-why-the-worlds-next-financial-meltdown-could-be-much-worse-with-the-us-on-the-sidelines-267920

Jamie Dimon, head of the US’s biggest bank JPMorgan Chase, has said he is “far more worried than other [experts]” about a serious market correction, which he warned could come in the next six months to two years.

Big tech executives have been overoptimistic before. Reporting from Silicon Valley in 2001 as the dotcom bubble was bursting, I was struck by the unshakeable belief of internet startup CEOs that their share prices could only go up.

Furthermore, their companies’ high stock valuations had allowed them to take over their competitors, thus limiting competition – just as companies such as Google and Meta (Facebook) have since used their highly valued shares to purchase key assets and potential rivals including YouTube, WhatsApp, Instagram and DeepMind. History suggests this is always bad for the economy in the long run.

With the business and financial worlds now ever more closely linked, not only has the frequency of financial crises increased in the last half-century, each crisis has become more interconnected. The 2008 global financial crisis showed how dangerous this can be: a global banking crisis triggered stock market falls, collapses in the value of weak currencies, a debt crisis in developing countries – and ultimately, a global recession that has taken years to recover from.

The IMF’s latest financial stability report summarised the situation in worrying terms, highlighting “elevated” stability risks as a result of “stretched asset valuations, growing pressure in sovereign bond markets, and the increasing role of non-bank financial institutions. Despite its deep liquidity, the global foreign exchange market remains vulnerable to macrofinancial uncertainty.”

I believe we may be entering a new era of sustained financial chaos during which the seeds sown by the death of globalisation – and Trump’s response to it – finally shatter the world economic and political order established after the second world war.

Trump’s high and erratically applied tariffs – aimed most strongly at China – have already made it difficult to reconfigure global supply chains. Even more worrying could be the struggle over the control of key strategic raw materials like the rare earth minerals needed for hi-tech industries, with China banning their export and the US threatening 100% tariffs in return (as well as hoping to take over Greenland, with its as-yet-untapped supply of some of these minerals).

This conflict over rare earths, vital for the computer chips needed for AI, could also threaten the market value of high-flying tech stocks such as Nvidia, the first company to exceed US$4 trillion in value.

The battle for control of critical raw materials could escalate. There is a danger that in some cases, trade wars might become real wars – just as they did in the former era of mercantilism. Many recent and current regional conflicts, from the first Iraq war aimed at the conquest of the oilfields of Kuwait, to the civil war in Sudan over control of the country’s goldmines, are rooted in economic conflicts.

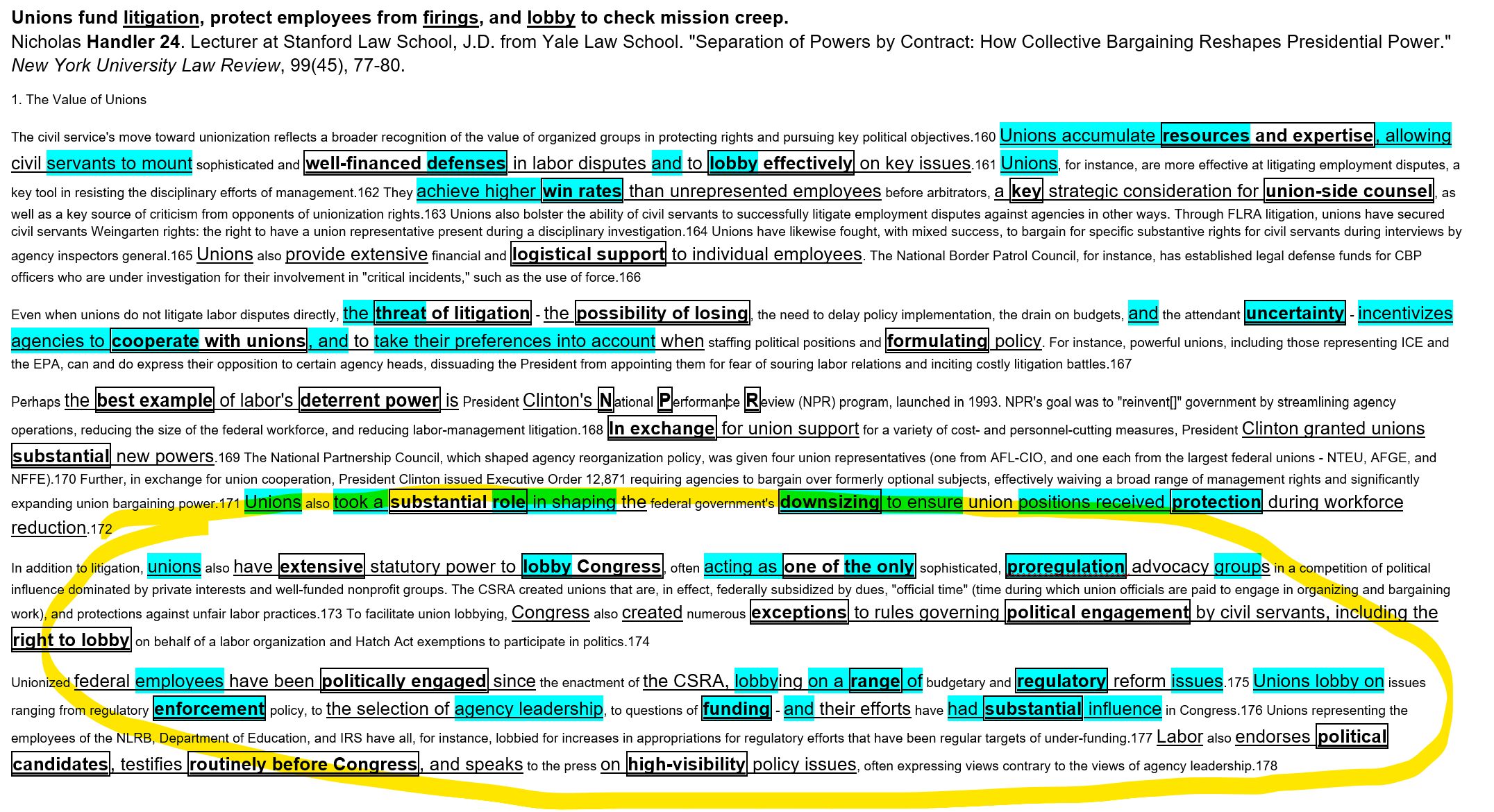
The history of globalisation over the past four centuries suggests that the presence of a global superpower – for all its negative sides – has brought a degree of economic stability in an uncertain world.

In contrast, a key lesson of history is that a return to policies of mercantilism – with countries struggling to seize key natural resources for themselves and deny them to their rivals – is most likely a recipe for perpetual conflict. But this time around, in a world full of 10,000 nuclear weapons, miscalculations could be fatal if trust and certainty are undermined.

### OFF

Electric Vehicles DA

#### The Handler 24 card says “unions lobby Congress for a *pro-regulation agenda*”, the AFF strengthens them, and they’re effective. Insert this screenshot below. No take-backs!



#### Deregulation is good---it eliminates burdensome permitting requirements that impede buildout of energy infrastructure.

Katherine Scarlett 1/14/26, Chairman of the White House Council on Environmental Quality, former Senior Professional Staff at the U.S. Senate Committee on Environment and Public Works and Chief Of Staff at the Federal Permitting Improvement Steering Council, “The Trump Administration Is Moving To Fix a Broken Permitting System | Opinion”, https://www.newsweek.com/the-trump-administration-is-moving-to-fix-a-broken-permitting-system-opinion-11359565

The United States is in a global race to build critical infrastructure, secure affordable and reliable energy, and advance our nation’s technology dominance. Rather than evening the odds, our government has given competing countries a head start by weighing down our permitting system with red tape and paperwork.

But there is good news. The Trump administration, Congress, and the Supreme Court have all acted to cut through the mess known as the National Environmental Policy Act (NEPA).

When the law took effect in 1970, NEPA provided two modest directions. The law created the Council on Environmental Quality (CEQ) to advise the president and consult with federal agencies on environmental matters. It also directed federal agencies to write a public report about the likely environmental effects of major federal actions that significantly impact the environment. Environmental groups and overreaching federal judges, however, weaponized NEPA litigation, turning it into an albatross that generates extensive permitting and infrastructure delays.

President Trump moved decisively to address the NEPA quagmire, beginning with his Day One Unleashing American Energy Executive Order that directed the CEQ to expedite and simplify the permitting process. He rescinded President Carter’s outdated 1977 Executive Order directing CEQ to issue governmentwide NEPA regulations. Rather than working as an additional regulatory obstacle, President Trump directed CEQ to return to its consultative role, working with Federal agencies as they identify the right approach to complete a NEPA analysis for their individual permitting functions.

CEQ quickly rescinded its NEPA regulations by publishing an “interim final rule” on February 25, 2025, which became effective on April 11, 2025. By June 30, 2025, key permitting agencies across the Federal government revised their procedures, promoting efficiency and certainty while eliminating delays and ambiguity in their environmental review and permitting processes. Last week, CEQ issued a final rule that reaffirms the removal of its NEPA regulations and responds to comments it received. With this action, the Trump administration is unleashing American energy and getting our country moving again.

These reforms in part implement Congress’s codification of President Trump’s 2020 NEPA amendments in the BUILDER Act. In that law, Congress provided deadlines and page limits, clearer procedural guardrails, and important exclusions from the NEPA processes. Only under President Trump’s leadership have the agencies actually implemented and aligned their procedures with these reforms. Unlike the Biden administration’s attempt to skirt Congress’s direction, the Trump administration is faithfully carrying it out and implementing the law.

The Supreme Court identified the need to restore common sense to the permitting process. In May 2025, the Court issued its landmark decision in Seven County Infrastructure Coalition v. Eagle County. There, the Court repeatedly chastised lower courts and environmental groups for abusing the process. As the case illustrates, the government spends an enormous sum of money and time protecting its decisions from litigation risk, analyzing effects and infeasible alternatives far afield of the project before it. The Court rightly identified NEPA litigation as a major cause of delaying and denying needed infrastructure projects. It made clear that courts must defer to agency expertise. All nine Justices agreed loud and clear: we can’t go back to the old, endless-delay way of doing things.

Congress and the Judiciary also have some choices. They can support the democratically elected Administration’s work and support the authorization of dearly-needed projects, or they can reject additional, appropriate reforms, and cede power to cynical litigants and their lawyers. Following President Trump’s example, Congress should pass further beneficial corrections to the permitting process, and lower courts should follow the Supreme Court’s Seven County command: “the central principle of judicial review in NEPA cases is deference.”

While some decision points to fix the NEPA process are left to Congress and the Judiciary, President Trump is leading a bold vision to further modernize the permitting process and rapidly deregulate so we can start building now. This vision reflects a simple truth: while China breaks ground on critical infrastructure, the U.S. can’t be stuck doing paperwork. To this end, the administration is tirelessly working on other areas to cut red tape while fostering exceptional stewardship of the environment.

#### Specifically, EVs.

Mike Lee 25, covers the intersection of transportation and climate change for E&E News, formerly was an energy reporter for Bloomberg News, “Duffy pushes for faster permitting in next highway bill”, https://www.eenews.net/articles/duffy-pushes-for-faster-permitting-in-next-highway-bill-2/

Transportation Secretary Sean Duffy said he wants to work with Congress on permitting changes in the next surface transportation bill, saying the current system of environmental reviews is contributing to the logjam of federally funded projects.

