# 1AR---DRR---R7

## Bureaucracy

### AT: Other Sectors

#### A full block of the status quo against this aff is actually insane. ‘Private sector solves’ is less than nothing. Dropped fed most important actor bc of regulatory authoirty.

#### Nothing can ‘mitigate try or die’ because earle says any failed reg is the straw that breaks the camels back. Our impact is not linear but a series of yes no questions which is disastrous bc they dropped our terminals and conceded solvency.

#### No regulatory authority answers above, as well as capacirty.

### Civil Service---1AR

Civil service outweighs:

It caps cascading risks across a raft of policy domains and weakens societal resilience.

Prefer magnitude: natural buffers and intervening actors check individual scenarios, but not a confluence of risks.

Turns the DA. [] is structurally inevitable in a world with weak governance.

That’s Shulman, Farrell, and Earle.

### Terror---1AR

Terror causes nuclear war. It draws in great powers and escalates. That’s Clarke. Defense doesn’t assume low barriers due to emerging tech. Another DA to the alt since the transition collapses preparedness.

#### Didn’t concede that card, those afgencies are not key.

#### Yes terror. Kallenborn and Ackerman.

### Diplomacy---1AR

Diplomacy solves extinction. It caps escalation in Ukraine and Taiwan AND externally enables cooperation over existential risks. That’s Kimmage.

#### If trump fopo is good, kimmage says expertise is k2 to actualize it.

#### ‘da turns it’

## Lochnerism

### Lochnerism---1AR

Lochnerism causes extinction. Judicial activism ossifies governance, risking arms races, cyber war, and environmental catastrophe. That’s Knowles.

#### Courts mitigate conservativism is wrong. 1AC Belinsky says they’re haphazardly striking down requirements proven by 2AC card on da abt sec disclosure.

#### ‘Current court not lochnerist.’

### War---1AR

#### War impact is not a double turn. Warrantless and its tamped down by the combination of diplomacy.

Lochnerism causes nuclear war. It wrecks alliances and enables offshoring to China, making escalation inevitable from gray-zone warfare. That’s Knowles.

## T

## K

### Condo---1AR

#### Conditionality ossifies clash and existentially distorts negative schema. It affixes affirmative strategy to a false reality, making uninspired offense the new Goliath. That artificially hinders the ceiling of learning for both sides by forcing the aff to explicate orthogonal inquiries irrelevant to plan desirability. This is now 100% concede the explicit 2NC argument said clash k2 any of debates benefits which means its more important than fairness.

#### Dropped new doesn’t justify bc disclosed plan.

#### What we did ands judge kick arbitrary judge kick worse bc 2NRs but competing interps means justify anything. Concede they get pics which solves.

#### Neg flex wrong. No terminal, only flagged as ‘turns fairness’ which lacks impact calc and can’t turn distortion. Infinite prep is equalized by generics and sandbagging is overcome by judge bias plus the block is more OP than first and last, so preround condo, especially against fed workers, other rounds, and dispo solves.

#### Distortion is illogical which internal link turns aversion to the squo. Proving the CP bad makes it easier to prove plan good which they sacrifice

#### Idea flex. CP k.

#### Diminishing utility is wrong for the 2AC cuz of counterplan diversity. The 1AC should not be expected to be the singular best idea ever.

#### Skew inev was abt time which is not our impact.

#### Our interp is good. Perm forcing is deterred by selective permutation. Straight turning conditional counterplans is strategically backwards.

#### Yes, voting issue. Theory must be competing interps, it deters future practices and the value of this debate was vacated once condo was introduced.

## Court Tix

### AT: Impact

#### The impact run is a joke, made inev by collapsing governance AND lochnerism.

#### No solves case.

#### No court legitimacy IL. The initial ruling is k2 aff solvency anything else irrel but its thumped by dobbs and a million other rulings that prove the only thing important to diplpomacuy

#### Trade doesn’t outweigh diplomacy. Manor is pre trump and a slew of recent crises. Thumped by interventions elsewhere that WERE solved diplopmacy but trade solves war is dejustified by Ukraine.

#### First wave of tariffs do thump. It’s not a brink sicne it’s increased risk tolerance across the global economy and other states now know to take threats less seriously.

#### Trade doesn’t solve war.

Stephen Brooks 24. Professor of Government, Dartmouth College; Guest Professor, Stockholm University. “The Trade Truce?” https://www.foreignaffairs.com/world/trade-truce-stephen-brooks

There is a good reason for such confusion: on close inspection, the relationship between global economics and global stability turns out to be extremely multifaceted. Although there have been notable individual studies supporting the optimistic view that commerce promotes peace, they are just that — individual studies. A systematic examination of all the empirical research on commerce and conflict shows that the connection is far more complex.

Consider trade. In a forthcoming book, I have identified 57 empirical studies published since 2000 that examined the influence of trade on war and peace. Just 16 of the studies supported the optimistic perspective that trade universally promotes peace. One found that it promotes conflict, and nine found no effect. The remaining 31 concluded that trade has a mixed effect on the likelihood of war — sometimes preventing it, sometimes promoting it.

These mixed-effect findings would be useful if they yielded consistent, clear insights regarding the circumstances that lead to peace. But instead, the list that emerges from this scholarship is long, unwieldy, and sometimes contradictory. Recent studies, for example, have found that trade leads to peace only when it occurs among democracies, among rich states, among states that are members of the World Trade Organization, among states that mostly trade products from different industries, among states that mostly trade products from the same industries, among states that are members of common regional trade pacts, among states that trade with one another at very high levels, among states that trade with one another to a roughly equal extent, and among states that have low levels of protectionism. Small wonder, then, that policymakers have struggled to craft peace-enhancing trade agendas. The relationship between trade and conflict has so many asterisks that it simply cannot be boiled down into anything pithy for officials, students, or anyone else to follow.

The effect of international finance is even murkier. Many analysts have argued that international capital flows prevent war. The New York Times columnist Thomas Friedman, for example, once maintained that international investors will “not fund a country’s regional war” and will “actually punish a country for fighting a war with its neighbors by withdrawing the only significant source of growth capital in the world today.” But the literature does not show that investors consistently flee states that are at war. Moreover, of the four studies that looked directly at how flows of capital influence the likelihood of conflict, only one found a stabilizing effect. Two concluded there was no relationship, and one found that greater foreign ownership of government debt increased the likelihood of conflict.

