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## Adv 1

### 1NC1 and 2---Things Fine Now---2NC

#### The public service is resilient. Workers will keep their jobs because they want to.

Monroe 24 – Director of Content, GovLoop.

John Monroe, “Why Are You in Public Service?” GovLoop, 07-01-2024, https://www.govloop.com/why-are-you-in-public-service/

I’ve met so many people who could command bigger salaries and better perks in the private sector. But they stay in this community because they care about their work.

They care about ensuring that our communities are safe. They want people who need a little help buying food for their families to get prompt and accurate payments. They love finding new ways to make our visits to the Department of Motor Vehicles a little less stressful. Whatever their particular interest, they pursue it with passion.

Here at GovLoop, we see that mindset every year when we interview the winners of our annual NextGen Public Service Awards. We conclude each interview by asking the winner to complete this sentence: “I am in public service because…” The answers are always inspiring.

If you know someone who exemplifies the best in public service, please nominate them. The nomination deadline for this year’s awards is July 26. The winners will be honored at the NextGen Government Training Virtual Summit on October 23.

You can find more information about the awards, including the criteria and submission form, on the awards homepage.

Meanwhile, here are some of the thoughts shared by last year’s winners, explaining why they work in government.

“I wholeheartedly prescribe to the biblical tenet that to whom much is given, much will be required… I take very seriously my role as a manager and … a leader, where I celebrate, appreciate, and advocate for those who I have been entrusted to lead.”

“It’s the best opportunity to leave a lasting impression in my community and also to help pave a positive path for my kids when they’re old. When I’m working with a person or working with a business, I’m always thinking, ‘Eventually, that person or business might supervise my kids. They might hire my kids.’”

“Government is a necessary institution that does serve the public… So I’m doing my part to make sure my agency is providing the right service to all of the people.”

“I feel a certain sense of pride in serving my community — whether that be a very specific community like transgender folks within the LGBTQ+ community, or very broad, as in the United States. Working at the federal level in public health allows me to be a public servant working towards health equity for all people in the United States.”

“The work surrounding DEIA is about people, and it’s about human lives. I am in public service because I feel the urgency and am committed to prioritizing humanity, the healing of what’s been broken and community-building.”

“In many native cultures, including my own, we aim to make decisions based on the seventh-generation principle: The decisions that we make today impact the seventh generation in the future.… So, in that same spirit here at Treasury, you take in that circle of knowledge and collaboration … to learn about the experiences of people and to use that knowledge to help shape policy decisions, and then form guidance for the people.”

“I want to make a difference … without asking the community for anything in return — just improving their health and well-being, making people’s lives better. Because that’s what government should do.”

#### Most recent surveys.

McGraw 25 – Editor, Publications, PSHRA.

Mark McGraw, “Survey: Federal Workers Want to Stay in Public Service,” Public Sector HR Association, April 2025, https://pshra.org/survey-federal-workers-want-to-stay-in-public-service/

In a new report, federal workers shared their fears about their job security amid current government upheaval, but many say they want to continue their careers in public service.

Work for America’s Civic Match recently polled more than 700 federal employees who were either recently laid off or are actively looking to transition out of their current government roles. Overall, just 7% of respondents said they were less interested in public service in the wake of recent developments.

More than three-quarters (76%) said they are now more likely to work for state or local government. More than half (53%) indicated they were either “almost certain” or “very likely” to consider a state or local government job.

What would attract displaced federal workers to a given state or local government opportunity? The largest number (84%) described a positive working relationship with their direct manager as either “critical” or “very important.” Another 78% cited a sense of purpose and the chance to make an impact in the community, with 76% saying they seek work-life balance and flexibility, first and foremost.

“After nearly 20 years of working in the public sector for state and nonprofit organizations, I was excited to serve at the federal level for a product team I loved and a program I was in full support of,” one survey respondent told Work for America. “I’m not sure what I’m going to do next, but I’m still incredibly passionate about public service and hope to continue my career in that space.”

Younger federal workers were most likely to share this type of enthusiasm. For example, 74% of survey participants with one-to-three years of professional experience said they plan to stay in public service. Among those with four-to-seven years of experience, 50% of respondents indicated as much, with an even larger number (58%) saying the same.

#### CBR isn’t key.

DiSalvo 10 – Assistant professor of political science at the City College of New York.

Daniel DiSalvo, “The Trouble with Public Sector Unions,” National Affairs, Fall 2010, https://www.nationalaffairs.com/publications/detail/the-trouble-with-public-sector-unions

After all, even without collective bargaining, government workers would still benefit from far-reaching protections under existing civil-service statutes — more protections than most private-sector workers enjoy. And they would retain their full rights as citizens to petition the government for changes in policy. Public-sector workers' ability to unionize is hardly sacrosanct; it is by no means a fundamental civil or constitutional right. It has been permitted by most states and localities for only about half a century, and, so far, it is not clear that this experiment has served the public interest.

#### CBR is totally useless.

McGinnis 10 – Stanford Clinton Sr. Professor of Law, Northwestern Uni Law School. J.D., Harvard Law School.

John O. McGinnis and Max Schanzenbach, Benjamin Mazur Professor of Law at Northwestern Uni School of Law, “The Case Against Public Sector Unions,” Hoover Institution, 08-01-2010, https://www.hoover.org/research/case-against-public-sector-unions

But the potential benefits of unions in the private sector are very attenuated and probably nonexistent in the public sector. First, public employees are typically protected by civil service statutes that provide an important measure of job security and protection from arbitrary hiring and firing decisions. These statutes also tend to regulate promotion and compensation decisions. The potential for a spoils system to arise or for politicians to seek vengeance on opponents in government employ provide strong arguments for such statutes. Their omnipresence, however, at the very least mitigates the need for an additional layer of union protection. Second, governments typically face lower borrowing costs and enjoy easier access to sources of direct financing (i.e., taxation) than private sector employers, which insulates the public sector from the business cycle. Indeed, despite much talk of layoffs in government, since the present recession began in 2008, private sector payrolls have declined by over seven million, while government payrolls overall hardly budged. Third, workers who prefer government employment typically have a variety of options (federal, state, county, city) or possess skill sets that are transferable to the large private service sector. In short, the potential social benefits offered by private sector unions are not present in the public sector.

### 1NC3---No Solve---2NC

2:20

#### That renders them totally useless.

Milner 25 – Rank and File Member, NALC.

Sarah Milner and Gary L., “We Must Demand Federal Workers’ Right to Strike,” Democratic Left, 05-20-2025, https://democraticleft.dsausa.org/2025/05/20/we-must-demand-federal-workers-right-to-strike/

Conditions for federal workers have been worsening for years — with federal wage increases falling behind the private sector for over a decade. With federal workers banned from striking, their unions have often been reduced to acting as mediators of conflict, relying on lobbying and pressure campaigns for contracts, while the organizing muscle necessary to win big gains and mobilize members has decayed. This has left them especially vulnerable to right-wing attacks and austerity. Over the past 25 years, the overall share of federal workers has declined precipitously, with the vast majority of those job losses in the U.S. Post Office.

USPS presents a useful test case for the debilitating effects of the strike ban, as workers have been steadily forced into longer hours and lower wages. Recently, despite overwhelmingly rejecting their proposed contract, USPS workers were forced by arbitration to accept a de facto pay cut. This has led to an upsurge of union militancy at USPS. Fights for the right to strike have erupted in the American Postal Workers Union and National Association of Letter Carriers, and internal struggles between moderate and reform factions are impacting each of the four postal unions. The strike bans have left political organizing to atrophy, weakening more militant leadership and strengthening conservative “service union” leadership. But it was not always this way.

#### It’s irreversible.

Rosenfeld 25 – Associate Professor, Political Science, Colgate University.

Sam Rosenfeld, “Michael Lewis’s Paean to Federal Workers Hits Differently Under DOGE,” The New Republic, 5-04-2025, https://newrepublic.com/article/194690/michael-lewis-government-essays-federal-workers-musk-doge

Whatever its electoral cost to Republicans, however, the cost of the current ravaging of the civil service will be greater for the country as a whole. The brain drain of expertise, the wanton destruction of research and administrative endeavors built up over decades, and the shattering of the promise of job stability, which for so long has served both to compensate for the comparatively limited financial upside of civil service careers and to help incubate the kind of slow-bore achievements celebrated in Who Is Government?—such losses may be irreversible.

#### Plus, the shutdown and voluntary quittings.

Hsu 25 – NPR's labor and workplace correspondent.

Andrea Hsu and Stephen Fowler, “Trump administration says most federal layoffs aren't blocked by court order,” LAist, 10-17-2025, https://laist.com/news/politics/unions-say-white-house-plans-mass-layoff-interior-department-despite-court-order

Speaking to reporters on Thursday, Leavitt added that the White House is confident their actions are legal and called the layoffs "an unfortunate consequence" of the government shutdown.

While the White House promised "substantial" firings during the shutdown, the layoffs announced so far amount to only a fraction of the federal employees who have left the government since Trump returned to the White House in January.