About 3,200 projects from the 2021 bipartisan infrastructure law have been announced but can’t get started because the Department of Transportation hasn’t signed funding agreements with local sponsors, Duffy said Wednesday at a hearing of the Senate Environment and Public Works Committee.

Most of the backlogged projects are under review to make sure they meet the administration’s own criteria, but Duffy said the National Environmental Policy Act is another source of delays.

Those delays have affected Democratic priorities like electric-vehicle charging, along with roads, bridges and transit projects. That’s a big reason many Democrats on Capitol Hill have been increasingly willing to engage on permitting law changes.

#### Widespread adoption of EVs solves oil dependence.

James Brock 25, Master Sergeant in the U.S. Air Force (ret.), former Program Manager at 4Front Solutions, Conelec Electronic Manufacturing, and Enterprise Electronic Corp, “Electric vehicles bolster national security and the economy”, https://www.theinvadingsea.com/2025/02/26/electric-vehicles-florida-ev-charging-national-security-us-economy-energy-independence/

As an Air Force veteran, I proudly served this nation. I’m pro-Constitution. I’m well-read and know and understand history. I’m also very much in favor of a free and competitive market. And I drive electric for several reasons: to protect national security, to achieve energy security through independence from oil, to create American jobs in EV-related industries and to foster economic prosperity.

The U.S. military spends about $81 billion from taxpayers per year to protect oil infrastructure and transit routes. The need to constantly manage our relationship with OPEC countries, which do not share our values, diverts resources from more critical strategic threats. Our dependence on oil puts countless service members’ lives at risk and reinforces our reliance on a volatile and unstable global market with the potential to devastate the U.S. economy.

The transition to an all-electric transportation system — where power is made locally — bolsters our national security, creates American jobs and stabilizes fuel prices.

#### Oil dependence causes great power wars.

Michael A. Davis 25, Colonel in the U.S. Army (ret.), current Faculty Associate for Research at the Naval Postgraduate School, former US Army Foreign Area Officer (FAO) and Special Forces Officer, with experiences throughout Europe, as well as service in Africa and the Middle East, NATO Certified Instructor, developed the US Army's first Energy Security Awareness Course for FAOs; also with Colonel Jonathan Drake, U.S. Army, “Energy Security: A Primer for Students of International Affairs”, https://faoajournal.substack.com/p/energy-security-a-primer-for-students

Energy is the lifeblood of our civilization. From the moment when man mastered fire for warmth and harnessed animals to increase plow efficiency and food production, humans have protected sources of energy and sought various means to multiply work value. The energy potential of wood, wind, water, and beasts of burden was eventually surpassed by the power of coal. Later, coal-fueled steam’s potential was dwarfed by oil and most recently by the power of the atom. Throughout these transitions, human development and achievement have fundamentally relied upon ready access to energy as an essential component of economic activity and growth. Indeed, in the modern era fulfillment of the United Nations’ poverty reduction targets have been directly tied to access to energy.[i]

While access to energy is essential for human advancement, control and distribution of energy resources has enabled states and corporations to wield far more power than they would otherwise have. Certainly, Qatar would not have hosted the 2022 World Cup without its realized energy power, nor would Saudi Arabia be a world player. Competition for control of energy resources – including the associated physical, banking, and support infrastructure – has fueled international conflict and threatens more. While the roots of Russia’s invasion of Ukraine are not entirely energy-related, competitive energy politics played a substantial role in fueling the conflict and other hard security disagreements, including the depletion of bank reserves and the physical destruction of energy infrastructure. Events far afield such as the security of energy supplies in Venezuela and the Gulf of Guinea affects global markets and domestic stability in the U.S. homeland. The stability of the global order depends on a stable energy market, and the American way of life is wholly dependent upon the availability of affordable energy.

As future and current political-military advisors to Combatant Commanders and Ambassadors, the Department of Defense’s Foreign Area Officers (FAO) are among the small (but growing) group of front-line practitioners that must have a working knowledge of energy security. Whether FAOs are considering the development needs of populations as they try to stabilize conflict areas in Africa, advising NATO leaders about the real operational impacts of reverse-flow, networked pipelines, or considering Chinese investment in Middle Eastern oil infrastructure, FAOs must be proficient in the security aspects of energy. The following pages will attempt to frame the modern energy security debates by providing a brief, yet comprehensive, presentation of the key components and arguments in the energy arena to spur thought and interest in this important field.

Defining the Problem: Oil is Messy

Securing a safe, reliable, and affordable energy supply has been a goal of governments since the industrial revolution. Just as access to supplies of salt and saltpeter [i] was a vital security interest in the early modern period, access to and security of energy supplies is a vital national security interest for modern governmental leaders. This access to, and security of, energy has either limited or enabled the potential of states to realize their strategic goals in both peacetime and war.[ii]

Yet ensuring one’s own energy security is no simple task. While globalism has created connectivity and interdependence in world markets and has led to greater investment into reliability of energy systems, it has also ensured that disruptions in the system are felt far and wide. Problems in downstream storage systems, damage to pipelines, natural disasters affecting refineries, civil unrest in upstream production areas, price disputes, financial woes of transit countries, corruption, war -- all these have affected the system and degraded the supply security of one nation or another. A secure supply of energy is reliant upon the proper functioning of the entire chain of energy systems. But, what is energy security?

The International Energy Agency (IEA) defines energy security as “reliable, affordable access to all fuels and energy sources.”[iii] In addition to the availability and price aspects, the seminal energy security literature of the previous decades includes the key tenets of affordability, reliability, redundancy, supply control, and diversity.[iv]

The sheer complexity of these variables and energy markets and systems in general has led nations to develop national strategies for reducing vulnerabilities to ensure the livelihoods of their economies and their citizenry. These strategies reflect the national character of their respective political cultures and their philosophical beliefs about economic freedom, private/public ownership, the role of government in society, and the role of the state in utilizing natural endowments. While some nations, such as the Russian Federation, develop comprehensive energy strategies to advance the interests of the state, others, to include the U.S., have no such overarching comprehensive policy or strategy. Despite their strategic perspectives, the very relations between those with and those without indigenous energy resources are often colored by the fact that more than 80% of the world's proven oil reserves are concentrated in just ten countries, nine of which consistently rank in the bottom half of comparative scales of political and democratic stability and freedom. A comparable review of proven gas reserves tells a similar story.

Today, oil remains the world’s largest energy source because of its primary role in fueling transportation. Demand continues to grow, mostly because of increased needs for transportation, especially in the developing world.[v] Oil and other liquid fuels will remain the world’s largest energy source in 2040, meeting about one-third of demand. Globally, demand for liquid fuels will rise by almost 30 percent over the next 30 years.[vi] As the IEA identified in its 2016 report on oil trends, “the largest contribution to the increase in oil demand came from the world’s most consumed fuel, gas/diesel oil.”[vii] Modern nations continue to rely upon natural petroleum products in support of ground transport and aviation, and Chinese demand for oil continues to outpace predictions.[viii] Notwithstanding government investment and preferences, alternative fuels are thus far “playing a very marginal role”.[ix] These trends in developed nations and the continued struggle for advancement in underdeveloped countries demonstrates that oil will remain exceptionally relevant to short-term policy formulation and long-term national power and energy security.

This same reliance upon oil products coupled with the experiences of the 1970s (e.g. the oil crisis of 1973 and the energy crisis of 1979) gave rise to different approaches: ensuring availability of petroleum and improving the efficiency of petroleum use. An offshoot of these approaches was the idea that energy security and overall energy market stability could be achieved through “energy independence”. For many modern scholars, energy independence is synonymous with energy security – that is to say, a nation’s ability to ensure domestic supplies or access at continual affordable levels.[x] These approaches, however, proved more short-term than strategic. Improving efficiency of petroleum-consuming machines, while important to curbing emissions, led to higher demand. Efficiency did not alter oil’s status as the prime mover nor slow the growth of transportation services. National dependence upon oil as a commodity, whether as importer or exporter, creates vulnerabilities which states must account for. This dependence manifests itself either as a total reliance on production and export, rendering a state economically vulnerable to global price downturns, or as a dependency on consumption and import, leaving a nation’s economy at the mercy of global price spikes or the goodwill of the supplier to honor contractual obligations.[xi] Whether a nation has an abundance or dearth of hydrocarbon resources, the resultant issue is often insecurity, real or perceived.[xii]

Given the unique importance of fossil fuels to basic security and human development as well as the unequal distribution of these resources, the hallmark international security issue for the next generations may become the geopolitical competition for these resources and the relative power of the nations wielding them. When it comes to energy, the world appears to tilt toward the Realism side of the International Relations theory spectrum.[xiii]

### OFF

Politics DA

#### NIL regulation is coming now---but time and focus are key---the window is rapidly closing.

Chad Pergram 12/25/25, chief Congressional correspondent for FOX News Channel, “Lawmakers attempt to tackle NIL, giving it the 'old college try'”, https://www.foxnews.com/politics/house-pulls-nil-college-sports-bill-floor-gop-defections-democratic-opposition

Congress has done nil to fix NIL in college sports.

Lawmakers get another chance to tackle NIL in early 2026.

Let’s start with terms.

"NIL" refers to "name, image, likeness." College athletes have made bank over the past few years, marketing themselves as their own product. They skip from school to school for more playing time. A bigger spotlight. And that leads to a better NIL deal.

Translation: You’ll probably make more from your NIL contract if you play for Ohio State and not North Dakota State.

As everyone watches bowl games and the College Football Playoff this holiday season, fans inevitably crow about the lack of parity for schools from the Big 10 and SEC compared to the Mid-American Conference and Sunbelt Conference.

James Madison, we’re looking at you.

The NCAA appears incapacitated to act to rein in NIL and issue nationwide rules. So, they’ve turned to Congress for a fix.

Good luck with that.

The House tried to advance a bill in early December. But that legislation plunged into a toxic political scrum. First of all, many Democrats opposed the bill. The legislation then lacked the votes, thanks to some GOP defections. The timing of the legislation was in question, too. The House wasn’t addressing annual spending bills or health care, but college sports. Some Republicans thought this was a bad optic.

This commotion came just as former Ole Miss head football coach Lane Kiffin defected to SEC rival Louisiana State University (LSU) for a king’s ransom. House Minority Leader Hakeem Jeffries, D-N.Y., wasted no time noting that House Speaker Mike Johnson, R-La., and House Majority Leader Steve Scalise, R-La., are both LSU graduates and superfans of the school’s athletic programs. Jeffries questioned whether well-moneyed alumni connected to the school advocated for Johnson and Scalise to push the NIL bill at that time. Jeffries then anointed the legislation the "Lane Kiffin Protection Act."

"People are asking the question, ‘Why did you decide to bring this bill this week?’ with all the other issues that the country is demanding that we focus on, led by the affordability crisis that they claim is a scam and a hoax," posited Jeffries.

The controversy created a maelstrom too challenging for the House to handle. So the GOP brass yanked the legislation off the floor.

NATIONAL CHAMPION COACH WANTS TRUMP 'MORE INVOLVED' IN NIL REGULATION: 'OUR SPORT IS GETTING KILLED'

House leaders hope to try again to regulate NIL and manage money in college sports in 2026.

"I think we need to do it sooner rather than later," said House Budget Committee Chairman Jodey Arrington, R-Texas.

"We need a national framework," said Rep. Debbie Dingell, D-Mich., at a House session to prepare a NIL bill over the summer. "One with clarity and real enforcement to bring fairness, transparency, and equity to the new NIL era."