#### Neg studies fall prey to simultaneity bias.

Omar Keshk et al. 13. Senior Lecturer in the Political Science Department & Ph.D. in Political Science, Ohio State University. Rafael Reuveny: Professor of International Political Economy and Ecological Economics, Indiana University. Brian Pollins: Emeritus Associate Professor of Political Science, Ohio State University. “Trade and Conflict: Proximity, Country Size, and Measures.” Conflict Management and Peace Science, Volume 27.

In all, any signal that “trade brings peace” remains weak and inconsistent, regardless of the way proximity is modeled in the conflict equation. The signal that conflict reduces trade, in contrast, is strong and consistent. Thus, international politics are clearly affecting dyadic trade, while it is far less obvious whether trade systematically affects dyadic politics, and if it does, whether that effect is conflict dampening or conflict amplifying. This is what we have termed in KPR (2004) “The Primacy of Politics.”

7. Conclusion

This study revisited the simultaneous equations model we presented in KPR (2004) and subjected it to four important challenges. Two of these challenges concerned The specification of the conflict equation in our model regarding the role of intercapital distance and the sizes of both sides in a dyad; one questioned the bilateral trade data assumptions used in the treatment of zero and missing values, and one challenge suggested a focus on fatal MIDs as an alternative indicator to the widely used all-MID measure

The theoretical and empirical analyses used to explore proposed alternatives to our original work were instructive and the empirical results were informative, but there are certainly other legitimate issues that the trade and conflict research community may continue to ponder. For example, researchers may continue to work on questions of missing bilateral trade data, attempt to move beyond the near- exclusive use of the MIDs data as we contemplate the meaning of “military conflict,” and use, and extend the scope of, the Harvey Starr GIS-based border data as one way to treat contiguity with more sophistication than the typical binary variable.

The single greatest lesson of this study is that future work studying the effect of international trade on international military conflict needs to employ a simultaneous specification of the relationship between the two forces. The results we obtained under all the 36 SEM alternatives we estimated yielded an important, measurable effect of conflict on trade. Henceforth, we would say with high confidence that any study of the effect of trade on conflict that ignores this reverse fact is practically guaranteed to produce estimates that contain simultaneity bias. Such studies will claim that “trade brings peace,” when we now know that in a much broader range of circumstances, it is “peace that brings trade.”

### Court Capital Fake

Court capital is total nonsense:

a) It’s depleted by long-term trends, not individual decisions. Outrage over particular cases fades quickly. If not, *Citizens United*, *Dobbs*, and *Loper Bright* thump.

b) The Court seeks out controversy instead of avoiding it. They’re conservative activists that empirically actively engage constitutional questions.

c) Capital is low now. Outrage over politicized appointments, ethics scandals, and unpopular rulings thump.

That’s Dodson.

#### If court political its inev.

#### Dodson says it’s a fear, not that its important.

#### Capital real is from 11. Actual brain worms.

#### The Court doesn’t care about legitimacy.

Ryan Doerfler & Samuel Moyn 25. Professor at Harvard Law School, Ph.D. in philosophy from Harvard University, J.D. from Harvard Law School. Professor at Yale Law School, J.D. from Harvard Law School. "It's time to accept that the US Supreme Court is illegitimate and must be replaced." The Guardian. 12-19-2025. theguardian.com/commentisfree/2025/dec/19/us-supreme-court-legitimacy

The justices of the US supreme court – even its conservatives – have traditionally valued their institution’s own standing. John Roberts, the current US chief justice, has always been praised – even by liberals – as a staunch advocate of the court’s image as a neutral arbiter. For decades, Americans believed the court soared above the fray of partisan contestation.

No more.

In Donald Trump’s second term, the supreme court’s conservative supermajority has seized the opportunity to empower the nation’s chief executive. In response, public approval of the court has collapsed. The question is what it means for liberals to catch up to this new reality of a court that willingly tanks its own legitimacy. Eager to realize cherished goals of assigning power to the president and arrogating as much for itself, the conservative justices seemingly no longer care what the public or the legal community think of the court’s actions. Too often, though, liberals are responding with nostalgia for a court that cares about its high standing. There is a much better option: to grasp the opportunity to set right the supreme court’s role in US democracy.

Attention to the body’s legitimacy surged in the decades after the extraordinary discussion on the topic in Planned Parenthood of Southeastern Pennsylvania v Casey – the 1992 case that memorably preserved the abortion rights minted in Roe v Wade despite recent conservative additions to the court. “The Court’s power lies in its legitimacy,” former justices Anthony Kennedy, Sandra Day O’Connor and David Souter explained in their joint opinion, “a product of substance and perception that shows itself in the people’s acceptance of the Judiciary as fit to determine what the Nation’s law means and to declare what it demands”. The fact of popular acceptance of the institution’s role was itself a constitutional and legal concern.

Compared with the prior quarter-century, when they angled for just one justice (often Kennedy) to swing to their side, it was already clear as Trump’s first term ended how much was going to change with Amy Coney Barrett’s conservative substitution for Ruth Bader Ginsburg. Yet liberal justices generally proceeded as if their conservative peers would continue to take their own institution’s legitimacy seriously. They focused on warning conservatives against further eroding it. The dissent in Dobbs v Jackson Women’s Health Organization, which removed the federal right to abortion, is a classic example. The liberal justices lionized Kennedy and other conservatives for refusing to overturn Roe v Wade out of the need they cited in Casey to maintain the supreme court’s image.

That was then. In Trump’s second term, the court has ceded to him near total control over federal spending, even as the president is now openly threatening to withhold funds from “blue” states and projects not aligned with administrative “priorities”. Authorized by the court to engage in racial profiling, masked federal agents continue to descend upon “Democrat-run” cities, subjecting Latinos and now Somalis to ongoing abuse.