Back in August, the Office of Personnel Management (OPM) said roughly 300,000 federal workers would be gone from the government by the end of the year. OPM director Scott Kupor told news outlets that 80% of those departures were voluntary.

That means even prior to the shutdown, roughly 60,000 federal workers faced involuntary separation.

Another 154,000 workers took the Trump administration's "Fork in the Road" buyout offer, according to OPM. Many who took the buyout told NPR they feared they would be fired if they didn't leave.

#### AND even full plan implementation would only cover a small subset of federal workers.

Hsu 25 – NPR's labor and workplace correspondent.

Andrea Hsu and Stephen Fowler, “Trump administration says most federal layoffs aren't blocked by court order,” NPR, 10-17-2025, https://www.npr.org/2025/10/17/nx-s1-5577691/layoffs-rifs-government-shutdown-trump

At the same time, the administration made clear it believes most of the employees who have already received layoff notices – or are expected to in the near future – are not covered by the court order, which only applies to programs or offices where the union plaintiffs have members or bargaining units.

#### That means it’s completely insulated from CBR.

Bednar 24 – Associate Professor, University of Minnesota Law School. J.D., University of Minnesota.

Nick Bednar, “A Primer on the Civil Service and the Trump Administration,” Lawfare, 12-03-2024, https://www.lawfaremedia.org/article/a-primer-on-the-civil-service-and-the-trump-administration

Schedule F and Reclassification

One of the most powerful mechanisms that presidents have to shape personnel policy is to reclassify positions under § 3302. Trump’s 2021 executive order creating Schedule F is perhaps the most salient and significant personnel action in over two decades. Schedule F promised to make the hiring and firing of federal employees easier by exempting “positions of a confidential, policy-determining, policy-making, or policy-advocating character” from the competitive service, echoing the language of § 7511’s exemption.

Trump justified Schedule F as necessary for good administration because it would give agencies “additional flexibility to assess prospective appointees without the limitations imposed by competitive service selection procedures.” This flexibility would allow agencies to evaluate whether individuals “display appropriate temperament, acumen, impartiality, and sound judgment” for these positions.

In theory, the reclassification of positions as “confidential, policy-determining, policy-making, or policy advocating” would make it easier for agencies to remove individuals in these positions. The language of Schedule F mirrors § 7511’s exemption, suggesting that agencies would be able to remove Schedule F employees without the standard procedures. Indeed, President Trump’s executive order justified reclassification as providing agencies with “the flexibility to expeditiously remove poorly performing employees from these positions without facing extensive delays or litigation.”

Although Trump couched the order in language about government performance, few doubted that the pretextual reason for creating Schedule F was to make it easier for the president to hire loyal employees and fire disloyal ones. Shortly after Trump issued the order, Ron Sanders—Trump’s appointee to chair the Federal Salary Council—resigned in protest. In his resignation letter, Sanders explained, “[I]t is clear that its stated purpose notwithstanding, the Executive Order is nothing more than a smokescreen for what is clearly an attempt to require the political loyalty of those who advise the President, or failing that, to enable their removal with little if any due process.” Other commentators reached similar conclusions about Trump’s motives. In a 2022 report, the Government Accountability Office warned that a future administration could use Schedule F to “expedite hiring of federal employees committed to advancing the President’s policy agenda, and removing those who were not.”

Trump created Schedule F in October 2020—only three months before he left office. President Biden repealed the order immediately after taking office. Agencies had little time to implement Schedule F before its repeal, and its scope is somewhat uncertain. There is little doubt that Trump will attempt to recreate Schedule F during his second term. As one former Trump administration official stated, “It literally takes five minutes to reissue it.” Despite the president’s broad authority under the civil service laws, the legality of Schedule F is contested.

One of its most controversial aspects relates to its interpretation of “positions of a confidential, policy-determining, policy-making, or policy-advocating character.” The executive order describes these positions using sweeping and amorphous terms to include merely “viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals.” Although it is impossible to estimate precisely the number of positions affected by Schedule F, early estimates placed the total number of employees at around 50,000. Don Moynihan describes this number as “probably a floor rather than a ceiling.” Documents obtained from OPM show that reclassification extended to human resource specialists, administrative assistants, and information technology specialists. Such an expansive interpretation of Schedule F would sweep a large swath of federal employees into the excepted service.

The breadth of this interpretation calls into question whether Schedule F exceeds the intended meaning of § 7511. Nothing in the plain text of § 7511 prohibits its application to career employees. Nevertheless, there is evidence that “positions of a confidential, policy-determining, policy-making, or policy-advocating character” refers exclusively to political appointees. For example, the statute establishing the Department of Homeland Security’s Office of Strategy, Policy, and Plans defines the phrase “political appointee” as “any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.” Other enabling statutes use similar language. In adopting the Civil Service Reform Act of 1978, the Report for the House Committee on the Postal Service and Civil Service described these positions as “generally political appointees.” After the Supreme Court’s decision in Loper Bright v. Raimondo—in which the majority held that courts should determine the best meaning of the statute and not defer to the agency’s interpretation—the Trump administration’s ability to depart from this long-standing interpretation is called into question.

Moreover, it is unclear whether involuntarily recategorizing employees would strip them of the protections afforded by the competitive service. While it is true that § 7511 exempts these employees from prohibited personnel practices, civil servants have a due process right to a hearing before they are stripped of tenure protections. OPM’s regulations specify that “an employee who was in the competitive service ... at the time ... the employee was moved involuntarily to a position in the excepted service; remains in the competitive service for purposes of status and any accrued adverse action protections, while the employee occupies that position.” These regulations are consistent with the U.S. Court of Appeals for the D.C. Circuit precedent holding that civil servants do not lose the protections afforded by the competitive service when they are moved to the excepted service. Given these regulations and case law, Schedule F may not enable the firing of existing employees.

A new final rule adopted during the Biden administration will also delay the adoption of Schedule F. In its final rule, OPM advanced many of the above arguments in defining “employees in confidential, policy-determining, policy-making or policy-advocating positions” to mean noncareer, political appointments. This provision prevents future administrations from reclassifying career staff as policymaking employees. While the Biden administration’s rule stalls the implementation of Schedule F, the Trump administration can repeal the rule through notice-and-comment rulemaking. This could happen relatively quickly. The Biden administration managed to propose and finalize its rule in less than a year. The Trump administration could act just as fast in repealing the rule.

These critiques provide several possible challenges to Schedule F. First, plaintiffs may seek to challenge the Trump administration’s interpretation of “confidential, policy-determining, policy-making, or policy-making” positions as inconsistent with the statute. Second, federal employees may raise constitutional objections under the Due Process Clause. Third and finally, plaintiffs may challenge the repeal of the Biden administration’s rule under State Farm—a key precedent that requires agencies to adequately explain the rationale behind repealing rules adopted by the previous administration.

While a legal challenge to Schedule F is likely, Congress could also introduce legislation to amend the civil service laws. Sen. Tim Kaine (D-Va.) sought to attach the Saving the Civil Service Act to the 2024 National Defense Authorization Act. This bill would severely limit the ability of agencies to move positions from the competitive service to the excepted service. During a Republican Congress, however, the bill is unlikely to pass, and there is no question that Trump would veto any such effort.

While Schedule F has received the greatest attention, it was not the only executive order to reclassify civil servants. Executive Order 13843 established a new Schedule E to exempt newly hired administrative law judges from the competitive service. This order responded, in part, to the Supreme Court’s decision in Lucia v. Securities and Exchange Commission, which deemed administrative law judges “officers of the United States” subject to the Appointments Clause. Separately, Executive Order 13842 placed criminal investigators of the U.S. Marshals Service in Schedule B—a portion of the excepted service that includes occupations for which it is “not practicable” to hold competitive examination. Less expansive reclassifications provide Trump a mechanism to shape the civil service while repeal of the Biden-era rule is pending.

Federal Labor Unions

Another source of authority comes from the ability of presidents and their appointees to negotiate with federal labor unions. Section 7102 provides federal employees “the right to form, join, or assist any labor organization.” As Nicholas Handler demonstrates in a recent article, these labor organizations play an important role in negotiating on behalf of federal employees and constraining the powers of the president.

#### And, the Trump administration specifically instructed agencies to ignore CBAs when conducting RIFs.

Sandiford 25 – Editor and Producer, FNN.

Michele Sandiford, “Agencies told to ignore collective bargaining agreements in deference to RIFs,” Federal News Network, 03-13-2025, https://federalnewsnetwork.com/federal-newscast/2025/03/agencies-told-to-ignore-collective-bargaining-agreements-in-deference-to-rifs/

The Trump administration told agencies to ignore collective bargaining agreements that interfere with the ability to conduct reductions in force, or RIFs. A new memo from the Office of Personnel Management argues that contracts with federal unions cannot supersede an agency’s ability to lay off its employees. The OPM memo says agency management has the right to determine its number of employees, and make headcount adjustments as needed. The guidance comes just ahead of agencies’ expected RIF plans, which are due to the White House by this Friday.