Lawmakers are now revising the NIL bill to set national standards — and coax enough lawmakers to support it. It’s possible Congress could vote around the same time the nation crowns the next college football champion.

#### Collective bargaining’s unethical.

Danielle Howard 20, third-year neurology resident at Duke University Hospital, MD at Leonard M. Miller School of Medicine at Miami, March 2020, “What Should Physicians Consider Prior to Unionizing?” AMA Journal of Ethics, Vol. 22, No. 3, pp. 193-200

The possible disadvantage to patients highlights the crux of the moral issue of physician strikes. In Immanuel Kant’s Groundwork for the Metaphysics of Morals, one formulation of the categorical imperative is to “Act in such a way as to treat humanity, whether in your own person or in that of anyone else, always as an end and never merely as a means.”24

When patient care is leveraged by physicians during strikes, patients serve as a means to the union’s ends. Unless physicians act to improve everyone’s care, union action—if it jeopardizes the care of some hospitalized patients, for example—cannot be ethical. It is for this reason that, in the case of physicians looking to form a new union, the argument can be made that unionization should be used only as a last resort. Physician union members must be prepared to utilize collective action and accept its risks to patient care, but every effort should be made to avoid actions that risk harm to patients.

#### The plan knocks the bill off the docket.

Dr. Valerie Heitshusen 19, PhD, Analyst, Congress & Legislative Process, Congressional Research Service, "The Legislative Process on the Senate Floor: An Introduction," Library of Congress, 07/22/2019, https://www.congress.gov/crs-product/96-548.

The legislative process is laborious and time-consuming, and the time available for Senate floor action each year is limited. Every day devoted to one bill is a day denied for consideration of other legislation, and there are not enough days to act on all the bills that Senators and Senate committees wish to see enacted. Naturally, the time pressures become even greater with the approach of deadlines such as the date for adjournment and the end of the fiscal year. So, for all but the most important bills, even the threat of a filibuster can provide significant leverage to Senators. Before a bill reaches the floor or while it is being debated, its supporters often seek ways to accommodate the concerns of opponents, preferring an amended bill that can be passed without protracted debate to the time, effort, and risks involved in confronting a filibuster or the threat of one.

#### The impact is VTL.

Bo Pelini 18, served as head coach of the Nebraska Cornhuskers from December 2007 until November 2014 and later served as head coach of the Youngstown State University football team from 2015 through 2019; prior to leading the football program at Nebraska, he was the defensive coordinator for the LSU Tigers, Oklahoma Sooners, and the Nebraska Cornhuskers, “On Thanksgiving, a fake football coach offers real appreciation for college football”, https://www.nytimes.com/athletic/670050/2018/11/22/on-thanksgiving-a-fake-football-coach-offers-real-appreciation-for-college-football/

The problem isn’t that we aren’t good at giving thanks; it’s that we’re too good at it. We put our thank-yous on autopilot, and we overlook a thousand things that make our otherwise miserable lives worth living.

Today, join me in giving thanks for the underappreciated parts of college football.

Goalposts

Goalposts don’t get enough credit. These unfinished rectangles create our game’s three-point window, providing hundreds of free college educations to people skilled at kicking a ball.

But goalposts serve a bigger purpose: They are occasionally sacrificed to the college football gods by euphoric students who’ve stormed their home field and can’t figure out what to do next. There is nothing more stupid and poetic and dangerous and beautiful than the sight of college students celebrating their school’s victory by destroying some of its property. Thank you, goalposts.

The Pain of Losing

The best thing about college football is also the worst thing: The regular-season games matter a lot. This is extremely helpful when your team wins a big game but not so much when your team loses one.

Why should you be grateful for the pain of losing? Because it means that your team plays in meaningful games. Losses are only painful when they matter. Many fans experience nonpainful losses, especially late in a disappointing season, and it is football hell. The only thing worse than feeling pain when your team loses is NOT feeling pain when your team loses.

When the losses don’t matter, the wins don’t, either. The pain of a single loss in an 11-1 season is greater than the combined pain of nine losses in a 3-9 campaign, but nobody would trade a winning season for a losing one. The pain of losing is the price of admission for being a good team.

This is not helpful consolation in the aftermath of defeat, and it will get you punched if you suggest it to an SEC fan whose team just played Alabama. But it is reality. So, thank you, pain of losing.

Pylon Cams

We have cameras in our phones and kitchens and traffic lights, so it was only a matter of time until cameras found their way into end zone pylons. And like wheels on luggage, it’s hard to imagine life before pylon cams.

Every pylon cam replay is a terrifying mini-movie where giant robots with facemasks crash into each other and fly overhead, and all these movies end the same way — with the robots storming toward us, growing larger and closer and OH MY GOD THE PICTURE WENT BLANK ARE WE DEAD?

I want a pylon cam TV channel (someone please invent this). PCTV will have nonstop pylon cam footage from airports and playgrounds and post offices, and I will never leave my house.

Year Zero

The first year of a winning era of college football is the holy grail — it makes muddling through losing seasons worthwhile. But there is something uniquely great about the season before that — college football’s Year Zero.

Year Zero is the season before the bowl games and the sellouts and the parades, before the winning summons media attention and pulls a team into the national spotlight. Things are still small and mostly private in Year Zero, and the anticipation makes everything fun.

Year Zero is when the fans begin to see that the changes are working and that the losses are soon going to hurt again, maybe a lot, and they can’t wait. It’s like putting together a jigsaw puzzle where three pieces suddenly fit and then the entire bottom left corner is finished and now you can see the entire picture coming together.

Ultimately, the Year Zero season is forgotten when the winning ones arrive — winning will do that. And that’s a shame because Year Zero is both the beginning and the end of an era.

When you throw a New Year’s Eve party, you forget about the feeling you get after the doorbell first rang. But looking back, it might have been the best (and most sober) moment of the night. It’s pure anticipation. That’s Year Zero.

The Nissan Heisman House

I know you think this is a fake residence that a car company created for commercials. I know you don’t believe that college football players are required to leave their friends and families and move into a commune after winning the Heisman Trophy. But I choose to believe the Nissan Heisman House is real.

I believe that Marcus Mariota gives Johnny Manziel a ride to the dry cleaners. I believe that Jameis Winston grills burgers with Charles Woodson while Peyton Manning watches through sad binoculars from the park across the street. And I know that Tim Tebow sits alone in his room praying for the lost souls of his roommates.

The Nissan Heisman House might not be real to you, but it is real to me. Thanks, Nissan.

College Football’s Weirdness

All sports have versions of instant drama – half court shots, walk-off home runs, holes in one. And those are great achievements, but they happen in controlled environments. College football, on the other hand, provides its dramatic moments with a twist of weird.

And because the college football gods have a sick sense of humor, the craziest college football things happen in the largest rivalry games. Michigan State beat Michigan three years ago when a Spartan ran a bobbled snap into the end zone as time expired and then had his leg smushed in the celebration dogpile. Auburn returned a missed field goal 109 yards against Alabama five years ago as time expired while we all screamed IS THIS EVEN LEGAL at our televisions. And Cal lateralled footballs backward and sideways and ran through the Stanford band (you guessed it, as time expired) in the greatest pre-replay victory of all time.

None of these things happen in other sports. Thanks, college football gods.

### OFF

National Debt DA

#### Federal workers are a huge drain on America’s balance sheet---they’ll cause a debt crisis---cuts solve.

Matthew Dickerson 25, Director of Budget Policy at the Economic Policy Innovation Center, former Senior Policy Advisor on the staff of the House Budget Committee and Director of the Grover M. Hermann Center for the Federal Budget, “Stop Funding Nonessential Government Employees”, https://epicforamerica.org/federal-budget/stop-funding-nonessential-government-employees/

Costs of Nonessential Bureaucrats are Staggering

The costs of carrying a large nonessential workforce are staggering. Based on Congressional Budget Office data, I estimate the cost of nonessential employees would be $146 billion in fiscal year 2026 and $1.6 trillion over the next decade. The interest costs on the debt required to finance those positions would add another $288 billion, bringing the total to more than $1.9 trillion. The costs of pensions and other benefits would be much higher over the long term.

The Trump Administration has already taken steps to cut this waste. Director of the Office of Management and Budget (OMB) Russ Vought issued a memo instructing agencies to prepare reduction in force (RIF) notices for nonessential employees.

The law is clear. The Antideficiency Act prohibits federal activities, other than limited exceptions for life, property, and other necessary duties, unless a valid appropriation is provided. The Democrats have halted funding for these nonessential employees. The Trump Administration is only fulfilling its responsibilities under the law by moving to eliminate those positions rather than pretending funding exists.

But the RIFs will only stick if Congress does its part to defund unneeded agencies and activities. The OMB memo tells agencies to “revise their RIFs as needed to retain the minimal number of employees necessary to carry out statutory functions” once full-year 2026 appropriations are finalized.

None of this is to deny that job losses could be painful for those affected. But no government bureaucrat is entitled to the taxpayers’ money forever.

With their employer – the American people – more than $37 trillion in debt and running a $2 trillion annual deficit, the status quo is not sustainable.

#### Debt structurally increases vulnerability to a host of existential threats---modest cuts solve.

Dr. Richard Haass 25, PhD from Oxford, Senior Counselor at Centerview Partners, was a member of the faculty of Harvard University’s Kennedy School of Government and Hamilton College, served as CFR’s president for twenty years, former director of policy planning for the Department of State and a principal advisor to Secretary of State Colin Powell, also with Dr. Carolyn Kissane, “The Debt Crisis and American National Security”, date retrieved via Google metadata, https://www.pgpf.org/programs-and-projects/convening-experts/expert-views/lessons-from-history-for-america-today/the-debt-crisis-and-american-national-security/

Debt and its National Security Impact

This judgment stems from several factors. To begin with, there is the financial cost of servicing the debt. Closely related is the classic “crowding out” phenomenon. Money spent on borrowing is by definition money not available for more productive purposes, from discretionary domestic spending to defense. Defense spending is almost certain to feel the pressure because so much else of what the government spends is either unavoidable (in that the cost of defaulting would cause enormous problems for this country) or is supported by an overwhelming majority of the American people. Here of course we refer to entitlements. Defense spending (like non-entitlement domestic spending) is at the end of the day discretionary, which is a fancy way of saying it can be reduced more easily than other forms of spending. The fact that sizeable factions of both political parties now favor a reduced American role in the world and less extensive use of military force increases the likelihood that defense spending will be viewed as an account to draw upon to ease financial struggles rather than being seen as relatively sacrosanct as it often was during the Cold War.

Some might say this doesn’t matter, in that we are already spending a great deal on national security and thus defense cuts would have a negligible impact. But as noted above, such a perspective ignores that we are spending around 3 percent of GDP on defense, far below the Cold War average. And, were the Pentagon to cut its budget, the timing couldn’t be worse; this is a moment in which the United States finds itself confronting great power challenges across multiple geographies and in a range of situations, from classic conflict with medium and great powers to something very different in the counterterrorism realm. Plus, as is vividly being demonstrated in recent wars in the Middle East and Europe, it is a time of dynamic innovation and adaptation. New weapons such as drones are taking on a much larger role; large expensive platforms are more vulnerable (or less useful) than they were. There is as a result a case to be made that we need to be spending more on defense, as well as spending what we do spend differently.