Most recently, the court hinted at its plan to declare most, if not all “independent” agencies unconstitutional, allowing Trump to fire members of the Federal Trade Commission and the National Labor Relations Board – though Chief Justice Roberts did suggest that the Federal Reserve might be different, drawing sighs from legal commentators (and sighs of relief from investors). The conservative justices appear wholly unbothered by the howls that the court is no more than a partisan institution, turning their destructive attention next to what remains of the Voting Rights Act.

Yet with the conservative justices shattering the supreme court’s non-partisan image during Trump’s second term, liberals are not adjusting much. The liberal justices – Ketanji Brown Jackson, Elena Kagan and Sonia Sotomayor – have become much more aggressive in their dissents. But they disagree with one another about how far to concede that their conservative colleagues have given up any concern for institutional legitimacy. Encouragingly, Jackson pivoted to “warning the public that the boat is sinking” – as journalist Jodi Kantor put it in a much-noticed reported piece. Jackson’s fellow liberals, though, did not follow her in this regard, worrying her strategy of pulling the “fire alarm” was “diluting” their collective “impact”.

Similarly, many liberal lawyers have focused their criticism on the manner in which the supreme court has advanced its noxious agenda – issuing major rulings via the “shadow” docket, without full-dress lawyering, and leaving out reasoning in support of its decisions.

#### Even if they do, no cross-case spillovers.

Paul Blumenthal 25. Senior reporter covering courts, elections, political economy, and political history. "Does The Supreme Court Finally Realize It's Losing Legitimacy?" Yahoo News. 11-5-2025. yahoo.com/news/articles/why-supreme-court-may-finally-212721087.html

“Some years ago, I remarked that ‘[w]e’re all textualists now,’” Kagan wrote. “It seems I was wrong. The current Court is textualist only when being so suits it. When that method would frustrate broader goals, special canons like the ‘major questions doctrine’ magically appear as get-out-of-text-free cards.”

Both Roberts and Gorsuch on Wednesday appeared to disagree with the administration’s claim that the major questions doctrine did not apply to Trump’s use of IEEPA to impose tariffs.

“The justification is being used to impose tariffs on any product, on any country, for any amount, for any amount of time,” Roberts said. “It does seem like … that is major authority and the basis for the claim seems to be a misfit.”

Similarly, Gorsuch had serious problems with the administration’s arguments that the president’s inherent authority over foreign affairs would override the major questions doctrine and seize power from Congress.

“What would prohibit Congress from just abdicating all responsibility to regulate foreign commerce — for that matter, to declare war — to the president?”

Furthermore, a Democratic president could declare a climate emergency to impose tariffs on gas-powered cars, Gorsuch said.

By using the major questions doctrine to strike down Trump’s favorite tariff tool, the conservatives could be seeking to show that the major questions doctrine isn’t just a one-way legal mechanism. Considering the court has become increasingly unpopular and lost considerable legitimacy since its hard-right turn following Barrett’s appointment in 2020, that doesn’t seem far-fetched.

What this says about other Trump policies still to be decided remains to be seen. The court may fear its own loss of legitimacy and a presidential hand in the economy, but that doesn’t mean it will restrain Trump’s efforts to invade U.S. cities, deport immigrants, run over the First Amendment or gut federal agencies.

### --Activism---1AR

#### Judges are politically-motivated activists.

David Litt 22. BA, Yale. “A Court Without Precedent.” 7/24/22. https://www.theatlantic.com/ideas/archive/2022/07/supreme-court-stare-decisis-roe-v-wade/670576/.

For more than a decade, the Court has issued narrow rulings, decided by slim majorities, that align with Republican political goals. Five Justices unleashed dark money in politics. They gutted the Voting Rights Act. They pulled the rug out from under public-sector unions. In that sense, Dobbs—the decision overturning Roe—is part of a larger trend.

But the American public is right to see Dobbs as different. Not just because of the decision’s impact, or the outrage it’s caused. More than a radical opinion, Dobbs represents a radical new approach to interpreting the Constitution. If left unchecked, the justices’ decision could mark not just the end of Roe, but the upending of America’s system of checks and balances.

Understanding why Dobbs is so dangerous, both to American society and to the American republic, starts with a principle known as stare decisis, which has guided the Court since at least the mid-19th century. Latin for “To stand by things decided,” its plain-English meaning is fairly simple. The Court should follow its past precedents. Current justices shouldn’t undo what past justices have already done, even if they think those past justices were wrong.

Stare decisis does not bind judges’ hands entirely. It does, however, restrain them. When the Court’s majority feels a past case was wrongly decided, it is expected to rule narrowly instead of broadly, chipping away at old precedents and only gradually establishing new ones. It’s the legal equivalent of choosing renovation over demolition. The law should evolve rather than lurch.

No less important, by following stare decisis, justices recognize that the Court is bigger than the people who happen to be serving on it, with decisions that outlast the people who make them. The judiciary is supposed to be informed by historical memory, and guided by more than its members’ whims. Stare decisis is what makes the Court an institution. Without it, the judiciary is just a collection of opinionated people.

Perhaps this is why, although Clarence Thomas has publicly rejected stare decisis, his fellow conservatives still claim to take it seriously. In their confirmation hearings, Justices Samuel Alito, Neil Gorsuch, Brett Kavanaugh, and Amy Coney Barrett each promised to respect settled law. And as they each pointed out, the right to abortion was not only settled in 1973, but upheld in a separate 1992 decision, Planned Parenthood v. Casey. They agreed that Roe v. Wade was not just precedent, but precedent upon precedent, wrapped in a double layer of stare decisis protection.

They overturned it anyway.