#### Plus, unions lack resources and skills to mobilize.

Kagan 25 – Author of The Fall and Rise and Fall of NYC’s TWU Local 100, 1975–2009

Marc Kagan, “What Trump’s Decertification of Federal Employee Unions Means,” Jacobin, 08.14.2025, https://jacobin.com/2025/08/trump-decertification-federal-employee-unions

Months later, do those conditions still apply? Holding to the strategy of the courts, the federal unions have squandered their most precious resources — the feeling of urgency and anger among their members, and time. And, of course, going forward, they will have far fewer resources to mobilize their dwindling number of members — even if they were inclined to change their spots.

#### Courts are too slow, and Trump will ignore them.

Sen 25 – Professor of Public Policy at Harvard, PhD from the Department of Government

Maya Sen, “Why federal courts are unlikely to save democracy from Trump’s and Musk’s attacks,” Harvard Kennedy School Ash Center for Democratic Governance and Innovation, Feb 12, 2025, https://ash.harvard.edu/articles/why-federal-courts-are-unlikely-to-save-democracy-from-trumps-and-musks-attacks/

As a scholar of the federal courts, however, I expect the courts will be of limited help in navigating through this complicated new political landscape.

One problem is that the U.S. Supreme Court in recent years has moved sharply to the right and has approved of past efforts to expand the powers of the presidency. But the problem with relying on the courts for help goes beyond ideology and right-leaning justices going along with a right-leaning president, as happened in Trump’s first term.

One challenge is speed: The Trump administration is moving much faster than courts do, or even can. The other is authority: The courts’ ability to compel government action is limited, and also slow.

And that doesn’t even factor in statements by Trump, Vice President JD Vance and “special government employee” multibillionaire Elon Musk. All three have indicated that they are open to ignoring court rulings and have even threatened to seek the impeachment of judges who rule in ways they don’t like.

Speed

Musk has been put in charge of White House efforts to cut government services, both in spending amount and reach.

Constitutional law is clear: The executive branch cannot, on its own, close or shut down a federal agency that has been established by Congress. That is Congress’ job. But Trump and Musk are trying to do so anyway, including declaring that the congressionally established U.S. Agency for International Development will be shut down and turning employees away from the agency’s offices in Washington, D.C.

The administration’s strategy, it seems, is the longstanding tech-company mantra: “move fast and break things.” The U.S. courts do not – and by design cannot – move equally quickly.

It can take years for a case to wind its way through the lower courts to reach the U.S. Supreme Court. This is by design.

Courts are deliberative in nature. They take into account multiple factors and can engage in multiple rounds of deliberation and fact-finding before reaching a final ruling. At every stage, lawyers on both sides are given time to make their cases. Even when a case does get to the Supreme Court – as many of these lawsuits likely will – it can take months to be fully resolved.

By contrast, Trump’s and Musk’s actions are happening in a matter of days. By the time a court finally resolves an issue that happened in late January or early February 2025, the situation may have changed substantially.

For an example, consider the effort to shut down the U.S. Agency for International Development. In the space of a week, the Trump administration put most of USAID’s workers on administrative leave and halted USAID’s overseas medical trials, which included pausing potentially lifesaving treatments.

As of this writing, a district judge has temporarily blocked the order putting USAID workers on leave. But even if the courts ultimately conclude several months from now that the Trump administration’s actions regarding USAID were unlawful, it might be impossible to reconstitute the agency the way it used to be.

#### 10. The bureaucracy was floundering even before Trump.

[Lewis](https://www.amacad.org/publication/daedalus/failed-pandemic-response-symptom-diseased-administrative-state) 21 – Rebecca Webb Wilson University Distinguished Professor in the Department of Political Science at Vanderbilt University, former Professor of Politics at Princeton University, PhD from Stanford University.

David E. Lewis, “Is the Failed Pandemic Response a Symptom of a Diseased Administrative State?” Daedalus, Summer 2021, https://www.amacad.org/publication/daedalus/failed-pandemic-response-symptom-diseased-administrative-state

While most federal executives reported satisfaction in their work and agencies, they also reported serious and worsening capacity problems related to the quality and size of the federal workforce. To begin, we asked respondents whether they agreed or disagreed with the statement “An inadequately skilled workforce is a significant obstacle to [my agency] fulfilling its core mission.”31 As Figure 1 reveals, 60 percent of 2020 respondents agreed or strongly agreed with this statement. Only one-third reported that their workforce was adequate to fulfill its core mission. It is important to note that the question does not ask executives about common tasks across agencies like information processing, contract management, human resources, or legal work. It asks about core tasks, those central to the agency’s mission. What are these core tasks? They range from providing national defense to delivering the mail to ensuring nondiscrimination in housing to approving patent applications. Across the government, federal executives report problems in the workforce that make fulfilling their core mission difficult.

This number is up from 39 percent in 2014, toward the end of the Obama administration. This is a striking change in responses between the two surveys. In 2014, we remarked that it was a serious concern when close to 40 percent of managers report a problem in their workforces. That number is now 60 percent.

Legal scholars tend to imagine the administrative state as a set of rules and guidance emanating from delegation of authority, but these formal actions have no force without persons to bring them to life, to translate law into policy through the hard work of interpretation and action. Agencies need people to animate law by conducting inspections, filing charges, managing contracts, negotiating agreements, and writing reports. Laws assigning core tasks mean little if there is no robust administrative infrastructure to execute the law.

The evident decline in workforce skills between 2014 and 2020 could be due to a number of factors. First, the quality of the people working in federal agencies could be declining. That is, the people working in the agency could be, on average, just of lower ability. For example, agencies could be losing excellent experienced professionals to retirement or work in the private sector. The people who replace them may not be of the same quality. Second, the agency may simply have too few people. It might be the case that agency personnel are very talented but there just aren’t enough of them. Third, there may be enough workers, but they might not have the right skills necessary to meet new challenges. For example, agencies may lack expertise to keep up with new developments in areas like information technology, artificial intelligence, data analytics, or contract management.

The survey includes questions that explore all three possibilities. In one set of questions, we asked respondents to evaluate the competence of the people they work with. Specifically, we asked, “Now thinking about people, apart from yourself, who work in [your agency], how competent are the following?” Respondents evaluated political appointees, senior civil servants, low- to mid-level civil servants, and contractors on a scale from one–not at all competent–to five–extremely competent. On scales of this type, we expect the evaluations to be anchored around the middle–three–because we expect that few people are “not at all competent” and “extremely competent” is a high bar.

The average 2020 response, during the Trump administration, is represented in Figure 2 as the black bar. I include responses to the same question in 2007, during George W. Bush’s second term, as a comparison (we did not ask this question in 2014). In the far-left column, we see how federal executives rate the Trump administration’s political appointees. On a one-to-five scale, the average rating is 3.19, significantly lower than the 3.57 that respondents rated Bush administration appointees in 2007.32 Respondents report that agency appointee leadership, on average, is middling. Some of the qualitative comments in the survey bolster this. One respondent wrote, “My concern in Department leadership is the lack of attention given to the qualifications of an individual selected for a political appointee position. They have no apparent requirement to understand, document and declare fidelity to agency mission.”

#### 11. Schedule F. It’s a loophole to reclassify workers in order to fire them. CBR doesn’t solve.

Bednar 24 – Associate Professor, University of Minnesota Law School. J.D., University of Minnesota.

Nick Bednar, “A Primer on the Civil Service and the Trump Administration,” Lawfare, 12-03-2024, https://www.lawfaremedia.org/article/a-primer-on-the-civil-service-and-the-trump-administration

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One of its most controversial aspects relates to its interpretation of “positions of a confidential, policy-determining, policy-making, or policy-advocating character.” The executive order describes these positions using sweeping and amorphous terms to include merely “viewing, circulating, or otherwise working with proposed regulations, guidance, executive orders, or other non-public policy proposals.” Although it is impossible to estimate precisely the number of positions affected by Schedule F, early estimates placed the total number of employees at around 50,000. Don Moynihan describes this number as “probably a floor rather than a ceiling.” Documents obtained from OPM show that reclassification extended to human resource specialists, administrative assistants, and information technology specialists. Such an expansive interpretation of Schedule F would sweep a large swath of federal employees into the excepted service.

The breadth of this interpretation calls into question whether Schedule F exceeds the intended meaning of § 7511. Nothing in the plain text of § 7511 prohibits its application to career employees. Nevertheless, there is evidence that “positions of a confidential, policy-determining, policy-making, or policy-advocating character” refers exclusively to political appointees. For example, the statute establishing the Department of Homeland Security’s Office of Strategy, Policy, and Plans defines the phrase “political appointee” as “any employee who occupies a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.” Other enabling statutes use similar language. In adopting the Civil Service Reform Act of 1978, the Report for the House Committee on the Postal Service and Civil Service described these positions as “generally political appointees.” After the Supreme Court’s decision in Loper Bright v. Raimondo—in which the majority held that courts should determine the best meaning of the statute and not defer to the agency’s interpretation—the Trump administration’s ability to depart from this long-standing interpretation is called into question.