A high and growing level of debt in normal times presents national security headaches in moments of crisis. The government has little dry powder should a pressing need to spend more arise to stimulate the economy out of recession, as was the case during the Covid-19 pandemic. More relevant to the geopolitical landscape facing America today, the already stretched debt position the country finds itself in means a weaker ability to fund a major military effort (for example, a conflict with China over Taiwan). In simpler terms, we are guilty of spending our rainy-day fund in sunny weather.

In addition, as more of the federal budget is consumed by debt service, nondefense programs that underpin national security, including cybersecurity, infrastructure, public health, and counter-extremism initiatives, face spending pressures. So too will much-needed homeland security programs designed to bolster resilience against flooding, fires, and more frequent violent storms. Over time, underfunded prevention and resilience programs leave the United States more vulnerable to terrorism, cyberattacks, pandemics, extreme weather, and grid failures. In this way, debt doesn’t just weaken the United States abroad; it hollows out the internal capacities that protect the homeland, turning fiscal strain into a direct threat to national security more broadly and arguably more accurately defined. And if these domestic needs are not adequately met, it is all but certain pressures will grow to cut defense spending as it will be argued the country does not have the resources or the luxury to maintain security abroad while it suffers at home. Isolationism is always present in the American body politic, and this is just the sort of scenario to bring it out into the open.

Unaddressed debt will raise reputational concerns for the United States, starting with questions about American financial stewardship. It also makes it difficult if not impossible for this country’s representatives to lecture others on their profligacy when we are guilty of it ourselves. Worst of all these externalities, concerns over the debt could accelerate a move away from the dollar, something already happening in reaction to what is widely seen as excessive weaponization of the dollar through excessive use of financial sanctions. Also reinforcing a move away from the dollar is its secular weakening, something the Trump administration is encouraging so as to improve the U.S. trade balance. Defaulting on the debt or attempting to inflate our way out of it by printing dollars would only accelerate the international shift away from the dollar.

After 80 years of dollar dominance as the backbone of global trade, debt, reserves, and safe haven for investing, the future of dollar supremacy is now a question. If sovereign investors and central banks diversify away from the dollar, U.S. borrowing becomes that much more expensive, further eroding America’s fiscal foundation and compounding the near-intractable debt dilemma it already faces. With this cycle in full swing, national security will inevitably be affected as U.S. influence and leverage will decline.

The geopolitical stakes of de-dollarization would be enormous beyond the resource implications of the United States taking on exchange rate risk. The dollar system has served as a glue that held together allies and adversaries, creating interdependence that raised the costs of direct conflict. In addition, domination by the dollar undergirds U.S. sanctions power. Nearly all cross-border transactions run over dollar rails, giving Washington influence over governments as well as terrorists or criminals involved in illicit finance. But as more countries pilot China's CIPS network, pay for energy trade in renminbi, or explore central bank digital currency corridors, this reach is eroded. The erosion also weakens U.S. financial intelligence, one of the underappreciated pillars of national security.

Taking on the Debt

There is a powerful case for addressing the debt now so that issues during crises do not cause serious long-term damage to the United States. To be clear, what is required to fix the debt is not to eliminate it altogether, which would be impossible and even inadvisable over less than a multi-decade time span. In fact, it is desirable but not even essential that it be reduced. Instead, a credible level of success would be reducing the rate of growth of the debt to a level below that of GDP growth. It has already been demonstrated that such a (relative) level of debt can be managed.

### OFF

Queer Anarchism K

#### The 1AC’s political imaginary is organized around *archē* and *telos*---that assimilates queer potentiality to the administered world of bureaucracy. Vote neg for a queer praxis of anarchist (non)politics grounded in disidentification and “pure means” to divest from their normative politics.

Brendan Brown 25, PhD student at The Centre for the Study of Theory and Criticism in the University of Western Ontario, 06/24/2025, “Queer Anarchy: Muñoz and Schürmann Go on a Date,” *Utopian Studies*, vol. 36, no. 1, pp. 137-58, https://doi.org/10.5325/utopianstudies.36.1.0137, \*edited for language

Introduction to the Problem

This article originates from the desire to think of the possibility of a tomorrow without the violence of today. Queerness, which is neither “here” nor “now,” offers an eldritch potential for a tomorrow without today. Queerness-as-potentiality, on my reading of José Esteban Muñoz’s Cruising Utopia (2009) and Disidentifications (1999), is a prefiguration of concrete utopias through strategies of disidentification that allow maneuvering through zones of being and non-being. Thanks to this notion of “queerness-as-potentiality,” Muñoz’s queer praxis of anarchist (non)politics becomes salient and meaningful as a *rejection* of a political foundation predicated upon metaphysical referents of *archē* and *telos*. This essay lays bare, and then de-sediments, Muñoz’s (non)politics from its (non)foundation, arguing for a divestment of his reliance on the work of Giorgio Agamben, forwarding in its stead the work of Reiner Schürmann’s on the political in Heidegger.1 Queer anarchy in Muñoz, becomes defined by its refusal to assimilate to the “administered world” of bureaucracy and its prefigural stance of anticipation open to the autoimmunity of the utopic future to come. A reading of the San Diego’s Blood Sisters’ strategic disidentifications with mainstream homophobia illustrates precisely this position, as it/they seek an answer to the question posed by Eric A. Stanley: “How does blood continue to figure, not through the protocols of sovereign exception but through the proliferation of that exception in the maintenance of the human?”2

On the Miseducation of José Esteban Muñoz by Giorgio Agamben

This section lays out, first, Muñoz’s allusions to Giorgio Agamben in Cruising Utopia; and, second, turns to the misreading of Agamben by Muñoz.3 Principally, Muñoz cites Agamben’s work on potentiality at critical junctures in the text. And, as such, the influence of Agamben is not simply marginal. However, Muñoz’s conceptual resources do not actually need the scaffolding provided by Agamben. Instead, this essay argues, Muñoz can remain conceptually faithful to the Heideggerian insight that “potentiality stands above actuality” without relying upon Agamben.4 Moreover, Agamben’s influence actually dampens Muñoz’s conceptual methodology and strategies, ~~cutting off a limb as it were~~ [narrowing the conceptual field] by disqualifying disidentification as a possible recourse for queer subjects. In short, I argue, Agamben’s political program is anathema to Muñoz’s own program of a coming (non)politics, a (non)politics of ecstasy. In addition, I trace the contours of the undertheorized influence of Jacques Derrida on Muñoz’s work, which emerges throughout his citations in both Cruising Utopia and Disidentifications. In the end, Muñoz’s work benefits from a divestment in the form of a more mobile politics of disidentification.

Of the six times that Muñoz cites Agamben, the influence is split between two conceptual developments: “potentiality” and “politics without ends.” Beginning with potentiality, we see that Muñoz is aiming at unsettling an ontology of presence and absence through a paraontological reading of potentiality and actuality. Muñoz writes:

Agamben underscores a distinction made by Aristotle between potentiality and possibility. Possibilities exist, or more nearly, they exist within a logical real, the possible, which is within the present and is linked to presence. Potentialities are different in that although they are present, they do not exist in present things. Thus, potentialities have a temporality that is not in the present but, more nearly, in the horizon, which we can understand as. Potentiality is and is not presence, and its ontology cannot be reduced to presentness.5

Thus, Muñoz relies on a paraontology—taken from the deconstructive work of Nahum Dimitri Chandler—which can be defined as “hierarchies and orientations by which they are articulated or understood as in relation.”6 This para-ontological reading of potentiality and actuality inverts their priority—that actuality stands before potentiality—and combines several integral concepts into one. Namely, potentiality is temporality defined as a futurity, and this futurity spells the horizon of intelligibility of the here and now. Potentiality stands beyond actuality but is always being actualized through the temporal unfolding of the present time.

This “present time” can be differentiated between straight time and queer time. Queer time “is a stepping out of the linearity of straight time. Straight time is a self-naturalizing temporality. [. . .] Queerness’s ecstatic and horizonal temporality is a path and a movement to a greater openness to the world.”7 Thus, queer potentiality names an ecstatic rhythm of presence and absence that cannot be neatly delineated. Muñoz links his queer politics of ecstasy and temporality together through the figuration of utopia as what stands beyond heteronormativity: “Utopia lets us imagine a new space outside of heteronormativity. It permits us to conceptualize new worlds and realities that are not irrevocably restrained by the HIV/AIDS pandemic and institutionalized homophobia.”8 This alternative non-place of utopia is predicated upon a paraontological reading of queerness. Queerness is para-ontological insofar as queerness names a fundamental absence in the here and now which is nevertheless present in the form of potentiality. Muñoz writes, “Queerness is a longing that propels us onward, beyond romances of the negative and toiling in the present. Queerness is that thing that lets us feel that this world is not enough, that indeed something is missing.”9 This absent presence, then, is the name of the queer utopia which orients praxis in the present.

Muñoz’s (non)politics,10 then, becomes predicated upon this paraontological distinction between presence and absence that desediments the economy of metaphysics of presence. As a “beyond” of causality in the physical world, potentiality stands beyond the *archē* and *telos* of metaphysics because of its non/being. Upsetting the dialectic of means to ends, Muñoz cites Agamben’s “means without ends” as a politics of the gestural. Muñoz writes, “Agamben privileges gesture as a modality of movement that resists modernity’s totalizing political scripts insofar as it promises a politics of a ‘means without end.’”11 Politics, then, becomes anarchist precisely because it is not oriented around a singular First Principle—*archē*—of presence or absence, nor does it mold its potential forms of praxis to a prescribed end—*telos*; politics transforms into (non)politics since it is a negation of politics as determined by the *archē* and *telos*.12

Potentiality as futurity becomes utopian. Muñoz uses “utopia” in a concrete sense: it is not the abstract utopias of Thomas More but a correlate of the gestural-performative couplet of praxis actualized in the present: “The performative work of “means,” in the sense I am using it, is to interrupt aesthetics and politics that aspire toward totality.”13 These concrete utopias are in a continual state of arriving but never arrive as such. Muñoz’s (non)politics of “pure means”—taken from Walter Benjamin’s “Critique of Violence”—is an actualization, through praxis, of what can never be exhausted—potentiality—in the form of a queer anarchist (non)politics14: “An emphasis on means as opposed to ends is innately utopian insofar as utopia can never be prescriptive of futurity. Utopia is an idealist mode of critique that reminds us that there is something missing, that the present and presence (and its opposite number, absence) is not enough.”15 Queerness-as-potentiality names the beyond of the present which indicates the non-place of utopia as bearing upon the present in its actualization through gesture and performance. That is, queerness-as-potentiality influences the present actualization through the “standing reserve” of queerness. Thus, utopia bears a correlation to and influence on the present in the form of a hauntology indicative of paraontology. If queerness names what is missing and potentiality spells the horizon of futurity, then utopia is the potentiality of queerness to actualize a (non)politics of “pure means” without ends, which is fundamentally anarchist in structure and form.

The misreading of Agamben by Muñoz arrives precisely in the form of an absence. Namely, Muñoz seems to cite and read Agamben’s “On Potentiality” for his conceptual uses of potentiality, (para)ontology, and (non) politics. But, if one returns to Agamben’s text, we see a glaring oversight. Namely, in Muñoz there is no discussion of “impotentiality,” which is crucial for Agamben’s reading of Aristotle and his deconstruction of the privileging of actuality over potentiality. For Agamben, impotentiality is co-originary with potentiality since they presuppose one another. Agamben writes, “The greatness—and also the abyss—of human potentiality is that it is first of all potential not to act.”16 Impotentiality is “to be one’s own lack, to be in relation to one’s own incapacity.”17 Muñoz, despite citing the essay in question, completely sidesteps the original insight of Agamben’s reading of im/potentiality. Muñoz’s miseducation, however, does not end there.