[[[BREAKS]]]

Writing for the majority in Dobbs, Alito went out of his way to reassure the American people that, regardless of what he and his colleagues had said in their public hearings, there was nothing radical about what the Court was doing. Over and over, Alito and his fellow conservatives pointed to Brown v. Board of Education, the Court’s 1954 decision overturning Plessy v. Ferguson and ending the “separate but equal” doctrine behind Jim Crow, to suggest that the Court has always jettisoned precedents it finds particularly distasteful. “Like the infamous decision in Plessy v. Ferguson,” read the Court’s official summary of Dobbs, “Roe was also egregiously wrong and on a collision course with the Constitution from the day it was decided.” But even if you’re comfortable equating overturning abortion rights with ending public-school segregation, Alito’s comparison doesn’t work. If anything, it underscores just how radical the Dobbs opinion really is. There are several obvious differences between the opinion overturning Plessy and the opinion overturning Roe. One decision expanded individual liberties while the other curtailed them; one decision reflected evolving public opinion while the other rejected it. But there are also differences that go beyond the issues at hand or public sentiment, and touch on the way the justices in each case approached their historic role as interpreters of the Constitution. The first of these was pointed out by Chief Justice John Roberts, who joined the 6–3 Dobbs majority that upheld Mississppi’s ban on abortion after 15 weeks but did not support overturning Roe. Citing the “fundamental principle of judicial restraint,” he wrote, “It is only where there is no valid narrower ground of decision that we should go on to address a broader issue, such as whether a constitutional decision should be overturned.” Roberts’s understanding of stare decisis is hardly welcome news for liberals—he’s found ways to justify all kinds of sweeping conservative decisions—but it does point to a major difference between Brown and Dobbs. Writing for the majority in Brown, Chief Justice Earl Warren pointed out that the Court had recently heard six cases involving segregation in education, but had expressly avoided revisiting Plessy. “In none of these cases,” he wrote, “was it necessary to reexamine the doctrine to grant relief.” In contrast, Warren argued, questions involving segregated K–12 public schools raised in Brown were so sweeping and wide-ranging that the only way to address them was to address the doctrine that allowed them. One of the opinion’s most famous lines, “Separate educational facilities are inherently unequal,” is not just a repudiation of Jim Crow. It’s a legal rationale for overturning past precedent. In other words, while the 1954 Court felt Plessy was egregiously wrong, its egregious wrongess was not in itself enough for the Justices to overturn the ruling. They overturned Plessy, they argued, only because they had no other viable choice. Perhaps the conservatives in Dobbs felt similarly about Roe, but that’s not the standard they used to justify their decision. Instead, in a concurring opinion, Kavanaugh laid out his own set of rules for disregarding precedent: “(i) the prior decision is not just wrong, but is egregiously wrong, (ii) the prior decision has caused significant negative jurisprudential or real-world consequences, and (iii) overruling the prior decision would not unduly upset legitimate reliance interests.”

[[[BREAKS]]]

The problem with Kavanaugh’s checklist is that each of its elements is completely subjective. In essence, Kavanaugh believes judges should unfailingly abide by past decisions unless they really don’t want to. That’s not a way to apply stare decisis. It’s a way to scrap it. In his concurrence, Roberts seems to recognize that he disagrees with his fellow conservatives about the value of sticking to the Court’s historic principles. “The Court’s decision to overrule Roe and Casey is a serious jolt to the legal system—regardless of how you view those cases,” he wrote.

Which leads to the other major difference between Brown and Dobbs. Brown was decided by a 9–0 vote. This unanimity sent a message that the Court’s decision was not only overdue but obvious: Justices from across the ideological spectrum were able to agree that Plessy was wrongly decided. In his opinion, Warren further argued that the Court’s change of heart was not just motivated by changing public sentiment or the 1954 justices holding a different set of views from those in 1896. In a way that may not have been understood or appreciated when Plessy was issued, Warren wrote, segregated schools created a psychological “sense of inferiority” that made them fundamentally unequal. In much the way a jury, when presented with exculpatory evidence, might change its verdict from guilty to innocent, the Court changed its opinion as new facts came to light.

The majority in Dobbs made no such argument. Five judges—Alito, Barrett, Gorsuch, Kavanaugh, and Thomas—supported overturning Roe. The remaining four did not. The only reason these numbers were not 5–4 in the other direction is that Ruth Bader Ginsburg died while President Donald Trump was still in office and a conservative nominee was rushed through the Senate. If she had been replaced by President Joe Biden instead (or if, four years earlier, Republicans hadn’t broken with Senate tradition and refused to allow President Barack Obama to fill an open seat on the Court), conservatives would not have been able to overturn Roe. Women were deprived of a right they had held for nearly 50 years not because jurisprudence evolved or judges gained a new understanding of the real-world impact of a past decision, but because one judge was swapped for another.

As the Court’s three liberals wrote in their joint dissent, “The Court reverses course today for one reason and one reason only: because the composition of this court has changed.”

Most Americans may not know what stare decisis means, or exactly why the Dobbs ruling was antithetical to it, but judging from public polling, they understand that a line has been crossed. The judiciary is now bound only by the whims of the judges who happen to serve in it, distinguished less by its unique role in American government than by the fact that, unlike its political colleagues in the House of Representatives, the Senate, and the White House, its lawmakers are unelected and serve lifetime terms.

Most Americans would agree that this is bad for the country. In the aftermath of Dobbs, businesses and governments are trying to figure out which rights the Court will un-guarantee next. Same-sex marriage? Same-sex intimacy? Birth control? Free and fair elections? Will they erase long-standing laws allowing the American people, through republican governance, to fight climate change, promote public safety, or preserve the separation of Church and state? We have only begun to reckon with what it means to live in a country whose most powerful judicial body no longer believes in judicial restraint.

But stare decisis is not only in the public’s interest. It is—or perhaps was—in the Supreme Court’s interest as well.

It’s hard to imagine today, but the judiciary was initially, by far, the least powerful of the three branches of government created by the Constitution. The history of the American courts, and of the Supreme Court in particular, is one of steadily growing influence—the ability to interpret the Constitution, the ability to overturn both federal and state laws, the jurisdiction over nearly any case a court takes an interest in—with remarkably little backlash from either the public or the other two branches of government.

There are several reasons the judiciary has been so rarely checked and balanced. But perhaps the most important one is that, from its earliest days as the self-proclaimed arbiter of the Constitution, the Supreme Court has used stare decisis to check and balance itself. In essence, the justices made the other two branches of government an offer: If you give us more power, we will limit how we use it.

For hundreds of years, that bargain held. Now, as even Chief Justice Roberts recognized, the Court’s right-wing majority has reneged on its end of the deal. With centuries of accumulated power at its disposal, the judiciary plans to use that power less cautiously than ever before.