Moreover, it is unclear whether involuntarily recategorizing employees would strip them of the protections afforded by the competitive service. While it is true that § 7511 exempts these employees from prohibited personnel practices, civil servants have a due process right to a hearing before they are stripped of tenure protections. OPM’s regulations specify that “an employee who was in the competitive service ... at the time ... the employee was moved involuntarily to a position in the excepted service; remains in the competitive service for purposes of status and any accrued adverse action protections, while the employee occupies that position.” These regulations are consistent with the U.S. Court of Appeals for the D.C. Circuit precedent holding that civil servants do not lose the protections afforded by the competitive service when they are moved to the excepted service. Given these regulations and case law, Schedule F may not enable the firing of existing employees.

A new final rule adopted during the Biden administration will also delay the adoption of Schedule F. In its final rule, OPM advanced many of the above arguments in defining “employees in confidential, policy-determining, policy-making or policy-advocating positions” to mean noncareer, political appointments. This provision prevents future administrations from reclassifying career staff as policymaking employees. While the Biden administration’s rule stalls the implementation of Schedule F, the Trump administration can repeal the rule through notice-and-comment rulemaking. This could happen relatively quickly. The Biden administration managed to propose and finalize its rule in less than a year. The Trump administration could act just as fast in repealing the rule.

These critiques provide several possible challenges to Schedule F. First, plaintiffs may seek to challenge the Trump administration’s interpretation of “confidential, policy-determining, policy-making, or policy-making” positions as inconsistent with the statute. Second, federal employees may raise constitutional objections under the Due Process Clause. Third and finally, plaintiffs may challenge the repeal of the Biden administration’s rule under State Farm—a key precedent that requires agencies to adequately explain the rationale behind repealing rules adopted by the previous administration.

While a legal challenge to Schedule F is likely, Congress could also introduce legislation to amend the civil service laws. Sen. Tim Kaine (D-Va.) sought to attach the Saving the Civil Service Act to the 2024 National Defense Authorization Act. This bill would severely limit the ability of agencies to move positions from the competitive service to the excepted service. During a Republican Congress, however, the bill is unlikely to pass, and there is no question that Trump would veto any such effort.

While Schedule F has received the greatest attention, it was not the only executive order to reclassify civil servants. Executive Order 13843 established a new Schedule E to exempt newly hired administrative law judges from the competitive service. This order responded, in part, to the Supreme Court’s decision in Lucia v. Securities and Exchange Commission, which deemed administrative law judges “officers of the United States” subject to the Appointments Clause. Separately, Executive Order 13842 placed criminal investigators of the U.S. Marshals Service in Schedule B—a portion of the excepted service that includes occupations for which it is “not practicable” to hold competitive examination. Less expansive reclassifications provide Trump a mechanism to shape the civil service while repeal of the Biden-era rule is pending.

Federal Labor Unions

Another source of authority comes from the ability of presidents and their appointees to negotiate with federal labor unions. Section 7102 provides federal employees “the right to form, join, or assist any labor organization.” As Nicholas Handler demonstrates in a recent article, these labor organizations play an important role in negotiating on behalf of federal employees and constraining the powers of the president.

### Science Dead---2NC

#### Even without brain drain, Loper Bright crushes science-based regulation.

Clement et al. 25 – Professor of Environmental Engineering at the University of Alabama, PhD in Civil Engineering from Auburn University; Professor of Civil Procedure at the University of Alabama School of Law, J.D. from the University of California, Berkeley, MPhil and M.A. in Political Science from Yale University.

T. Prabhakar Clement, Heather Elliott, and Nimisha Wasankar, “Lack of Scientific Expertise in US Courts Is a Cause of National Concern in the Post-Chevron Era,” Perspectives of Earth and Space Sciences, 05-29-2025, https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2025CN000274

Unfortunately, in June 2024, the Court's decision in Loper-Bright Enterprises v. Raimondo ended the Chevron doctrine and discarded the idea that scientific expertise and accountability to people should play a key role in statutory interpretation. Instead, (mostly) unelected judges with (usually) no scientific expertise are now allowed to override an agency's interpretation of the statute based on available data, scientific principles, and the will of Congress. Countless areas of policy—healthcare, education, the environment, workplace safety, and the like—will suffer as a result. Indeed, since Loper was decided, federal judges have already invoked it to reject numerous agency regulations, despite the data and rigorous analysis underpinning them. In Texas v. US Department of Labor (DOL), a district court judge in Eastern Texas cited Loper to overturn a DOL regulation increasing the minimum salary threshold for exemptions from overtime for executive, administrative, and professional employees. In Ryan LLC v. Federal Trade Commission, the U.S. District Court for the Northern District of Texas cited Loper in blocking a nationwide ban on employer noncompete agreements.

States and other entities are also taking Loper as a license to ignore federal agency action, even in circumstances that Loper itself would not support. For example, Iowa's Secretary of Agriculture recently indicated that he might challenge federal agencies' definition of “the waters of the US” (Henderson, 2024), a key concept in several lawsuits involving the Clean Water Act. The US Air Force recently cited Loper to avoid its obligation to remediate groundwater contaminated with per- and polyfluoroalkyl (PFAS) substances and other chemicals in Tucson, Arizona (Perkins, 2024). These actions indicate a concerning trend of expanding Loper's applicability, and such extrapolations could hinder the enforcement of existing regulations and delay the development of other useful new regulations.

A major problem with the Loper decision is that it shifts science policymaking to the courts, a serious mistake. Most judges are trained in social and political sciences and have received little to no formal education in STEM fields. For example, a 2001 study found that 96% of the 400 state judges surveyed had not received even general scientific instruction (Wasankar & Clement, 2024). Given the complexities of the modern world, judges are expected to learn science on the job and eventually become amateur scientists. However, legal scholars (e.g., Justice Breyer) have warned that judges don't make good amateur scientists, and they often adopt junk science in their courtrooms (Breyer, 2000; Faigman, 2006; Hilbert, 2018) or, at times, even refuse to recognize the need to understand science (Faigman, 2006).

3 Implications of the Lack of Scientific Expertise in Courtrooms

For managing complex natural systems like groundwater aquifers, the lack of scientific expertise can be a serious hindrance. Even though groundwater science has progressed by leaps and bounds in recent years, the courts have not fully assimilated the new knowledge, perhaps due to the complexity of this natural system. Furthermore, some natural processes are inherently paradoxical and are not intuitive to understand. Therefore, as recent as 1999, the US justice system was citing an age-old paradigm that assumed: “… the existence, origin, movement, and course of such waters (groundwater), and the causes which govern and direct their movements, are so secret, occult and concealed, that an attempt to administer any set of legal rules in respect to them would be involved in hopeless uncertainty and would be, therefore, practically impossible” (Wasankar & Clement, 2024).

The continuing lack of groundwater knowledge in courtrooms was brought to clear focus in the MS v. TN groundwater case. While the Court correctly ruled that the water stored in interstate aquifers must be subject to equitable apportionment, the oral argument transcripts of the case reveal that the Justices had several egregious scientific misconceptions about groundwater aquifers (Wasankar et al., 2024). Chief Justice Roberts and Justice Barrett misunderstood how groundwater is stored in aquifers and how pumping wells are designed. Both Justices incorrectly assumed that groundwater is water mixed with sand and silt. Justice Barrett even wondered if TN could pump MS-owned silt and extract valuable minerals from it using pumping wells. Contrary to the Justices' understanding, water and sand/silt do not mix, but instead exist as two separate phases within an aquifer (Wasankar et al., 2024). Furthermore, when groundwater is accessed through a borehole, screens installed in the well would prevent fine particles from entering the borehole.

In another exchange, Justice Breyer displayed his misunderstanding regarding groundwater transport processes. Chief Justice Roberts initially compared groundwater to wild horses in a discussion about interstate water management. He was concerned that TN could potentially capture these “horses” when the horses randomly wandered across the border. Justice Breyer liked this analogy since, in his view, groundwater movement appeared to be the same as the random motion of wild horses. He also wondered if capturing groundwater is like capturing San Francisco fog and physically flying it to Colorado or Massachusetts (Wasankar et al., 2024). These unrealistic discussions indicate Justice Breyer's conceptually incorrect belief that groundwater moves randomly in all directions when, in fact, groundwater flow in an aquifer is predictable and is governed by the well-known Darcy's law. Furthermore, flow capture can be controlled by managing the design of pumping well fields, and does not require a state to physically intrude into another state's sovereign territory.

The MS v. TN case serves as an example of how even the highest court in our country lacks scientific expertise. Yet, under Loper, courts exhibiting similar scientific ignorance can overturn an EPA regulation on water pollution or a Fish & Wildlife regulation protecting groundwater-dependent endangered ecosystems. Therefore, the Loper ruling can prove to be detrimental to the functioning of federal and state agencies. It is almost impossible for Congress to draft detailed legislation foreseeing all possible future scenarios, and hence, it must depend on scientifically trained agency experts to interpret inevitable ambiguities. Loper upsets these expectations and exposes legislation to the whims of judges with no relevant scientific expertise.