In Homo Sacer: Sovereign Power and Bare Life, Agamben supplements his reading of potentiality in a crucial and significant way. For Agamben, potentiality does not just describe both the potential to be and not to be, but the very structure of sovereignty in the history of Western philosophy. He writes, “In describing the most authentic nature of potentiality, Aristotle actually bequeathed the paradigm of sovereignty to Western philosophy. . . . At the limit, pure potentiality and pure actuality are indistinguishable, and the sovereign is precisely this zone of indistinction.”18 Muñoz completely misses the political undertones of Agamben’s reading of potentiality. As such, his use of potentiality and actuality is only half the picture. For Agamben, this sovereign moment of indistinguishability takes the form of the suspension of the law in the state of exception. The anomic zone of indistinction becomes sutured by the dialectic of potentiality and actuality. However, it is the relève of the trace which Muñoz repeatedly cites as a form of queerness in both Disidentifications and Cruising Utopia that upends and spells the indistinction of their dialectical interplay. Muñoz writes, “It is something like a trace or potential that exists or lingers after a performance. . . . Reading for potentiality is scouting for a ‘not here’ or ‘not now’ in the performance that suggests a futurity.”19 Thus, potentiality and the trace make possible the zone of indistinction Agamben takes to be indicative of the metaphysical structure of sovereignty. Agamben’s critical appraisal of Derrida is lost on Muñoz, who only understands them as copacetic. It is in Homo Sacer that Agamben critiques deconstruction as, “positing undecidables that are infinitely in excess of every possibility of signification.”20 Consequently, deconstruction and the trace, potentiality and actuality, are for Agamben isomorphic to the structure of sovereignty in the West. It would appear, conceptually, that Muñoz has inadvertently assimilated his paradigm of queerness to the very structure with which he seeks to disidentify.

To deepen the divide between Agamben and Muñoz, we could turn to the latent differences in their respective accounts of the messianic and utopia. For the former, in an essay entitled “The Messiah and the Sovereign,” the messianic is “not one category among others within religious experience but is, rather, its limit concept.”21 As such, the messianic names the current paradigm under which we are all living: the permeant state of exception. This state of exception is understood as “being in force without signification,” or the fact that “everything—every law—is outside the law. The entire planet has now become the exception that law must contain in its ban. Today we live in this messianic paradox.”22 The messianic becomes, for Agamben, “the Messiah [who] is the anointed one [who] comes to trans- form the world and mark a fundamental change in all its distinctions.”23 That is, the Messiah arrives and “nullifies the law, but then maintains it as the Nothing of Revelation in a perpetual and interminable state of exception.”24 The Messiah announces a crossing of a threshold into pure actuality which is the limit of both the political and the religious. For Muñoz, how- ever, a queer messianism would precisely exhaust queerness as such. Thus, for Muñoz, the concrete utopia is perpetually arriving but never arrives as such. As potentiality, utopia can never arrive in the here and now but must always spell the limit of the present, of which it stands in excess. Agamben’s messianism arrives and crosses the threshold of the political, but Muñoz’s utopia never arrives as such. A queer messianism, for Muñoz’s conception of queerness-as-potentiality, is a performative contradiction.

When taken together, we see a critical contradiction in Muñoz’s use of Agamben and Agamben’s own politico-metaphysical paradigm. What to make of this contradiction? For one, it is evident that Muñoz was concerned with only mining for conceptual resources to advance his thesis of queerness-as-futurity/potentiality/utopia. His miseducation is a sign of a Deleuzean approach to concepts wherein their use—or actuality—is less important than their potential for use otherwise. Second, Agamben himself is exceedingly esoteric as to the nature of pure potentiality as indistinguishable from “pure actuality.” He writes that the true task is to “think the existence of potentiality without any relation to Being in the form of actuality . . . and think the existence of potentiality even without any relation to being in the form of the gift of the self and of letting be.” Thus, potentiality and actuality are to be rethought because “this . . . implies nothing less than the thinking of ontology and politics beyond every figure of relation, beyond even the limit relation that is the sovereign ban.”25 In Agamben, therefore, there is no room for a navigation and decision before the Law à la Derrida. To do so would be to capitulate to the very power of sovereignty and governmentality operative in today’s world. One could argue that Agamben is almost dogmatic about this strategy: destitution and inoperativity are the only ways to interrupt the sovereign apparatuses of power. What is missing in Agamben, but evident in Muñoz, is a strategy of identification and disidentification which recognizes the facticity of violence and death in marginalized communities.

It is entirely ambiguous in Agamben whether the figure held in suspension by the ban of the sovereign, the homo sacer, is capable of doing anything to destitute the sovereign apparatus. It appears that once one is held in the state of exception—the anomie of the law where it suspends its functioning precisely in the exclusion of the homo sacer from the domain of the law’s “proper” functioning—there is little one can do to exit it. Precisely how and why one is marked as such is seldom discussed in Agamben. Muñoz, on the other hand, outlines in his first book Disidentifications the strategies of the most vulnerable as they are captured and hunted by the sovereign apparatuses of power which inflict death and violence upon those who are deemed “less than” human. This strategy, Muñoz argues, is “meant to be descriptive of the survival strategies the minority subject practices in order to negotiate a phobic majoritarian public sphere that continuously elides or punishes the existence of subjects who do not conform to the phantasm of normative citizenship.”26 Disidentification, then, names the strategies one must take in order to live in the sovereign state of exception. This partly entails at times a disavowal of one’s queerness in the form of impotentiality, or the potential to not be (outwardly) queer. But simultaneously, it is a disidentification with “the mass public and instead, through this disidentification, contribute[s] to the function of a counterpublic sphere.”27 Thus, disidentification names a fundamental indistinguishability between the potentiality of queerness and the actuality of queerness. This is entirely at odds with Agamben’s critique of both Derrida and deconstruction. However, this tension is productive insofar as it reveals the weaknesses of Agamben’s position in the real world.

## Bureaucracy

### Catastrophic Risks---1NC

#### A variety of other actors---universities, research labs, non profits, state governments---check capacity shortfalls.

Elaine Kamarck 25, Founding Director - Center for Effective Public Management (CEPM), Senior Fellow - Governance Studies, Brookings, 1-28-25, “Is government too big? Reflections on the size and composition of today’s federal government,” https://www.brookings.edu/articles/is-government-too-big-reflections-on-the-size-and-composition-of-todays-federal-government/

In the United States, contracting out government work is more common than outright privatization. In earlier work, I have called this “government by network.”**30** In government by network, the federal government makes a conscious decision to implement policy by creating a network of state or local governments and/or by creating a network of nongovernmental organizations through its power to contract, fund, or coerce. The variety of organizations that have been part of government by network is immense: churches, research laboratories, nonprofit organizations, for-profit organizations, and universities have all been called upon to do the work of government. The network model is most prevalent in the area of social services, but it exists throughout the federal government, hence the comparison to one big ATM machine.

Government by network offers one major advantage over traditional bureaucratic government: It allows many different organizations to address a problem. Take mental health and addiction, for example. The Department of Health and Human Services includes the Substance Abuse and Mental Health Services Administration (SAMSHA), established to help the United States tackle these issues. The agency’s goals are:

### Terror---1NC

#### Employees with intel about terror have never had CBR.

Edward J. **Bonett Jr. 25**, JD, Esq. Partner, Genova Burns LLC, Senior Labor Relations Attorney, "Trump Executive Order Targets Federal Unions and Sparks Legal Battle over Bargaining at 18 Agencies," 4-11-25, https://www.genovaburns.com/news/labor-law/2025-04-11-trump-executive-order-targets-federal-unions-and-sparks-legal-battle-over-bargaining-at-18-agencies

Presently, four agencies are exempt from labor bargaining – the FBI, CIA, NSA, and the Secret Service. In enacting those exemptions, Congress further allowed the President to designate other agencies as exempt from collective bargaining if the agency has “intelligence, counterintelligence, investigative, or national security as a primary function.” Picking up on this language, the White House’s new order, if upheld, would add agencies or subagencies that have as a primary function intelligence, counterintelligence, investigative, or national security work. Along with directing the agencies to cancel their agreements, the Order directs agencies to terminate agency participation in any pending grievances.

#### Nuclear terror is impossible

John Mueller & Mark G. Stewart 21, Mueller is Woody Hayes Senior Research Scientist, Mershon Center for International Security Studies, and adjunct professor of Political Science, at Ohio State University, also a Senior Fellow at the Cato Institute in Washington; Stewart is Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at The University of Newcastle in Australia, “Terrorism and Bathtubs: Comparing and Assessing the Risks,” Terrorism and Political Violence, vol. 33, no. 1, 01/02/2021, pp. 138–163

The likelihood that anyone outside a war zone will be killed by an Islamist extremist terrorist is extremely small. In the United States, for example, some six people have perished each year since 9/11 at the hands of such terrorists—for an annual fatality rate of about one in 50 million for the period.

This might be taken to suggest, as one writer has characterized it, that “terrorism is such a minor threat to American life and limb that it’s simply bizarre—just stupefyingly irrational and intellectually unserious—to suppose that it could even begin to justify the abolition of privacy rights as they have been traditionally understood in favour of the installation of a panoptic surveillance state.” 1 And terrorism specialist Marc Sageman characterizes the threat terrorists present in the United States as “rather negligible.” 2 The vast majority of what is commonly tallied as terrorism has occurred in war zones, and this is especially true for fatalities.3 But even this has been exaggerated by conflating terrorism with war: civil war violence that would previously have been seen to be acts of insurgency are now often labeled terrorism.4

In order to put the numbers in some context, it has often been pointed out that far more Americans are killed each year not only by such highly destructive hazards as drug overdoses or automobile accidents, but even by such comparatively minor ones as lightning, accident-causing deer, peanut allergies, or drowning in bathtubs. Some comparisons are arrayed in Table 1.

In recent years, however, critics have attacked what they call “the bathtub fallacy.” 5

First, they stress that it is important to keep in mind that bathtubs are not out to kill you while terrorism is a willful act carried out by diabolical, dedicated, and clever human beings. Thus, although the number of people Islamist terrorists have been able to kill in the West since 9/11 has thus far been quite limited, those terrorists, as they plot and plan and learn from experience, may very well become far more destructive in the future.

Second, the critics charge that the comparison of terrorism with bathtub drownings is incomplete in that it doesn’t consider the possibility that the incidence of terrorist destruction is low precisely because counterterrorism measures are so effective.

Third, it is argued that, unlike bathtub drownings, terrorism exacts costs far beyond those entailed in the event itself. It damagingly sows terror, fear, and anxiety; disturbs our

Table

Description automatically generated

psychological well-being; undermines trust and openness within the society; and reduces our sense of intrinsic moral worth even as it increases a sense of helplessness. They maintain, fourth, that the comparison is invalid because, unlike terrorism, bathtubs provide benefit.

And finally, they contend that terrorism costs are peculiarly high, particularly in a democratic society, because the fears it generates will necessarily need to be serviced by policy makers, and this pressure forces, or inspires, them to adopt countermeasures, both foreign and domestic, that are costly and sometimes even excessive.