We are not just living in a moment without precedent. We are living in a moment without precedents. Such unprecedented times call for unprecedented reforms.

### Lochner Solves---1AR

### Tariffs Inev---1AR

#### Tariffs are inevitable. The current case is only about IEEPA---Trump could cite an infinite set of statutes to reimpose them immediately. That’s Brusuelas.

Framing issue is wrong. He can still be haphazard through other autorities.

Our ev says he has a great case. Their card is a random reporter with no legal ball knowledge.

It’s not Trump’s obvious posturing. Our ev has J.D.s and law professors conrirming that he’s right.

#### They could use 301 or 232.

Brooks E. Allen, Cynthia C. Galvez, & Jacob F. Bell 1/13. Partner, National Security; CFIUS; International Trade at Skadden, J.D., Yale Law School; Counsel, National Security; International Trade at Skadden, J.D., Cornell Law School; Associate, National Security at Skadden, J.D., University of Pennsylvania Law School. “Turbulence Ahead: Tariff and Trade Policy Shifts Are Expected Amid Looming Supreme Court Decision.” https://www.skadden.com/insights/publications/2026/2026-insights/regulatory-enforcement/turbulence-ahead.

Even if the Supreme Court invalidates the IEEPA tariffs, the president would still be equipped with alternative authorities to impose duties.

The Trump administration has already made frequent use of Section 301 of the Trade Act of 1974 (Section 301) and Section 232. Section 301 allows the Office of the U.S. Trade Representative (USTR) to impose duties in response to foreign trade practices that are “unreasonable” or discriminatory, whereas Section 232 allows the president to target imports that pose national security risks.

#### Or 122 and 338.

Brooks E. Allen, Cynthia C. Galvez, & Jacob F. Bell 1/13. Partner, National Security; CFIUS; International Trade at Skadden, J.D., Yale Law School; Counsel, National Security; International Trade at Skadden, J.D., Cornell Law School; Associate, National Security at Skadden, J.D., University of Pennsylvania Law School. “Turbulence Ahead: Tariff and Trade Policy Shifts Are Expected Amid Looming Supreme Court Decision.” https://www.skadden.com/insights/publications/2026/2026-insights/regulatory-enforcement/turbulence-ahead.

The administration could also leverage long-dormant statutes such as:

Section 122 of the Trade Act of 1974, which authorizes the president to impose tariffs up to 15% and for 150 days in response to balance-of-payments deficits.

Section 338 of the Tariff Act of 1930, which allows tariffs up to 50% on goods from countries that engage in discriminatory trade practices.

#### He can impose 10% immediately, and escalate later.

Alison Durkee 1/16. Senior reporter at Forbes. “Trump Will Impose 10% Tariffs If Supreme Court Strikes His Down, Hassett Says.” https://www.forbes.com/sites/alisondurkee/2026/01/16/trump-will-impose-10-tariffs-if-supreme-court-strikes-his-down-hassett-says/.

The Supreme Court is deliberating on the legality of Trump’s sweeping tariffs imposed under the International Emergency Economic Powers Act (IEEPA), including his tariffs imposed on China, Mexico and Canada and his separate “Liberation Day” tariffs on nearly all other nations.

If the court rules those tariffs are invalid, the White House has a “backup plan that’s really solid,” Hassett told Fox Business on Friday, saying Trump would immediately impose tariffs of 10% “to make up most of the room” from the IEEPA tariffs being struck down.

Those 10% tariffs would likely be imposed under Section 122 of the Trade Act of 1974, which allows presidents to impose tariffs of up to 15% for up to 150 days to resolve trade imbalances.

Trump would also impose more lasting tariffs under other statutes, which allow duties on specific industries or countries, Hassett said—but those take longer to implement, so the 10% tariffs would be a stopgap in the meantime.

The backup plan comes as Trump has repeatedly expressed alarm about the possibility the Supreme Court could overturn his tariffs, framing it an existential threat to the U.S. economy and claiming it will “go to hell” if the court rules against him.

Hassett said the administration is “highly confident” the Supreme Court is “going to side with us,” even as justices signaled during oral arguments in November they were skeptical of the president’s sweeping fees.

#### It would be identical to the current structure.

Victor Reklaitis 12/3. Washington Correspondent for MarketWatch. “The Supreme Court’s ruling on Trump’s tariffs is looming. His Treasury chief says this is the backup plan to keep them going.” https://www.marketwatch.com/story/the-supreme-courts-ruling-on-trumps-tariffs-is-looming-his-treasury-chief-says-this-is-the-backup-plan-to-keep-them-going-1d987711?mod=article\_inline.

U.S. Treasury Secretary Scott Bessent on Wednesday expressed confidence that the Supreme Court will rule in favor of the Trump administration’s many country-specific tariffs, while also saying administration officials are ready to maintain the levies through other avenues.

Bessent’s comments match up with forecasts that President Donald Trump would respond to a court loss by switching to invoking authorities granted in sections 301 and 122 of the Trade Act of 1974, as well as Section 232 of the Trade Expansion Act of 1962.

“We can re-create the exact tariff structure with 301s, with 232s, with the — I think — a 122,” the Treasury chief said during the New York Times DealBook Summit in New York City. When Bessent was pushed on whether those options would provide a permanent solution, he seemed to indicate that would largely be the case. “The 122s are permanently, but the others, we can do it,” he said.

## DA

### AT: Impact---1AR

#### This DA concedes solvency, which is a disaster because the impact is nothing. 2AC Jang cites a slew of empirical studies and concludes that oil state peace is deterministic. They said nothing.

#### The middle east scenario is solved by diplomacy and thumped by Gaza. It ensures no conflict goes nuclear.

#### Empirics are actually thumpers since no disruptions went nuclear.

#### It might be a significant issue, but who cares. No reason military sources are intuitively preferable, and many notable debaters provide significant evidence to the contrary.