#### The data and expertise is gone permanently.

Fleck 25 – Specialist at the Institute for Policy Integrity at the NYU School of Law, Senior Staff Writer at Resources for the Future.

Matt Fleck, “If/Then: Staff Reductions at Federal Agencies Strain the Process of Informing Policy,” Resources for the Future, 06-27-2025, https://www.resources.org/common-resources/if-then-staff-reductions-at-federal-agencies-strain-the-process-of-informing-policy/

Science is a team effort, in which researchers affiliated with academia, think tanks, and government work collaboratively to create new knowledge and solve society’s most pressing problems. Governments provide data and identify the problems that need solving through long institutional memories and collaborations with external scientists who help develop solutions.

Recent efforts to reduce staff across the federal government severely restrict this pipeline of productive problem solving. The agencies that handle environmental and energy issues have seen significant staff reductions since January, either through layoffs, early retirements, or buyouts. Almost 20 percent of the staff at the Department of Energy has accepted a buyout. The National Oceanic and Atmospheric Administration may have lost 20 percent of its workforce; the Federal Emergency Management Agency, about 30 percent; the US Forest Service, 10 percent.

Further cuts are planned for the summer to comply with an executive order and subsequent guidance that calls for large-scale reductions in force across federal agencies. The Environmental Protection Agency has announced plans to reorganize and shrink its workforce by an additional 20 percent, including the elimination of its research arm and environmental justice office. Mass layoffs may depend on ongoing or future legal battles, but more federal workers are resigning or accepting buyouts in anticipation of firings or because of work environments that have become increasingly stressful.

The staff reductions and general losses of capacity at federal agencies herald a structural change in the policy and evidence ecosystem. With each federal worker that exits the government, expertise and experience are lost, and so are their social and professional networks. Without those networks, less quality information—or lower-quality information—may be available to policymakers, researchers, communities, and businesses across the country. A potential result is that researchers will analyze policies without important federal data and input, that information could be politicized, and that policy will be ineffective and inefficient.

This blog post chronicles some of the positive interactions that researchers at Resources for the Future (RFF) have had with government scientists, and the results of their activities (such as database development), so readers can have a better appreciation of what could be lost.

In 1982, for example, Congress passed a law that established the Coastal Barrier Resources System, a set of coastal lands where federal flood insurance, development subsidies, and disaster relief are unavailable. The law aims to protect natural coastal ecosystems and reduce the costs and human harm from extreme weather events in these coastal areas by removing incentives for development.

In August 2024, Margaret Walls and coauthors published a study of the effectiveness of the Coastal Barrier Resources System. Walls, who directs RFF’s Climate Risks and Resilience Program, knew that understanding the effects of the system was important to the federal government; in particular, the Fish and Wildlife Service, the federal agency that is responsible for the conservation of wildlife and habitats in the United States and administers the Coastal Barrier Resources System. In turn, engagement with the agency helped Walls and her team understand the nuances of the system and improve their research.

The study was acutely relevant to Congress: In November 2024, Congress passed a new law with bipartisan support that added to the Coastal Barrier Resources System an amount of land approximately equal to 220,000 football fields.

Yet, these kinds of interactions are now being disrupted.

David Wear, currently the director of RFF’s Land Use, Forestry, and Agriculture Program, had spent most of his career in the research division of the Forest Service and stresses the value of the long-run data sets maintained by the agency. After all, “forests grow slowly,” he says.

“Well-developed, long-run data sets allow researchers to test hypotheses or do careful assessments of policy questions in the short run,” says Wear. And because scientists at the Forest Service generally can’t recommend changes in policy, “civil society can extend the conversation into the details of policy and actually engage with policymakers to improve the information platform upon which policy choices are made,” says Wear. But the loss of federal workers strains the ability of the agency to understand what’s happening in US forests.

The context and nuance federal workers can provide about these data sets also seem at risk. Karen Palmer, the director of RFF’s Electric Power Program, has seen benefits in her research because she has been able to ask experts at the Energy Information Administration about its Annual Energy Outlook, a report with data and projections about the domestic energy sector that often serves as a baseline for policy research. The Energy Information Administration traditionally holds a launch event to explain findings in the report and answer questions from the public, but not this year—a condensed version of the report simply was posted online. “It’s sad to lose that event,” says Palmer. In general, Palmer adds, “it’s just going to be harder for us [at RFF] to do our work” due to staff reductions at the agency.

Engagement with federal workers also is valuable because of their experience implementing many of the policies and programs that researchers study. “The loss of that kind of engagement, ground-truthing, and brainstorming with people who have that much experience is just huge,” says Kevin Rennert, director of RFF’s Federal Climate Policy Initiative. “Our work will continue to move forward, but it will be missing key input from these experienced practitioners.”

With the capacity of federal agencies in flux and networks between federal workers and civil society thinned or gone, researchers likely will struggle to replace the federal data sets, funding, and input necessary to answer certain research questions.

Reductions in the quality or availability of federal data would be very difficult to replace—or irreplaceable. Researchers at RFF have long-standing connections with state and local policymakers and plan to continue to work on state-level issues. However, state governments generally lack the infrastructure to collect and report data at a similar quality as the federal government on a consistent basis. Universities also regularly partner with RFF researchers, though universities are at risk of losing funding. Businesses or consulting firms may collect proprietary data on subjects that are relevant to researchers, and they often charge for access to the data. The federal government performs a public service by maintaining high-quality data sets and making them available for free.

### HHS Contracts + CDC Fails---2NC

### Fungal---2NC

### Diplomacy---2NC

## Adv 2

### 1NC 1---Court is Pro-Trump---1NR

#### Legitimizing the Supreme Court causes a second Lochner Era that cements unchecked corporate domination --- outweighs, turns, and circumvents the case.

Rabin-Havt 20 – former Deputy Campaign Manager and Chief of Staff for the Bernie Sanders for President Campaign, former Deputy Chief of Staff and Senior Advisor to U.S. Senator Bernie Sanders, M.A. in Political Management from The George Washington University

Ari Rabin-Havt, “The Courts Were Always Bad. Now They’re Fundamentally Illegitimate.,” Jacobin, 11-03-2020, https://jacobinmag.com/2020/11/supreme-court-barrett-mcconnell-trump-election/

The confirmation of Amy Coney Barrett will end up putting not only issues such as abortion and LGBT rights at risk, but also the fundamental ability to advance progressive economic goals.

During the forty years of the Lochner era, spanning from the late nineteenth century through 1937, the Supreme Court advanced a deeply regressive view of the Constitution and the definition of freedom, striking down child labor laws, laws protecting organized labor, minimum wage laws, legislation regulating the coal industry, and other important protections. The least democratic branch of government gave itself sweeping powers to invalidate the work of progressive elected officials.

The end of this era only came after Franklin Delano Roosevelt’s late-1930s court-packing threat.

Now, with a 6–3 majority on the Supreme Court that is not only conservative but filled with justices hand-picked by the deeply reactionary Federalist Society, we risk entering a new Lochner era. Almost immediately, the Affordable Care Act will be put at risk. But threats do not end there. This majority on the court could hamstring any efforts to confront the threat of climate change and to challenge monopolies, and it will directly threaten our democracy.

For too long, conservatives have been permitted by the media to make the absurd claim that the court was filled with judicial activists, while the conservative justices were just calling “ball and strikes.” They were the originalists, with a Ouija board that could divine the true intent of the Founding Fathers, whose blessing would be magically bestowed on their decisions.

Over the years, this has led even previous courts to issue some deeply radical decisions. In District of Columbia v. Heller, the Supreme Court overturned a long-held precedent to rule that the Second Amendment gives Americans an individual right to bear arms as opposed to one bestowed on a “well-regulated militia.” This was used to strike down Washington, DC’s handgun ban. But, then as a judge on the DC circuit court, Brett Kavanaugh’s opinion in the case also declared that banning semi-automatic assault rifles would also likely not pass constitutional muster.

In the Citizens United decision, which in and of itself was deeply flawed, Clarence Thomas’s concurrence separates him from the rest of the court, declaring that disclosure of political donations itself is an imposition on free speech rights. This was a lone view in 2010 but could increase in prominence with the current Supreme Court.

The fundamental reality is that, for too long, liberals have been overly invested in the legitimacy of the courts. At the same time, conservative advocates continue to advance completely bad faith arguments, protected by the sheen of the judiciary being above politics.

With the confirmations of Neil Gorsuch and Amy Coney Barrett, the idea that the Supreme Court has any legitimacy should be verboten among both liberals and leftists. Through Mitch McConnell’s behavior during these confirmations, he has given up any argument for the validity of the institution.

Adding seats, mandating retirements to the lower courts, or enacting jurisdiction-stripping legislation that would reduce the court’s power are not radical moves, they are simply a necessity to prevent the repeal of fundamental rights.

John Roberts, in his time as chief justice, has seemingly been aware that the court risks losing legitimacy and has made every attempt to preserve the institution through a long game of narrowly tailored opinions on issues such as the ACA and DACA that put him at odds with the court’s other conservatives. At the same time, he’s used his power to roll back voting rights in a not-so-transparent attempt to cement Republican majorities.