In this article, we examine these five propositions and find all of them to be wanting. In the process, we conclude that terrorism is rare outside war zones because, to a substantial degree, terrorists don’t exist there. In general, as with rare diseases that kill few, it makes more policy sense to expend limited funds on hazards that inflict far more damage.

Terrorism is willed and may well become more destructive

Journalist Jeffrey Goldberg has suggested that “the fear of terrorism isn’t motivated solely by what terrorists have done, but what terrorists hope to do.” Bathtubs are simply not “engaged in a conspiracy with other bathtubs to murder ever-larger numbers of Americans.” However, terrorists “in the Islamist orbit,” he insists, “seek unconventional weapons that would allow them to kill a far-larger number of Americans than died on Sept. 11.” 6 Or as Janan Ganesh of the Financial Times puts it, “Bathroom deaths could multiply by 50 without a threat to civil order. The incidence of terror could not.” 7

Thus far, 9/11 stands out as an extreme outlier: scarcely any terrorist act, before or after, in war zones or outside them, has inflicted even one-tenth as much total destruction. That is, contrary to common expectations, the attack has thus far been an aberration, not a harbinger.8 And al-Qaeda central, the group responsible for the attack, has, in some respects at least, proved to resemble President John Kennedy’s assassin, Lee Harvey Oswald—an entity of almost trivial proportions that got horribly lucky once. The tiny group of perhaps 100 or so does appear to have served as something of an inspiration to some Muslim extremists. They may have done some training, may have contributed a bit to the Taliban’s far larger insurgency in Afghanistan, and may have participated in a few terrorist acts in Pakistan. In his examination of the major terrorist plots against the West since 9/11, Mitchell Silber finds only two—the shoe bomber attempt of 2001 and the effort to blow up transatlantic airliners with liquid bombs in 2006—that could be said to be under the “command and control” of al-Qaeda central (as opposed to ones suggested, endorsed, or inspired by the organization), and there are questions about how full its control was even in these two instances, both of which, as it happens, failed miserably.9 And, although some al-Qaeda affiliates have committed substantial damage in the Middle East, usually in the context of civil wars, their efforts to carry out terrorism in the West have been rare and completely ineffective.10 Even under siege, it is difficult to see why al-Qaeda could not have carried out attacks at least as costly and shocking as the shooting rampages (organized by other groups) that took place in Mumbai in 2008 or at a shopping center in Kenya in 2013. Neither took huge resources, presented major logistical challenges, required the organization of a large number of perpetrators, or needed extensive planning.

However, there is of course no guarantee that things will remain that way, and the 9/11 attacks inspired the remarkable extrapolation that, because the terrorists were successful with box cutters, they might soon be able to turn out weapons of mass destruction— particularly nuclear ones—and then detonate them in an American city. For example, in his influential 2004 book, Nuclear Terrorism, Harvard’s Graham Allison relayed his “considered judgment” that “on the current path, a nuclear terrorist attack on America in the decade ahead is more likely than not.” 11 Allison has had a great deal of company in his alarming pronouncements. In 2007, the distinguished physicist Richard Garwin put the likelihood of a nuclear explosion on an American or European city by terrorist or other means at 20 percent per year, which would work out to 91 percent over the elevenyear period to 2018.12

Allison’s time is up, and so is Garwin’s. These oft-repeated warnings have proven to be empty. And it is important to point out that not only have terrorists failed to go nuclear, but as William Langewiesche, who has assessed the process in detail, put it in 2007, “The best information is that no one has gotten anywhere near this. I mean, if you look carefully and practically at this process, you see that it is an enormous undertaking full of risks for the would-be terrorists.” 13 That process requires trusting corrupted foreign collaborators and other criminals, obtaining and transporting highly guarded material, setting up a machine shop staffed with top scientists and technicians, and rolling the heavy, cumbersome, and untested finished product into position to be detonated by a skilled crew, all the while attracting no attention from outsiders.

Nor have terrorist groups been able to steal existing nuclear weapons—characteristically burdened with multiple safety devices and often stored in pieces at separate secure locales—from existing arsenals as was once much feared. And they certainly have not been able to cajole leaders in nuclear states to palm one off to them—though a war inflicting more death than Hiroshima and Nagasaki combined was launched against Iraq in 2003 in major part under the spell of fantasies about such a handover.14

More generally, the actual terrorist “adversaries” in the West scarcely deserve accolades for either dedication or prowess. It is true, of course, that sometimes even incompetents can get lucky, but such instances, however tragic, are rare. For the most part, terrorists in the United States are a confused, inadequate, incompetent, blundering, and gullible bunch, only occasionally able to get their act together. Most seem to be far better at frenetic and often self-deluded scheming than at actual execution. A summary assessment by RAND’s Brian Jenkins is apt: “their numbers remain small, their determination limp, and their competence poor.” 15 And much the same holds for Europe and the rest of the developed world.16 Also working against terrorist success in the West is the fact that almost all are amateurs: they have never before tried to do something like this. Unlike criminals they have not been able to develop street smarts.

Except perhaps for the use of vehicles to deliver mayhem (though this idea is by no means new in the history of terrorism), there has been remarkably little innovation in terrorist weaponry or methodology since 9/11.17 Like their predecessors, they have continued to rely on bombs (many of which fail to detonate or do much damage) and bullets.18

There is another aspect to this argument. It is held that, whereas the number of bathtub deaths does not fluctuate much from year to year, terrorism deaths are not very evenly distributed over time and this quality somehow makes the phenomenon unpredictable and unstable. It is a “fat-tailed distribution” in which there are many small events and a few “outliers that are really important.” 19 Thus, we should give up, suggests Bloomberg’s Justin Fox: “Five or 10 or even 50 years of data isn’t necessarily enough to allow one to predict with confidence what is going to happen next year.” 20

The frequency and destructiveness of terrorism and terrorism cases is indeed anything but uniform. In 2016 there were some two dozen cases of Islamist terrorism in the United States and 49 deaths. In 2008 there was only one case and no deaths.21 However, many natural hazards show the same pattern as terrorism. For example, the frequency and destructiveness of tornados range widely: the death count can vary by up to twenty-fold from year to year. Moreover, they are also far more likely than terrorism to kill. However, the lumpiness doesn’t preclude sensible analysis.

Concern about this unevenness, as bathtub critics Justin Fox and Kenneth Anderson both note, stems from a book by Nassim Nicholas Taleb that stesses the importance of extreme events which he calls “Black Swans.” Taleb argues that “almost everything in social life is produced by rare but consequential shocks and jumps” and “our world is dominated by the extreme, the unknown, and the extremely improbable.” 22 However, Taleb’s account focuses on those unexpected and emotion-engaging events and phenomena (like 9/11) that became consequential (and therefore Black Swans), while ignoring ones that failed to do so. It accordingly suffers from what is called “selection bias.” Moreover, insofar as Black Swan events carry an “extreme impact,” this quality derives not so much from their unexpectedness or from the emotions they initially trigger as from the reaction or overreaction they generate. These reactions are sometimes as unexpected as the event itself, and often they do not correlate well with the event’s size or with its objective historical importance. Moreover, although some unexpected and emotion-engaging events do have considerable consequences, much consequential development in human history—probably most of it—stems not from such events, but from changes in thinking and behavior that are decidedly gradual and often little noticed as they occur.23

### Trump---Lashout---1NC

#### Trump’s foreign policy is precedented and in line with previous administration.

Michael O'Hanlon 1-9, PhD, Director of Research - Foreign Policy, Brookings, 1-9-26, “Is Trump a Unique Commander in Chief?,” https://www.brookings.edu/articles/is-trump-a-unique-commander-in-chief/

My overall conclusion is this: Trump’s national security policies are rarely unprecedented. Most echo earlier debates, earlier decisions, and previous American actions in various periods throughout history. This argument is not intended to sugarcoat the Trump legacy; many earlier decisions by U.S. presidents and Congresses were controversial, some were likely wrongheaded, and many may not be applicable to today’s world in any event.

But consider several of Trump’s big ideas with reference to the historical record, starting more or less at the beginning. That early United States—like the country at almost all subsequent periods in its history—had a healthy degree of self-confidence and plenty of ambition. Trump has a modern type of swagger all his own, to be sure, in magnitude and in style. But even in its earliest days, the United States had plenty of chutzpah.

Trump has proposed restoring U.S. control of the Panama Canal, annexing Greenland, and even pressuring Canada into some kind of new relationship with the United States. The first two ideas have roots in the McKinley/Roosevelt period at the turn of the 20th century. The last idea was contemplated by the United States during the American Revolution and the War of 1812, and even until the middle of the 19th century, as it concerned the Pacific Northwest. Trump’s willingness to entertain the possibility of military operations on Mexican soil also has precedents, not only under Polk but even under the peace-loving Wilson as well.

Trump has likened himself to McKinley and seemed to appreciate the latter’s desire not only for conquest but also for a defining technological edge in the American armed forces. For McKinley, it was a blue-water navy rivaling those of European powers; for Trump, it appears to be the U.S. Navy as well as his “Golden Dome” missile defense system. There are similarities there. Even if history does not repeat, it sometimes rhymes.

Trump certainly does not heed Theodore Roosevelt’s admonition to speak softly while carrying a big stick. As commander in chief of the contemporary American armed forces, he has a much bigger stick than Roosevelt even possessed, in absolute and relative terms. Yet he is extremely assertive on the world stage. Where he would like to emulate Roosevelt is in his desire to win a Nobel Peace Prize. The only other American presidents besides Roosevelt who have done so are Carter, who received a lifetime achievement award given two decades after he left the White House, and Obama, whose winning of the award was perhaps largely based on aspirations for the future on the part of the Nobel committee. But the fact that Trump wants the award would seem to fall well within the modern American tradition—even if his open lobbying for that recognition is sui generis.

In his relative unwillingness to consult closely with Congress on decisions about the use of force, Trump follows a strong post-World War II American tradition. Both President George H.W. Bush and President George W. Bush asked Congress for authorization to conduct Operation Desert Storm, the retaliatory campaign against al-Qaida after 9/11, and the 2003 invasion of Iraq. But Harry Truman did not bother to ask for blessing from the legislative branch for Korea; Johnson only received the Gulf of Tonkin resolution for Vietnam—a very thin reed on which to build such a massive military operation—Nixon extended the war to Cambodia on his own, and Obama chose not to request congressional blessing for a multi-month air campaign in Libya that contributed to the overthrow and execution of Moammar Gadhafi. Trump has lots of company in refusing to ask for Congress’ blessing for his operations today against Venezuela—though in my view, that is not a bragging point but a repetition of a common mistake of modern American presidents.

After showing some signs he might emulate the worldview of the Republican Senate of 1919-1920 that shot down the League of Nations, Trump has to date kept the United States within all of its preexisting alliances and military obligations. In this sense, he is more internationalist than the GOP of a hundred years ago—so far, at least.

On defense budgets, Trump is closer to the post-1945 American consensus on maintaining a vigilant and ready U.S. military than on emulating the presidents and Congresses of the 19th and early 20th centuries that usually preferred to avoid such preparations and expenditures.

### Trump---Diplomacy---1NC

#### Reorganization is good for the state department. Trump only reversed Biden’s expansion.

Dr. Matthew Kroenig 25, PhD, Professor, Government & Foreign Service, Georgetown University; Vice President & Senior Director, Scowcroft Center for Strategy & Security, Atlantic Council; Columnist, Foreign Policy, 8-8-25, "Trump's State Department Reforms Are Necessary," Foreign Policy, https://foreignpolicy.com/2025/08/08/trump-state-department-reforms/.