#### Public spending stops the ‘self-licking ice cream cone’

Jang 21, \*Hye Ryeon, doctoral candidate in political science at the University of Florida; \*\*Benjamin Smith, associate professor of political science at the University of Florida. (2021, “Pax Petrolica? Rethinking the Oil-Interstate War Linkage,” *Security Studies*, 30:2, p. 164-165, DOI: 10.1080/09636412.2021.1914718)

Domestic Substitution: Side Payments and Not Scapegoats

At the domestic level, there are equally compelling reasons to expect an oil peace. These reasons stem from the logic of the domestic diversion or “scapegoat” framework for understanding the international determinants of conflict initiation. That logic suggests that, facing popular dissent or disapproval at home, leaders might engage in military action abroad (especially territorial conflicts) as a means of trying to catalyze a rally-around-the-flag effect to bolster their domestic positions.19 This line of scholarship often suggests that diversionary military adventurism seeks to distract from economic underperformance. Conversely, we might expect that higher levels of oil income might enable leaders to circumvent political dissent by using oil revenues for social policy increases or other kinds of side payments. These reasons also reinforce the international system-level peace effect, leading us, overall, to expect oil producers to be less bellicose than nonoil producers.

Where other leaders might initiate conflicts abroad to distract opposition at home from economic or political problems (diversionary conflict initiation), rulers in oil-rich states could buy domestic peace by allocating resource rents to public goods provision or widely distributed club goods. Cristina Bodea, Masaaki Higashijima, and Raju Jan Singh find that this dynamic exists in the context of blunting the likelihood of civil conflict—public spending minimizes the risk of civil wars.20 Applying that logic of oil cushioning spending, we postulate it to be related to more peaceful international behavior as well. As such, we expect that:

Hypothesis 1a (H1a). If a country is a petrostate (oil exports are greater than 10% of total exports or greater than 10% of gross domestic product (GDP)), then it is less likely to initiate MIDs.

Hypothesis 1b (H1b). The more oil/gas income a country receives each year, the less likely it is to initiate MIDs.21

#### And interdependence answers grand strategy and conflict initiation.

Jang 21, \*doctoral candidate in political science at the University of Florida; \*\*associate professor of political science at the University of Florida. (\*Hye Ryeon and \*\*Benjamin Smith, 2021, “Pax Petrolica? Rethinking the Oil-Interstate War Linkage,” *Security Studies*, 30:2, p. 162-164, DOI: 10.1080/09636412.2021.1914718)

Pax Petrolica: Theorizing an Oil Peace

Where a resource curse consensus in the domestic arena once existed, a dissenting scholarly community has emerged. This group of heterodox scholars has produced research that shows either conditionally or wholly positive effects for oil wealth on development,12 state capacity,13 and democracy.14 As we theorize in this section and demonstrate empirically in the next, there are good theoretical reasons to believe it may also have conditionally or direct salutary international effects. Our theory of an oil peace rests on three foundations: the commercial peace thesis, the costs of war for oil producers, and the dampening impact of oil wealth on the incentives for diversionary foreign conflicts.15

International Costs of War

We start by observing that countries dependent on the revenues derived from their oil and gas sectors rely on the willingness of importing countries to buy their fossil fuels, and usually on foreign investors for the ability to deliver it to buyers. First, and put simply, oil is commercial trade, a global network, the purchasing and selling of a commodity that happens to be disproportionately important to the world economy. Because it is so important to exporting countries’ revenues, and because losing those revenues would be so catastrophic, we suggest that it is likely to encourage more pacific, not more belligerent, international behavior. Subsequently, the oil peace falls into the broader framework of the commercial.16 Due to the peace-promoting impact of both trade dependence and of the diffusion of peaceful conflict resolutions through interstate trade networks, greater economic integration can lead states to set aside their proclivities to choose war over statecraft. The benefits of peace are a powerful positive incentive for pacific behavior on the part of oil-producing states. We suggest that commercial peace incentives are more likely to hold sway over oil-exporting countries than other commodity exporters. As Erik Gartzke and Oliver Westerwinter suggest, “for trade to act as a barrier to conflict, the commercial losses anticipated from fighting must be large relative to the overall cost of fighting.” 17 Many of the world’s oil exporters are not just oil trade dependent, but overwhelmingly so.

### AT: Middle East---1AR

#### Middle East war will never, ever go nuclear.

Ali Fathollah-Nejad 25. Director of the Center for Middle East & GLobal Order, senior fellow at the Center for Advanced Security, Strategic, and Integration Studies, Ph.D. in international relations from the School of Oriental and African Studies at the University of London. "The 12 Days of War That Didn't Ignite the Middle East or the World." War on the Rocks. 10-8-2025. warontherocks.com/2025/10/the-12-days-of-war-that-didnt-ignite-the-middle-east-or-the-world

For decades, predictions about a war with Iran carried an air of inevitability: Analysts warned a conflict would close the ranks of the Iranian military and political elite, unite the Iranian people behind the regime, unleash the vengeance Tehran foretold, set the Middle East ablaze, sending oil prices to the roof, and even ignite a world war.

And yet, literally none of this happened.

Instead, the 12-Day War pitting Israel, and later the United States, against Iran exposed just how brittle those assumptions were. The fighting remained narrowly contained, and Tehran’s vaunted “Axis of Resistance” stood idle. The regime emerged more fractured than fortified and, despite its best efforts, the people of Iran did not rally around it. Indeed, public anger at years of misrule reemerged as soon as the fighting stopped. Tehran did not leave the Nuclear Non-Proliferation Treaty, did not close the Strait of Hormuz, and did not strike U.S. bases across the region. Its partners in Moscow and Beijing stayed on the sidelines, and even Hizballah refused to enter the fight.

Rather than confirming the inevitabilities so often invoked in Western capitals, the confrontation exposed the limits of Iran’s power, the fragility of its partnerships, and the deep gulf separating state and society in Iran. This does not mean, however, that this is what will happen again should Israel and America choose to attack once more.

Whether the next round spirals out of control will hinge on Iran’s ability to rebuild military capacity and its willingness to take risks, especially with missile strikes against Israel or U.S. forces. At the same time, structural constraints tied to regime survival — Tehran’s reluctance to provoke a war it cannot win — will continue to limit how far it goes. The 12-Day War has unearthed a number of misguided assumptions that have long been dominant regarding likely ramifications from a war against Iran – domestically, regionally, and globally.