With Donald Trump threatening legal challenges likely to head to the Supreme Court, Roberts could lead another ruling that seemingly bucks conservatives but is actually designed to strengthen his power to issue more radical and damaging rulings in the future.

It’s not that far-fetched. If, today, Donald Trump is defeated at the ballot box but puts up a fight in the federal courts to maintain the White House, the case will almost certainly end up at the Supreme Court. If Roberts were to put together a majority that ruled against Trump and affirmed Joe Biden’s election, the media will cheer the Supreme Court as once again having the cleansing sheen of being an institution above the day-to-day partisan fights of Washington, DC. Roberts could then use this leverage to stymie any possible progressive legislative priorities. He could go so far as to strike down minimum wage laws, worker protections, environmental regulations, and immigration rules, along with overruling Roe and Obergefell. We could end up pining for the Citizens United era, as large anonymous political contributions given directly to candidates is deemed constitutionally protected speech.

Anyone who accepts the legitimacy of this court is simply writing Samuel Alito, Amy Coney Barrett, Neil Gorsuch, Brett Kavanaugh, John Roberts, and Clarence Thomas a permission slip to repeal every major political gain of the twentieth century and future legislative victories to come.

We should demand a Supreme Court that defers to the will of legislative majorities and upholds rights that enhance our democracy. We’ll need years of struggle, starting now, to get to that point.

#### They’ve ruled for Trump 90% of the time.

Greenhouse 25 – Journalist and Author focusing on the workplace, The Guardian.

Steven Greenhouse, “Why does the supreme court keep bending the knee to Trump?” The Guardian, 10-06-2025, https://www.theguardian.com/commentisfree/2025/oct/06/supreme-court-donald-trump

Donald Trump has not had the opportunity to pack the US supreme court to nearly the same degree. Nor has he, despite his brash, bullying ways, done much to pressure or browbeat the court’s nine justices. Nevertheless, the court’s conservative supermajority has ruled time after time in favor of Trump since he returned to office. The six conservative justices have fallen into line much like Hungary’s and Turkey’s judges, even though the supreme court’s justices have life tenure to insulate them from political pressures.

With the court’s new term beginning on Monday, many Americans are dismayed that the conservative justices have been so submissive to Trump, the most authoritarian-minded president in US history. Notwithstanding the US’s celebrated system of checks and balances, the justices have utterly failed to provide the checks on Trump that many legal scholars had expected. In ruling for Trump, the chief justice, John Roberts, and the other conservatives have let him gut the Department of Education, fire Federal Trade Commission and National Labor Relations Board members, and strip temporary protected status from hundreds of thousands of immigrants. The rightwing supermajority has also let Trump halt $4bn in foreign aid, fire tens of thousands of federal employees despite contractual protections and deport people to countries where they have no connection.

In these and other cases, the supermajority has ceded huge power to Trump, for instance, by greatly reducing Congress’s constitutional power over spending as it let Trump unilaterally gut agencies and halt funding approved by Congress. What’s more, the court seems eager to snuff out independent, nonpartisan federal agencies by letting Trump fire agency chairs and commissioners without giving any reason, even though Congress approved laws explicitly saying those officials could only be dismissed for cause. (Pleasing corporate America, the court ordered last Wednesday that Lisa Cook can remain on the Federal Reserve Board, at least temporarily, while litigation proceeds over whether Trump can fire her as part of his effort to end the central bank’s independence.)

“The chief justice is presiding over the end of the rule of law in America,” said J Michael Luttig, a highly regarded conservative former federal appellate judge.

The conservative justices have repeatedly done Trump’s bidding even though they don’t begin to face the intense pressures that Hungary’s and Turkey’s judges face. Erdoğan has sometimes purged and blackballed judges seen as insufficiently loyal, while Orbán’s high-ranking allies have berated less obedient judges as “traitors”.

The US supreme court has ruled for Trump in a startlingly high percentage of cases this year. It has issued 24 decisions from its emergency docket (often without giving any reasons) and ruled in Trump’s favor about 90% of the time.

#### More evidence.

Carmon 25 – Legal Journalist at The Intelligencer.

Iron Carmon, “The Supreme Court Has Bent the Knee,” The Intelligencer, 09-26-2025, https://nymag.com/intelligencer/article/the-supreme-court-has-bent-the-knee-to-trump.html

The Trump administration currently faces more than 300 legal challenges to its policies and has admitted — when pressed by Justice Amy Coney Barrett during Supreme Court oral arguments — that it believes it doesn’t always have to follow lower-court decisions. Meanwhile, the Supreme Court has backed the Trump administration on the shadow docket 26 out of 28 times, according to a recent NBC News tally.

According to a source present at the Judicial Conference, Roberts listened impassively as the lawmakers spoke and thanked them for their presentation. Less than a week later, on Monday, an unsigned majority of the Supreme Court voted to let Trump fire a commissioner of the Federal Trade Commission, overruling two lower courts that had each cited 90 years of precedent in ruling that he didn’t have the power to do so. “Our emergency docket should never be used, as it has been this year, to permit what our own precedent bars,” Justice Elena Kagan wrote in a bracing dissent, which was joined by the two other Democratic appointees. “Still more, it should not be used, as it also has been, to transfer government authority from Congress to the President, and thus to reshape the Nation’s separation of powers.” As Kagan suggested, the Court was once again bending normal order to do Trump’s bidding. In doing so repeatedly, the justices have undermined lower courts and the power of the judiciary itself in what a previous dissent by Justice Sonia Sotomayor plainly described as “rewarding lawlessness.”

In late August, Justices Brett Kavanaugh and Neil Gorsuch even suggested that it was other federal judges themselves, not the administration, who were defying the rule of law. “Lower court judges may sometimes disagree with this court’s decisions, but they are never free to defy them,” Justice Gorsuch wrote in an opinion Kavanaugh joined about the Trump administration’s cancellation of $800 million in research grants. To point a finger at their colleagues, rather than the administration, added insult to injury. “The message it sends to lower courts is that the Supreme Court will bend over backward to protect its prerogatives,” said Georgetown law professor Stephen Vladeck, who wrote a book about the shadow docket.

In early September, a dozen lower-court judges anonymously told NBC News that the Supreme Court’s quick reversals of their decisions, paired with a lack of reasoning and guidance to lower courts (customary when the Court makes law-shifting moves), work not only to further Trump’s agenda but to bolster his claim that the judiciary at large is biased against him. Only the Supreme Court can be objective in this formulation; how convenient that it keeps agreeing with Trump. At a time when Trump frequently trashes individual judges by name for ruling against his administration and Stephen Miller repeatedly declares a “judicial coup” almost every time a judge checks the executive, some judges said they felt “thrown under the bus.” One told NBC, “It’s almost like the Supreme Court is saying it is a ‘judicial coup.’”

For the normally tight-lipped corps of elite lawyers to speak out, even anonymously, suggests matters are grim. “Those complaints should be the warning signs of a five-alarm fire,” Vladeck told me. “We don’t see federal judges publicly criticizing the court’s behavior, ever.”

So far, Roberts has played his cards closer, seemingly saying as little as possible. (Justices don’t even have to sign their names to shadow-docket orders.) In March, when Trump began fulminating about impeaching a judge who blocked his attempt to use the Alien Enemies Act to deport hundreds of Venezuelans, Roberts issued a terse statement: “It has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose.” It was technically correct, but not exactly a stirring defense.

Why the Supreme Court is clearing the way for many of Trump’s unprecedented actions without waiting for the standard processes of lower-court challenges to play out is an open question. The answer may be simple: that the majority simply agrees with what the administration is doing even if it undermines their own precedent. The conservative justices may also believe that the Trump administration will not challenge their own authority.

#### That’s true across the judiciary.

Schwartz 1/11 – Reporter covering the federal courts.

Mattathias Schwartz, “Trump’s ‘Superstar’ Appellate Judges Have Voted 133 to 12 in His Favor,” The New York Teams, 01/11/2026, https://archive.ph/omu2P#selection-939.0-951.483

President Trump has found a powerful but obscure bulwark in the appeals court judges he appointed during his first term. They have voted overwhelmingly in his favor when his administration’s actions have been challenged in court in his current term, a New York Times analysis of their 2025 records shows.

Time and again, appellate judges chosen by Mr. Trump in his first term reversed rulings made by district court judges in his second, clearing the way for his policies and gradually eroding a perception early last year that the legal system was thwarting his efforts to amass presidential power.

When Mr. Trump criticized a ruling from a so-called “Obama judge” in 2018, Chief Justice John G. Roberts Jr. responded that “we do not have Obama judges or Trump judges, Bush judges or Clinton judges.”

But the data suggests that in the 13 appellate courts, there is increasingly such a thing as a Trump judge. The president’s appointees voted to allow his policies to take effect 133 times and voted against them only 12 times. Ninety-two percent of their total votes were in favor of the administration. That figure far outstrips support for Mr. Trump’s agenda from appeals court judges appointed by other Republican presidents, and from Mr. Trump’s appointees to the district courts.