In July, the Trump administration enacted the most sweeping reorganization of the U.S. State Department in a generation, and the reaction from the mainstream media was overwhelmingly negative. But the State Department was badly in need of reform. The reorganization is the first step toward reinvigorating the department to advance U.S. interests for a more contentious period of geopolitics.

There was a time when the State Department developed and implemented U.S. policy for its most important global challenges. The legendary policy planning teams under George Kennan and Paul Nitze, for example, were intellectual powerhouses often driving the United States’ Cold War strategy.

Over successive administrations, however, strategy and policy development and implementation have been absorbed by National Security Council (NSC) staff, relegating the State Department to managing foreign relations (literally interacting with foreign counterparts) and playing an undersized role in the formulation of strategy and policy. As one former policy planning director told me, “There is not a strategic bone in the entire department.”

Despite this reduction in responsibilities and importance, the size of the State Department has grown in recent decades.

According to a senior State Department official I spoke with, near the end of the George W. Bush administration in 2008 there were 62,165 employees at the department. Under the Obama administration, that number expanded by 23 percent to 77,021. During the first Trump administration, staff size was reduced to 76,317, but under Biden, it ticked upward again by another 5 percent to nearly 80,000—more than 25 percent higher than in 2008.

As the State Department grew, the internal organizational processes did not keep up. New offices and positions were created, such as the Office of Global Women’s Issues in 2009 and the Office of Diversity and Inclusion in 2021, that reported directly to the secretary of state. Management consultants have reported that chief executives’ average span of control is between five to 10 direct reports, but, prior to the recent reorganization, 25 department leaders reported directly to Secretary of State Marco Rubio.

That span of control is unrealistic for anyone, let alone someone who is also acting as the national security advisor and the national archivist. This seemingly flat organization, with everyone reporting directly to the secretary of state, regularly produced gridlock as routine memos often had to be reviewed by up to 10 bureaus—and frequently by multiple people within each bureau—before reaching the secretary’s desk.

These real management challenges have been noted by bipartisan groups of experts and former officials for years. In 2017, for example, the center that I manage at the Atlantic Council published a report on State Department reform by a bipartisan group of foreign-policy experts. Among other recommendations, they urged “reduc[ing] the number of bureaus and offices by consolidating and eliminating functions.” They also recommended “reduc[ing] the number of layers of clearance, review, and approval to three and push decision-making downward.” In his forward for the report, former two-time national security advisor Brent Scowcroft wrote, “The department’s esprit de corps has been wounded by uneven attention to management priorities over the years … and encroachment on their basic mission—notably by the National Security Council staff and the Defense Department.”

The problem was clear to the wise people of U.S. foreign policy, yet no action was taken.

Even worse, the personnel expansion was not directed to priority areas within the State Department. Former Defense Secretary James Mattis famously said that if Washington does not spend more money on the State Department, then he will need to buy more bullets. Unfortunately, much of the growth in staff was not going to the pointy end of the spear—such as foreign service officers, regional experts, and diplomats in the field that interact with foreign counterparts. Rather, as noted above, new hires were made for new functional programs devoted to issues like human rights, climate change, migration, women’s issues, food security, and diversity, equity, and inclusion (DEI).

These offices often pushed controversial agendas at the expense of core U.S. interests and alienated key partners by imposing progressive views, hotly contested even in the United States, on traditional societies around the world. The senior State Department official I spoke with, for example, told me one of his colleagues from a Gulf country complained that the State Department under the Biden administration constantly harassed his government about unionizing guest workers. And the U.S. Bureau of Political-Military Affairs assessed a country’s commitment to DEI before approving arms sales to allies. They also told me that advancing DEI comprised a full 20 percent of State Department employees’ performance ratings—a level equal with: leadership, communication, expertise, and management. A young foreign-service officer at a post overseas told me that “basically everything my team did was DEI” until recently.

Rubio has a different idea of how to run the State Department. He started the job with a clear vision for reform, informed by his many years on the Senate Foreign Relations Committee. As he stated in January after he was confirmed as secretary, “I want the Department of State to be at the center of how America engages the world—not just how we execute on it, but on how we formulate it.”

As both secretary of state and national security advisor, he is supremely well-positioned to rebalance the roles and responsibilities of the State Department and the NSC. As the department is being streamlined and empowered, the NSC is being rightsized. The philosophy of the reorganization is to strengthen U.S. diplomacy by returning power to overseas posts and regional bureaus, as well as cutting inefficiencies in functional, single-issue offices in a bloated headquarters.

According to the senior official, 82 percent of the layoffs were civil servants in Washington and none were foreign-service officers serving overseas. The move consolidated redundant offices, such as three separate shops devoted to sanctions. Many offices devoted to niche functional issues were shut down, but the functional missions were retained and moved to the regional offices doing the real work of daily partnership management. The Bureau of Political Affairs, which includes the assistant secretaries for major regions such as Europe, the Middle East, and the Indo-Pacific, was largely spared from the cuts. Individual bureaus were also streamlined, and the secretary’s number of direct reports was reduced.

Media reports dramatized the job losses that would supposedly gut U.S. diplomacy, but the trimming of roughly 3,000 positions from a staff of 80,000 was a modest adjustment. It simply reversed the expansion from the Biden administration and returned the State Department to the same staffing levels that prevailed during U.S. President Donald Trump’s first term.

Some might equate more staff with more diplomacy, but an inefficient organization that’s overly focused on the wrong issues will not help the United States prevail in its great-power rivalry with China.

Media reports gave the impression that the reorganization and layoffs were rushed without adequate consultation, but, according to my source, Rubio’s team began consultations on it back in January. By April, State Department leadership communicated a plan to reduce staff by roughly 15 percent. Senior career officials were then asked for their recommendations on how to streamline their bureaus. Department leadership read and responded to more 650 comments in the dissent channel—many of them supportive of the reforms—and attended congressional briefings and hearings regarding the reorganization. A working group met more than 20 times and considered feedback from career employees, Congress, and department bureaus. The State Department followed all legal requirements, communicated with its workforce, and worked for months to get the reorganization right.

Not everything worked perfectly. Some high performers who happened to be in the wrong place at the wrong time were let go, while some poor performers were able to keep their jobs, but federal civil service protections made it impossible to conduct the reorganization any other way. Consistent with federal law, offices and functions were let go, not individuals.

In short, the Trump administration has now begun the process of reorganizing the State Department in keeping with the United States’ current challenges. With a major war in Europe, conflicts in the Middle East, and increased Chinese aggression in the Indo-Pacific, it is obvious that efforts to strengthen U.S. diplomacy could not come a moment too soon.

## Lochnerism

### Lochner---Impact---1NC

#### No impact.

Richard M. Re 25, JD, MPhil, Professor, Law, Harvard Law School, "Foreword: To A Conservative Warren Court," Harvard Law Review, Vol. 139, pg. 1-78, 2025, HeinOnline. [italics in original]

Yet these traits are also serious faults. Those who argue from partisan premises and for partisan audiences may themselves be viewed as partisan advocates. And individuals who have a different political orientation are likely to take that perceived advocacy as a guide for what not to do. A conservative, for instance, might be open to court reform based in part on conservatives’ past complaints with the courts. Or a nonpartisan proposal might gain bipartisan support, precisely because it would not have the express purpose or intended effect of tipping the scales of politics. But avowedly left-oriented arguments for judicial disempowerment are implicitly telling conservatives and other non-progressives to oppose the reform on offer. If court reform favors the left, what else is someone on the right to think? Partisan arguments for court reform also risk presentism insofar as they assume now-prevailing ideological coalitions. But, as we have seen, what qualifies as liberal or conservative changes with time; and there is no guarantee that someone who is liberal today will agree with whatever is deemed liberal tomorrow.

Recent events have underscored the ephemeral nature of partisan court reform arguments. For even if it were true that the judiciary objectionably tilts conservative over the long-term, the federal courts might nonetheless play a crucial role in enforcing the law against far-right political interests.423 \*\*\*FOOTNOTE BEGINS\*\*\* The survival and expansion of federal-court power has long been connected to its ability to check partisan politics over the long-term. *See* Tara Leigh Grove, *The Structural Safeguards of Federal Jurisdiction*, 124 HARV. L. REV. 869 (2011); *supra* note 71. \*\*\*FOOTNOTE ENDS\*\*\* And that is in fact much the role that the federal courts are now playing during the Second Trump Administration. As a result, many American liberals are learning to love the courts once again—not as champions or banner-bearers but rather as sentinels or backstops.424 Conservative lawmaking and governance, with nationwide democratic support, is not merely hypothetical. Liberal reformers may suggest that conservative popular movements would not thrive in the first place if courts were disempowered, 425 but that counterfactual claim is necessarily speculative. And the Republican Party’s considerable electoral success in 2024, across an array of indicators, 426 undermines the notion (reassuring to the left) that democracy is systematically on the side of the liberal political party.

In hindsight, the Biden Administration’s inability or unwillingness to engage in court reform has benefitted liberals as well as the overall legal system. At the start of the Second Trump Administration, the Supreme Court has supermajority support among conservative voters.427 If the Court had been packed by Democrats, however, it would now utterly lack legitimacy in the eyes of the constituency that elected not only the President but also majorities in both Houses of Congress.428 President Trump would therefore feel much freer to undermine the judiciary, since he would suffer little or no political price for doing so. And Trump would also have little to gain from garnering the Court’s approval for his initiatives. In short, a packed or otherwise “reformed” Court would be in the political crosshairs with precious little means of protecting either itself or the rule of law.429

### Data---Solvency---1NC

#### Courts won’t do anything

Jim **Dempsey 22**, Executive Director of the Berkeley Center for Law & Technology at the UC Berkeley law school, 03/09/22, US courts mixed on letting data breach suits go forward, https://iapp.org/news/a/u-s-courts-mixed-on-letting-data-breach-suits-go-forward/

Last summer, the U.S. **Supreme Court** seemed to make it **much harder** to bring **privacy lawsuits**, including data breach class actions, in federal court. But after about eight months of lower court decisions, the picture seems to be one of complexity rather than certainty.

A quick primer on standing, for lawyers and non-lawyers alike

The Supreme Court has been **strict** in holding that plaintiffs in federal court must have “standing” to sue. To establish standing, plaintiffs must show that they have suffered an “**injury in fact**” that is concrete, particularized, and actual or imminent. An intangible injury, such as harm to reputation, can be concrete, and, until last summer, it seemed that future injury could qualify if it was “certainly impending” or there was  a “substantial risk that the harm will occur.”

This was all particularly important in data breach cases: Plaintiffs usually have strong **evidence** that their **data was stolen** (frequently in the form of a notification letter directly from the breached company), but quite often they cannot say that all (or even any) of the data subjects had personally experienced **fraudulent charges or identity theft**. Instead, plaintiffs often allege that they face a risk of ID theft or other future harm from misuse of their data. The courts seemed to be warming to future harm as satisfying the injury-in-fact requirement. Indeed, in April 2021, the federal Court of Appeals for the Second Circuit, in a case called McMorris, said that no court of appeals had explicitly foreclosed plaintiffs from establishing standing based on a risk of future identity theft. The appellate panel then held explicitly that “plaintiffs may establish standing based on an increased risk of identity theft or fraud following the unauthorized disclosure of their data.” (The court went on to rule that standing was not established based on the facts alleged before it.)