**<Condensed>**

Iranian Elite Cohesion? It has long been assumed that a war would close the ranks of Iran’s military and political elite, in the effort to ward off foreign pressure, and thereby prolong the regime’s lifeline. Although no apparent rifts occurred among Tehran’s power elite, there were hidden fissures among an establishment adamant to portray rock-solid unity and closed ranks. For instance, during Supreme Leader Ali Khamenei’s hiding in a bunker during the war, some potential successors brought themselves into position, while others reportedly tested the muddied waters for a soft coup on the back of the decapitation of the Islamic Revolutionary Guards Corps’ top command. In the meantime, the war has not appeased — or closed the ranks — of intra-elite rivalry. After the war, disagreements over the best way to ensure regime survival during these times of foreign military threats — e.g. on the issue of Tehran’s red line of enriching uranium — have added another layer to this. All this shows how the war has made elite cohesion more fragile instead of mending fissures. However, more importantly, Israel’s attack was predicated upon a vast intelligence penetration of Iran, especially the highest echelon of its power elite. This dimension alone reveals that elite cohesion in Iran is akin to a house of cards, with immense distrust reigning among Tehran’s political, military, and intelligence establishment. This acute fear over being surrounded by Israeli agents was also the reason why Khamenei fled to a bunker during Israel’s assault, while cutting most communication even with the rest of the ruling elite. And more recently in mid-August, in an unprecedented manner, Khamenei did not attend the top Shiite mourning ceremony of Arbaeen in his office’s Hosseiniyeh (Shiite mourning hall). His renewed disappearance occurred just days after Israeli Defense Minister Israel Katz, in response to an assassination list of Israeli top figures released by a Telegram channel affiliated with the Islamic Revolutionary Guards Corps, had threatened him personally: “I suggest to the Iranian dictator Khamenei that when he leaves the bunker, he occasionally look up at the sky and listen carefully to every buzz.” Rallying-‘Round-the-Flag Effect? In contrast to Israeli suggestions, Iranians have largely opposed foreign aggression and did not — for various reasons — embark upon bringing down the regime in the fog of war. They have expressed their patriotism but not necessarily pro-regime nationalism or sentiments that would have amounted to a conventionally conceived rallying-‘round-the-flag effect — i.e. one that would have stabilized the regime through newfound public support. While the Iranian regime has been trying to abuse this patriotic sentiment during and since the end of the war, it is unlikely to benefit from it even in the mid-term. Public disenchantment with the authorities’ incompetent governance has already reemerged, as a water- and electricity-shortage crisis has gripped Iranians’ daily life this past summer. More generally, Iran’s systemic political, socioeconomic, ecological, and gender-based crises are unlikely to allow the immense gap between state and society to close anytime soon, short of radical political and economic transformation. This overall situation will continue to place regime stability on a fragile footing, while authoritarian rule may be sustained by the lack of an organized opposition.

**<Integrity Returns>**

The Middle East in Flames?

A war, it has been argued, would open the gate for a geographically boundless and protracted regional and even global conflagration. Instead, despite the U.S. entry on the 10th day, we have seen a war limited to Israel and Iran. In fact, Tehran’s regional network — the Axis of Resistance — was not activated. While the latter was significantly weakened by Israel in 2024, Lebanese Hizballah — the longtime crown jewel of the axis — even publicly proclaimed to not enter the war between its archenemy Israel and its Iranian patron, even after the U.S. strikes on Iran’s nuclear sites. Even Yemen’s Houthis — the remaining disruptive member of the axis — did not escalate its missile attacks on Israel during the war. And Iraq’s pro-Iranian Shiite militias did not target U.S. bases in their country. Those regional allies’ reluctance to enter the fray has been a combined result of their historic weakening since 2024 and, in the cases of Lebanon and Iraq, the mounting pressures these pro-Iranian forces face domestically to abandon their role as Tehran’s proxies. Also, neither of those two groups had the appetite to provoke a destructive Israeli and/or U.S. military retaliation against them by supporting Iran. In this context, it has also been argued that war would cost the lives of a high number of American soldiers and also cause oil prices to skyrocket. Neither, in fact, happened, as Washington evacuated personnel from the Middle East and oil prices remained relatively stable.

In fact, the timing of Israel’s assault was barely surprising in retrospect. After all, in the wake of the Oct. 7, 2023 Hamas operation against Israel, Iran’s notorious Axis of Resistance had unraveled, if not collapsed: Hizballah, Iran’s once-powerful iron fist at Israel’s doorstop, had been eviscerated in September 2024, Hamas militarily debilitated during Israel’s relentless bombings of the Gaza Strip, the Assad regime in Syria — Iran’s land route toward arming Hizballah — had collapsed like a house of cards in December 2024, and Yemen’s Houthis had just endured another weeks-long bombing campaign by Washington. As such, Tehran’s regional muscles were largely crippled if not amputated. With Operation Rising Lion, Israel’s “Octopus Doctrine” reached its erstwhile peak: After cutting off Tehran’s main regional limbs, the way to the “head of the octopus” was cleared. In other words, with the Axis of Resistance having become a shadow of its former self, escalation via proxies was simply not in the cards for Tehran.

To prevent a nuclear-armed Iran in the long term, to destroy its expansive ballistic missile infrastructure, and to “improve Israel’s strategic balance” (according to an unnamed senior military official), Israel thus used a window of opportunity. The latter had resulted from Iran’s historic regional weakness, its diplomatic preoccupation with Washington (after all, Israel’s attack occurred just ahead of the sixth round of U.S.-Iranian negotiations), concomitant military unpreparedness, with even leading Iranian military figures belittling if not ridiculing any chance of renewed Israeli aggression just days before it actually occurred, as well as a politico-diplomatic cover using and abusing the International Atomic Energy Agency’s “damning report” on Iran’s nuclear program.

Yet, at the outset of the war, the Islamic Revolutionary Guards Corps-affiliated daily Javan tried to mask those regional weaknesses as untapped capacities, instead highlighting Tehran’s ability to inflict great damage on Israel without full-scale engagement. In fact, Iran’s missile salvos on Israel had led to more harm than in the April and October 2024 direct military confrontations between the two. Launching over 500 ballistic missiles and around 1,100 drones, Iran’s retaliation killed 31, injured over 3,000, and displaced over 13,000.