### 1NC2---AT: Warming

#### Expenditure beyond restriction is descriptively inevitable. Prescription is key to preclude catastrophe.

Anidjar 21 – Professor in the Departments of Religion and the Department of Middle Eastern, South Asian, and African Studies.

Gil Anidjar, “The destruction of thought” in *Thought: A Philosophical History*. ISBN: 9780429445026.

For Bataille, the universe is spent—a notion that must be read as descriptive and prescriptive. Now, it is true that Bataille ‘discovers’ the limits of the concept (the conceit) of production, the limits of restricted economy, when he first reads Marcel Mauss on the potlatch. From there, his rethinking of economy is soundly grounded and articulated around the notion and the motion of dépense, which, according to my dictionary, designates primarily a spending that is monetary, secondarily, hydraulic, and comes to refer, figuratively, to use (of energy, for example) and more generally to expenditure. But the shift in perspective toward which I signalled earlier was initiated by Bataille in the fuller iteration of his thought, and it was of an altogether different nature, of a different measure. When Bataille writes of changing ‘the perspectives of restrictive economy to those of general economy’, he proposes a change that is meant to accomplish ‘a Copernican transformation: a reversal of thinking [la mise à l’envers de la pensée]’. (1988: 25) Such a drastic reversal is not so much anchored, much less regionally grounded, as it is defined (one might say coloured or marked) by destruction.

Hardly a humanist, Bataille was undoubtedly preoccupied with life on earth. Yet, he decidedly locates this (let us say: restricted) concern in a vaster ‘frame’, which he called ‘the movement of energy on earth’ (1988: 10). Invoking the disciplines he learns from and criticizes (‘from geophysics to political economy, by way of sociology, history and biology’) and acknowledging further that ‘neither psychology nor, in general, philosophy can be considered free of this primary question of economy’, Bataille seeks to articulate a ‘general economy’ whose role he saw as ‘extending the frigid research of the sciences’. Incidentally, this extension brings both subject and object to a specific, illuminating (indeed, incandescent), point. This point, Bataille says, is ‘what inflames’, and brings to ‘ebullition’. More precisely, it brings about a shared ebullition, that is at once individual and general. For ‘the ebullition I consider, which animates the globe, is also my ebullition. Thus, the object of my research cannot be distinguished from the subject at its boiling point’.33 The global, planetary movement of energy may not yet appear in its full destructive force, but it does promise a universal incandescence.

I write ‘universal’ because what Bataille is asking us to ‘recognize in the economy’ (understood, for now, in its restricted sense) is only ‘a particular aspect of terrestrial activity regarded as a cosmic phenomenon. A movement is produced on the surface of the globe that results from the circulation of energy at this point in the universe’ (1988: 20–21; emphasis added). Engaged in action and production, and in consumption too, human beings remain provincial, regional, ignorant of this much larger ‘determination’, of the ‘general determination of energy circulating in the biosphere’ (1988: 21). They ‘disregard … the material basis of [their] life’ and fail to recognize in their flurry of activity and productivity that they are pursuing nothing else than ‘the useless and infinite fulfilment of the universe’.

Now, as numerous commentators have pointed out, Bataille’s energetic account foregrounds excess. 34 The endless energy expended by the universe cannot be contained, it cannot be exclusively used (for growth or any other purpose). Nor can it be absorbed, much less conserved (recall Benjamin’s Gewalt): ‘it must necessarily be lost without profit; it must be spent, willingly or not, gloriously or catastrophically’. There is, in other words, a limit to growth and to production, to a productive or creative outlook. Excess, or surplus, ‘must be dissipated through deficit operations: The final dissipation cannot fail to carry out the movement that animates terrestrial energy’ (1988: 22). Bataille thus insists that the perspective he adopts (the perspective that must be adopted toward a general economy, toward an understanding of human action and production) is global and general, planetary and even cosmic. As Michael Lewis aptly writes, ‘Bataille directs our thinking to the cosmos, a cosmos in which we may think of the death of the sun and the incineration of the earth and its archives in the context of a profusion of suns, in a process of general explosion and extinction’ (2017: 274). But the economy, Bataille laments, ‘is never considered in general. The human mind reduces operations, in science as in life, to an entity based on typical particular systems (organisms or enterprises)’ (1988: 22). Surprisingly, in The Accursed Share, Bataille himself does not remain for very long at the cosmic, which is to say, universal, level. He too moves toward a particular entity, a regional system. Along with economists and technologists, he turns his attention again and again to the human being, explaining that ‘man is not just the separate being that contends with the living world and with other men for his share of resources. The general movement of exudation (of waste) of living matter impels him, and he cannot stop it’ (1988: 23). The human being thus occupies a strange, or ambiguous, place in this economy. On the one hand, he is ‘at the summit’, endowed with undisputed ‘sovereignty’. On the other hand, this lofty location and function is precisely what ‘identifies him’ with the global movement Bataille has otherwise been describing (the circulation of energy, the movement of exudation). What is clear is that whether they affirm or recognize the final dissipation, the ‘useless consumption’ of which they are unavoidably a part, human beings cannot extricate themselves from it. They can at most ignore or deny it. But their ‘denial does not alter the global movement of energy in the least: The latter cannot accumulate limitlessly in the productive forces; eventually, like a river into the sea, it is bound to escape us and be lost to us’.

#### \*Ecologically and socially unsustainability. Only the alt solves.

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Onofrio Romano, “Degrowth: The rise of a radical alternative” in *Towards a Society of Degrowth*. Routledge. 2020.

Anti-utilitarians challenge the theoretical approaches that interpret any human action as departing from the pivotal axis of the “individual” and thus oriented towards self-satisfaction:

we qualify as utilitarian any doctrine based on the claim that human subjects are governed by the logic of selfish calculation of pleasures and pains, by their interest only, or by their preferences only; and that this is good because there is no other possible foundation of ethical norms other than the law of happiness for individuals and their communities.

(Caillé, 1989, p. 13)

The object of criticism of anti-utilitarians is an ideological matrix that cuts across thought and the wider culture:

utilitarianism is not a philosophical system or a component among others of the dominant ideology in modern societies. Rather it has become that same ideology; to the point that, for modern people, it is largely incomprehensible and unacceptable what cannot be translated in terms of usefulness and instrumental effectiveness.

(Caillé, 1989, pp. 4–5)

Anti-utilitarians criticize utilitarianism because it reduces the human being. The battle to be waged, they claim, should insist on the recognition of the complexity and the plurality of forms of life. Anti-utilitarianism, far from qualifying itself as anti-modern thought, aims at rediscovering the true meaning of modernity, restoring the scientific spirit against scientism, reason against rationalism, democracy against technocracy. Caillé resumes, in this sense, the Brahmanic classification of man’s goals (purus.ārtha): pleasure (kama), interest (artha), duty (dharma), and dissipative liberation from all aims (moksha) (1989, pp. 89ff.). According to Caillé, utilitarianism has reduced a multiplicity of goals into the sole kingdom of artha. But he also criticizes other schools of thought that translate the ontological multiplicity into one of the three sacrificed motives: the Freudian school devoted to the kama, the holistic school pointing to dharma, or the existentialist mood (à la Bataille) in search of moksa. The counter-project proposed by anti-utilitarians is a contemporary citizenship to all Brahmanic levels of existence, i.e., to all “multiple states of the subject.” This claim is articulated on both an analytical level (the multi-teleology of the human being has an ontological connotation) and, as we shall see later, on a political level.

The second pole of reflection, the social bond, coincides with the reevaluation of gift logic. According to Mauss, the gift is here understood as a “total social fact.” Just like the “underlying unconscious structure” envisioned by Lévi-Strauss, the gift becomes the archetypal performer or the universal symbolic matrix of the alliance between individuals and groups. It acts on a micro-sociological level by the device of the triple obligation – “to give, to receive and to return” – but it can be extended to the meso-sociological scale of the “association” and, finally, to “Politics,” i.e., the macro-sociological frame. “Each one of these three terms – gift, association and politics – is a metaphor, a symbol and a tool for interpreting the others” (Caillé, 1998, p. 236).

In the second half of the 1990s, the political inclination of the movement accentuated, starting from the “thirty theses for a new and universalist left” (discussed in various issues of the Revue du Mauss, starting from 9(1), 1997). On the political side, anti-utilitarianism identifies with the project of “democracy for democracy”: the democratic ideal can be revitalized only by doing away with any aims or interests, especially egotistic, from the collective discussion. According to Caillé, the main obstacle to democracy, and the main reason for the decline of politics, is a lack of alternative social life patterns so that, for instance, even discussion or selection of said preferences is precluded by the utilitarian ideology, leading to depoliticization. Democracy must enhance diversity by offering a variety of lifestyles, increase public space for discussion, and pluralize the possibilities of self-realization. One key proposal in this direction is the basic income, but “radically unconditional.” It is necessary to decouple income from specific social benefits, as this coupling limits the freedom of citizens to experience the irreducible plurality of human aims. Instead, the largest number of citizens possible should have the chance to realize themselves, and to express who they are and what they want to be. Anti-utilitarians call for a “political” critique of boundlessness and excess (Dzimira, 2007). They advocate a political project that metabolizes the principles of “reversibility” – against the externalities of progress that threaten collective existence – and of “reciprocity,” against the power of most developed societies, which limits and threatens the chances for life and action of less developed societies and future generations (Caillé, 2006).