A few weeks later, on June 3, 2021, the Eleventh Circuit found standing based on risk in the massive Equifax case: “Given the colossal amount of sensitive data stolen, including Social Security numbers, names, and dates of birth, and the unequivocal damage that can be done with this type of data, we have no hesitation in holding that Plaintiffs adequately alleged that they face a ‘material’ and ‘substantial’ risk of identity theft that satisfies the concreteness and actual-or-imminent elements.” This was on top of earlier decisions in at least four other circuits finding standing in data breach cases based on risk of future harm.

TransUnion v. Ramirez: An apparent game changer

All that seemed to change June 25, 2021, when the Supreme Court handed down its decision in TransUnion v. Ramirez. The case arose under the Fair Credit Reporting Act, which requires credit reporting agencies to follow reasonable procedures to assure maximum possible accuracy in consumer reports. The act specifies that any person who willfully fails to comply with the act “is liable to that customer” for damages. In its credit reports, TransUnion had incorrectly tagged thousands of law-abiding Americans as being on the government’s list of terrorists, drug traffickers and serious criminals. For 1,853 people, the company had provided the incorrect reports to third parties. The court had no trouble finding injury in fact and standing for them. The court said the injury caused by the dissemination of the inaccurate information bore a close relationship to a harm traditionally recognized as providing a basis for a lawsuit in American courts — namely, the reputational harm associated with the tort of defamation — and therefore satisfied the constitutional requirement.

But as to the 8,185 class members who had been falsely tagged but whose credit reports had never been disseminated, the court ruled that the mere **existence of inaccurate information** in a database is **insufficient to confer standing**, even though Congress had said that consumers could sue a credit reporting agency that failed to assure the accuracy of its reports. Plaintiffs argued that they were at risk of future harm, in that the inaccurate reports could be disseminated at any time. That’s where the Court dropped the hammer, stating that, “in a suit for damages, the mere **risk of future harm**, standing alone, cannot qualify as a **concrete harm**.”

The court left open several avenues to standing. It suggested that a plaintiff’s knowledge that he or she is exposed to a risk of future physical, monetary or reputational harm could cause its own current emotional or psychological harm, which might suffice. It also said that disclosure to a third party, even “accidental disclosure,” might give rise to standing. After all, it granted standing to the 1,853 persons whose credit reports had in fact been sent out.

All in all, however, TransUnion looked like the **death knell** for data breach **standing** based on risk of future ID theft or other fraud.

#### No emerging tech impact.

Janna Anderson & Lee Rainie 23, investigating expert opinions, former professor of communications and Director of the Imagining the Internet Center at Elon University, the former director of internet and technology research at Pew Research Center. Under his leadership, the Center has issued more than 800 reports based on its surveys and data-science analyses that examine people’s online activities and the internet’s role in their lives, February 24, 2023, "4. Themes from those who expect tech will be designed to allow humans to control key decision-making," Pew Research Center, https://www.pewresearch.org/internet/2023/02/24/themes-from-those-who-expect-tech-will-be-designed-to-allow-humans-to-control-key-decision-making/

Humans and tech always positively evolve: The natural evolution of humanity and its tools and systems has always worked out to benefit most people most of the time. Regulation of AI and tech companies, refined design ethics, newly developed social norms and a deepening of digital literacy will emerge.

Businesses will protect human agency because the marketplace demands it: Tech firms will develop tools and systems in ways that will enhance human agency in order to stay useful to customers, to stay ahead of competitors and to assist the public and retain its trust.

The future will feature both more and less human agency, and some advantages will be clear: The reality is that there will always be a varying degree of human agency allowed by tech, depending upon its ownership, setting, uses and goals. Some digital tech will be built to allow for more agency to easily be exercised by some people by 2035; some will not.

Humans and tech always positively evolve

Many of the experts who have hope about the future of human agency noted that throughout history, humans and technology have always overcome significant hurdles. They said societies make adjustments through better regulation, improved design, updating of societal norms and a revamping of education. People tend to adapt to and/or come to accept both the good and the worrisome aspects of technological change. These experts predict this will also be the case as rapidly advancing autonomous systems become more widespread.

Ulf-Dietrich Reips, professor and chair for psychological methods at the University of Konstanz, Germany, wrote, “Many current issues with control of important decision-making will in the year 2035 have been worked out, precisely because we are raising the question now. Fundamental issues with autonomous and artificial intelligence will have come to light, and ‘we’ will know much better if they can be overcome or not. Among that ‘we’ may actually be some autonomous and artificial intelligence systems, as societies (and ultimately the world) will have to adapt to a more hybrid human-machine mix of decision-making. Decision-making will need to be guided by principles of protection of humans and their rights and values, and by proper risk assessment. Any risky decision should require direct human input, although not necessarily only human input and most certainly procedures for human decision-making based on machine input need to be developed and adapted. A major issue will be the trade-off between individual and society. But that in itself is nothing new.”

## Solvency

### Solvency---1NC

#### Trump is constantly losing.

Jonathan Bernstein 1-11, PhD, Former professor of political science at the University of Texas at San Antonio, Bloomberg Opinion columnist covering politics, 1-11-26, “Losing Loser Keeps Losing,” https://goodpoliticsbadpolitics.substack.com/p/losing-loser-keeps-losing

Donald Trump is defeated all the time, and perhaps this week was some sort of record for that. At least so far. He lost several times in various courts. He had a Jimmy Carteresque day in Congress on Thursday, losing votes on Venezuela in the Senate and on health insurance in the House; he did have his two vetoes sustained in the House, but with quite a few Republicans voting against him; and then for good measure the Senate passed a resolution by unanimous consent to find a prominent place in the Senate to commemorate the January 6 attack on the Capitol. Congress is also ignoring quite a few of his requests in newly-written spending bills.

Meanwhile pretty much every European nation (and plenty of people in the US, including Republicans) condemned his Greenland dreams, while Big Oil went to the White House and emerged without much interest at all for his Venezuela plans for them. It’s not clear, too, exactly how much influence the US actually has in Venezuela right now; almost certainly it’s at least somewhat less than Trump seems to think.

That’s a lot of losing.

At the same time…Trump continues to act, and while plenty of what he claims to be doing never happens, some of it really does. He may or may not be running Venezuela, or even toppled the regime, but he certainly did snatch away Nicolas Maduro. He definitely has built up ICE, and his administration has deployed it to terrorize one city after another. Elon Musk’s operation may have been mostly phony, but that and other congressional and administration actions really have reduced the federal workforce by over 200,000 people, with all sorts of real consequences.1

Frankly I think it’s extremely difficult to accurately characterize the combination of those two things.

It’s simply not true that Trump is a dictator who gets his way on everything; I’m not really convinced that he’s even a president who gets more than the usual amount of things he wants to happen. The more I hear people say that, the more I want to emphasize that he really is a losing loser who keeps losing. And that time after time he announces policies and even events that just don’t happen.

#### Dismantlement is inevitable. Alt causes like a looming shutdown and resulting RIFs.

Eric Katz 12-30, Senior Correspondent, Government Executive, 12-30-25, “The 5 biggest stories federal agencies and employees need to watch in 2026,” https://www.govexec.com/management/2025/12/5-biggest-stories-federal-agencies-and-employees-need-watch-2026/410319/

President Trump rapidly launched his efforts to overhaul the federal government and upend the norms of the civil service in his first year back in the White House, but in many ways those activities are still pending resolution.

The Trump administration has already shed hundreds of thousands of federal workers, but what the new steady state of the civil service will look like remains unknown. How agencies are funded and whether there is another shutdown will be front of mind for employees still recovering from six weeks without on-time pay. Each agency faces its own barrage of changes as Trump appointees look to put their imprint on their missions and implement the president’s vision.

Next year will start to bring answers to some of the biggest questions as the administration looks to follow through on initiatives it began in its opening months. Here are the top issues for federal agencies and their employees to monitor in 2026:

1.) Renewed shutdown watch

The first order of business when lawmakers return to the Capitol Building next year will be to pass the remaining nine annual appropriations bills for fiscal 2026. It passed three of the 12 measures last month when it reopened government, but funding the remaining agencies is set to expire Jan. 30. Lawmakers had been plugging away at another “minibus” package to departments of Defense, Labor, Health and Human Services, Education, Transportation, Housing and Urban Development, Commerce, Justice and Interior, but negotiations will drag into 2026.

Many issues could still derail those talks. Lawmakers have still yet to reach a resolution on the surging health care premium costs for millions of Americans, the issue at the root of the record-setting shutdown that began in October. Democrats are still seeking assurances that President Trump will stop acting unilaterally to withhold funds Congress has authorized. And the House and Senate must still agree on the overall funding levels for federal agencies as the White House is still pushing to implement dramatic cuts.

2.) Return of RIFs?

When Congress voted to end the shutdown, it included a provision that paused any agency layoff action through Jan. 30. A federal court has since intervened to enforce that provision. Agencies have begun notifying thousands of employees that their previously scheduled reductions in force are rescinded, for now, though they will reassess after the Jan. 30 deadline.

After ordering widespread layoffs across government, agencies mostly used them sparingly. More than 300,000 federal employees left government this year, though they mostly did so through incentivized programs. Cutting the federal workforce remains a priority for the Trump administration, however, and is a pillar of the president’s management agenda. Agencies are expected to continue limiting hiring going forward and could tap additional programs to push employees to leave in 2026.

#### No politicization. States prove.

Jason Miller 25, executive editor of Federal News Network, 3-11-2025, “Fixing the civil service must begin with trusting managers,” Federal News Network - Helping feds meet their mission., https://federalnewsnetwork.com/federal-report/2025/03/fixing-the-civil-service-must-begin-with-trusting-managers/

No mass politicization

Glock said Georgia, under Gov. Zell Miller, a Democrat, moved to at-will employees in 1996.

“That means they usually didn’t have appeal or grievance rights outside of their own agency. Usually, these agencies did have internal grievance procedures, but they weren’t allowed to bring those to some equivalent of the Merit Systems Protection Board, and they weren’t allowed to bring those to firing or dismissal issues to courts,” he said. “Now, if you look at the states that have done this, there was a lot of understandable concern that you’d see mass politicization, mass turnover after elections, including elections that put a different party into office, and that you might see a decline in employee satisfaction and other sort of metrics. Now, on the whole, that hasn’t happened.”

While Glock said there’s certainly been individual issues in states about some firings and some concerns reported about political actions by supervisors, the data shows the reforms largely have been positive.

He pointed to a survey of Texas human resource managers, which found about 11% said they had ever thought of an instance where politics or connections had influenced a personnel decision. Glock said he didn’t think that is extraordinary as compared to the traditional civil service in Texas or in DC or elsewhere.

He said other data shows there’s some areas that have seen slightly higher turnover and removals, but still in most places, it was nowhere approaching the private sector level of removals.

The move to decentralized hiring authorities in states, such as Florida, Arizona, Kansas and Missouri in the 1990s gave individual agency managers almost “carte blanche discretion” to hire whomever they think best.

“A lot of these states that have moved to more decentralized hiring seem to be working very efficiently. You haven’t seen examples of mass political hiring merely because of preference. I think, partially, because of those constitutional protections that prevent people from being removed merely because they differ with the governor or the president in charge in terms of party or ideology,” he said. “You seem to have more efficiency that you have agencies, again, especially in Texas, which is famous for its decentralized human resource system, where they don’t even have a central personnel office. People can tailor their hiring needs the needs of their own agency. They don’t need to go to the central office all the time to get approval for every hire, every posting or every way they evaluate it.”