World War III?

Moreover, pundits and even scholars have long warned that a war on Iran would ultimately pit the West against a powerful, ironclad alliance consisting of Iran, Russia, and China, effectively kicking off an Armageddon-like World War III. Yet, neither Moscow nor Beijing entered the war on Iran’s side against Israel and later the United States. Nor did they provide any military or even meaningful diplomatic support to Tehran to either arm it to defend itself or to shield it against further pressure, such as deterring a U.S. entry into the war. Instead of the much-feared Iranian-Russo-Chinese “axis of autocrats” flexing its combined military muscles, it was the Israeli-U.S. partnership that proved decisive against Iran.

Neither Moscow nor Beijing would benefit strategically from directly entering a war on Iran’s side against the United States and Israel. Their respective relations with Washington are key, while ties with Tehran have often served as leverage in that context. In other words, Iran is one important pawn on the chessboard of their global rivalry with Washington. As such, their ties with Tehran are mostly opportunistic. They both exploit Iran’s geopolitical isolation resulting from its enmity with the West and are therefore willing to sustain it rather than see Tehran mending its ties with Washington.

Against this backdrop, Russia and China have forged wide-ranging yet non-transparent long-term agreements with Iran. Given the power asymmetry separating Iran from both countries, one can assume that with these pacts the Iranian regime has sold out Iranian national resources and interests. In return, Tehran expected both to act as an outside guarantor of its regime’s survival. Now, given their passivity in the 12-Day War, Iran’s political elite has become even more disillusioned with its much-lauded “Look to the East” policy, which has clearly failed. Additionally, a nuclear-armed Iran would reduce the power imbalance that systemically favors Moscow and Beijing over Tehran. Conversely, a destroyed Iranian nuclear program could revitalize Russia’s struggling nuclear industry. And last but not least, as if military passivity was not enough, Tehran speculates that Moscow has covertly colluded with Israel in its aggression against Iran, revealing sensitive details about the Russian-supplied Iranian air defense systems.

Between Rhetoric and Reality

Against this backdrop, Iran’s response was largely limited to Israel. In fact, not only did Tehran not implement its oft-issued threat to unleash its regional axis. It also did not opt to close the strategic Strait of Hormuz that links the Persian Gulf with the Indian Ocean, as this would have pushed the United States into the war even earlier, while constituting a strategic own goal undermining Iran’s own oil exports and the confidence of its Asian clients, especially China, as well as alienate those Gulf Cooperation Council states reliant on the strait for their oil and gas exports as Tehran needed them diplomatically to help bring about an end to the war. Neither were all U.S. military bases in Iran’s vicinity targeted, nor were American soldiers killed. Instead, Iran attacked U.S. Central Command headquarters in Qatar following prior warning, i.e. in a symbolic rather than militarily decisive way.

### Link---1AR

No link. Bureaucrats aren’t unconditionally pro-regulation:

a) Diversity. The civil servance isn’t a monolith. A good amount are amenable to Trump’s agenda.

b) Logistics. Organizing sustained resistance across a department to specific agenda items is impossible.

That’s Schumaker and Baehler. Err AFF: their ev is conspiracy theorists complaining about an imaginary deep state.

No link. No 1AC card says they love EVERY regulation. Abortion examples in 2NC CX proves.

Suzuki says FINANCIAL reuglations, not environment.

No capacity link. Dropepd the uniqueness arg on debt DA: 1AC Schumaker says that Trump is replacing most workers and federal capacity is HIGH NOW.

Didn’t Rubin in the 1AC.

Hate Trump link is wrong.

#### The bureaucracy isn’t an anti-Trump swamp.

Constance Bloom 25. Federal worker. "Not all federal bureaucrats are woke." UnHerd. 2-14-2025. unherd.com/2025/02/the-feds-gave-me-refuge-from-woke

Yet I also found that the common caricature of the “deep state” as an unaccountable cabal of unelected bureaucrats engaged in shadowy conspiracies is overblown. Nor is the federal workforce a bastion of radical Leftism requiring a scorched-earth response, as some critics argue.

Yes, federal employees have partisan leanings like anyone else, but most ultimately follow the directives of the sitting administration. In my own office, I have heard leadership with Democratic views explicitly state their commitment to carrying out the new administration’s policies — not because they personally agree with President Trump, but because they respect the Constitution and the rule of law. The executive branch, they believe, must be responsive to its head, and the people who elected him.

What often gets overlooked is the intellectual heterodoxy within the federal workforce. My colleagues come from all walks of life. I regularly attend meetings with liberal gay and lesbian colleagues, and in those same meetings, I work alongside conservative evangelical Christians — including pastors and ministers — who say “Merry Christmas” and “Amen” without fear or hesitation.

Having spent years in academia, where self-censorship was often the price of survival, I was stunned by this level of open expression. Conservative employees, in particular, seemed far more comfortable speaking their minds than they ever could on a university campus. This was true under both the Biden and Trump administrations. Unlike in academia, no one has ever forced pronouns on me. Instead, we focus on our jobs and work faithfully to serve the nation.

Now, however, many of these same colleagues — both liberal and conservative — are worried about their jobs. Some of my centre-right colleagues live in rural areas, where remote work has allowed them to contribute meaningfully to government service without relocating. But with return-to-office mandates looming, they face a difficult choice: leave their jobs or uproot their families. Ironically, it is often my liberal colleagues, who live in major cities with multiple federal buildings, who will have an easier time complying with these policies.

I understand that, from a high-level perspective, it is difficult to separate the genuinely problematic elements of federal bureaucracy from the rank-and-file employees who are simply doing their jobs. President Trump and Elon Musk, among others, have championed sweeping measures to “drain the swamp”. But my hope is that there is still time to craft a more precise approach — one that targets entrenched bureaucratic dysfunction without indiscriminately dismantling the institutions that, for many of us, have provided a refuge from the excesses of wokeness.

There are federal workers like me who found in federal government service a space for intellectual heterodoxy — one that no longer exists in academia. For that reason, I am hoping for a controlled burn, not scorched earth.