Thanks to Serge Latouche, the so-called anti-pope of MAUSS (given his differences with Caillé) the anti-utilitarian movement produced one of the main strands of degrowth. Latouche (2001) is less indulgent towards Western capitalism, which he approaches mainly through the lens of criticism of development. While Caillé aims to restore the ‘true’ meaning of modernity against its perversions, Latouche pleads for a radical rethinking of modernity, in order to cut off its genetic link with utilitarianism. This path leads to degrowth.

The criticism of growth: ecological and social unsustainability

Beyond the recent economic crisis (started in 2008), the dominant regime – degrowthers claim – produces a much more worrying “ecological” and “social” crisis (Mylondo, 2009; D’Alisa et al., 2014, pp. 6–15).

growth is uneconomic and unjust, it is ecologically unsustainable and it will never be enough. Moreover, growth is likely to be coming to an end as it encounters external and internal limits.

(D’Alisa et al., 2014, p. 6)

The internal limits refer first of all to the fact that growth is an autophagic machine. Technological innovation cannot be unlimited (Gordon, 2012). Saturation of social demand is always lurking, so it is always more difficult to find market outlet for the growing commodities, assuring a constant profit level (Piketty & Goldhammer, 2014). The marginal returns on investment in money and in organizational complexity diminish constantly (Tainter, 2003; Bonaiuti, 2014).

But the external limits are even more worrying. For Latouche the growth regime has to be stigmatized because it jeopardizes life itself: “a radical change is an absolute necessity ... to avoid a brutal and tragic catastrophe” (2007, p. 10). We have to reverse this regime in order to preserve the survival chances of Planet Earth and its inhabitant (Jackson, 2008; Anderson & Bows, 2011; Victor, 2012; Perkins, 2019):

With continuous global growth most planet ecosystem boundaries will be surpassed. There is a strong and direct correlation between GDP and the carbon emissions that change the climate. Global carbon intensity (C/$) by 2050 should be 20–130 times lower than today, when the reduction from 1980 to 2007 was just 23 per cent.

(D’Alisa et al., 2014, p. 7)

Considering that, as a rule, human activity transforms energy and materials of low entropy in waste and pollution with high entropy (Georgescu-Roegen, 1971, 2014), a regime of unlimited growth becomes incompatible with the available nonrenewable resources, with the regeneration speed of the biosphere and of renewable resources (Bonaiuti, 2011).

Many trust in “dematerialization” of the economy and technological progress (going towards cleaner solutions) to reduce the impact on environmental balance. But, normally efficiency, while reducing risks and costs, makes resources more affordable, so it ends up boosting consumption and thus putting a strain on the carrying capacity of the planet (Inglehart, 1990, 1997). This is what the Jevons’s paradox tells us.

Furthermore, dematerialization via the “service economy” is often an illusionism, because it is only the tip of the iceberg, i.e., the final form of a heavy process that embodies a big amount of materials and energy (Odum & Odum, 2001; Schneider, 2008).

Moreover, pollution and waste are mainly poured into the peripheries of the world, engendering environmental injustice (Carmin & Agyeman, 2011; Rodríguez-Labajos et al., 2019; Singh, 2019).

“Social” unsustainability then adds to ecological unsustainability (Kallis, Schneider, & Martinez-Alier, 2010). First, the alleged well-being produced by the growth regime is “unmasked” as the fruit of illusionism. If from GDP – as it must be done – we deduct noxious products directly linked to the externalities of growth (costs of pollution, healthcare, prisons, etc.) we will discover its negative progression in all Western countries over the last decades (Matthey, 2010).

In general, growth ideology assumes a direct correlation between an increase in GDP and collective happiness. According to degrowthers, on the contrary, there is an explicit inverse correlation between well-being and material wealth. The pursuit of personal richness determines the degradation of social environment; thus, the increase of well-having will always lead to a decrease of well-being. The GDP growth, Latouche warns us, produces unhappiness and weakens social relations. Well-having decreases well-being.

Growth is uneconomic because, at least in developed economies, “illth” increases faster than wealth. The costs of growth include bad psychological health, long working hours, congestion and pollution. GDP counts costs, such as the building of a prison or the clean-up of a river, as benefits. As a result, GDP may still increase, but in most developed economies welfare indicators such as the Genuine Progress Index or the Index of Sustainable Economic Welfare have stagnated after the 1970s. Above a certain level of national income, it is equality and not growth that improves social well-being.

(D’Alisa et al., 2014, p. 6)

In fact, as the ecological economists have shown, beyond a certain threshold the GDP growth starts to increase much more than wealth (Daly, 1996). Kubiszewski et al. (2013), by collecting data from 17 countries in the period 1950–2003, assert that beyond US$7,000 of GDP/capita the GPI/capita – i.e., the Genuine Progress Indicator (Daly & Cobb, 1989), which takes into account the depreciation of community capital in the calculation of the welfare produced by economic activity – does not increase anymore. At that point, social welfare could only be improved by equality and not by growth (Wilkinson & Pickett, 2009). On the contrary, growth tends to increase inequalities and social injustice. And this is also due to the “social limits to growth” (Hirsch, 1978). Moreover, the general process of commodification (Gómez-Baggethun, 2014) promoted by growth implies the constant erosion of the precious nonutilitarian dimensions of the human being (Caillé, 1989).

Care, hospitality, love, public duty, nature conservation, spiritual contemplation; traditionally, these relations or ‘services’ did not obey a logic of personal profit. Nowadays they increasingly become objects of market exchange, valued and paid for in the formal GDP economy. Profit motivations crowd out moral or altruistic behaviours and social wellbeing diminishes as a result.

(D’Alisa et al., 2015, p. 6)

#### Computer models prove.

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Ray Huling, “Bataillean Ecology: An Introduction to the Theory of Sustainable Excess” *Moveable Type*, Vol.11, ‘Decadence’ (2019). DOI: 10.14324/111.1755-4527.096

The Wolf in the Systems Model

The pivotal work in contemporary sustainability is the 1972 MIT study funded by the Club of Rome, Limits to Growth (LtG), which enraged both ends of the political spectrum, from capitalists to communists, for unsurprising reasons. The study consists of the running-through of several computer models of different structures of social relations, and its results predict a slow collapse of population and capital, if the world stays the course of the Standard or ‘do nothing’ model.

From its publication and over the ensuing decades, orthodox capitalists and orthodox Marxists, both of whom reject the notion of natural limits, have rejected the findings of the LtG team. However, since the late-1990s, new assessments of this research have found that the world economy has indeed progressed in accord with its Standard model. One set of these reassessments by Graham Turner, observes that, continuing apace threatens the following outcomes: ‘Diminishing per capita supply of services and food cause a rise in the death rate from about 2020 (and somewhat lower rise in the birth rate, due to reduced birth control options). The global population therefore falls, at about half a billion per decade, starting at about 2030’. 24 The worst famine in history is Mao's: 35 million people starved to death in China from 1959 to 1961. Turner suggests that these catastrophic figures will be exceeded if we continue to do nothing, predicting that a yearly average of 50 million people will die, mainly of hunger, for decades.

From almost the beginning of the crystallization of environmental crisis in LtG-style models, there lay a splinter of Bataillean ecology. Aurelio Peccei founded the Club of Rome in 1968; in 1973, he co-authored a defense of the LtG report. His co-author was Manfred Siebker, a physicist and member of the Club. From this point, Siebker would write a series of environmentalist screeds that would culminate with the CADMOS report, The State of the Union of Europe, edited by Denis de Rougement, a colleague of Bataille's who lectured at the College of Sociology. All of these writings express a Bataillean sensibility, but it is only in 1978's ‘Economania’ that Siebker cites Bataille explicitly, frames the ultimate problem in Bataille's terms, and proffers Bataille's brand of solution:

…] I repeat the words of Georges Bataille—the fundamental problem of human societies is that of surplus, of excess, human wants can transcend immediacy, and human activities (production, services, rituals, etc.) are not programmed to self-limitation beyond immediacy. […]

Many different solutions have been applied to the problem of how to get rid of surplus. […] The most disastrous of all, for the long-term viability of the system, is the modern one which essentially substitutes a relatively mild disequilibrium problem by a snowballing mechanism: re-investment, leading to an exponential acceleration of the economic Machine […]

In The Tears of Eros, Bataille pleads for a rational ordering of society that would avert catastrophe: ‘[…] unless we consider the various possibilities for consumption which are opposed to war, and for which erotic pleasure—the instant consumption of energy—is the model, we will never discover an outlet founded on reason’, 26 a sentiment that Siebker iterates when he claims that the ‘real quest is for a sane society’. 27

The particular difficulty of these sighs from the ecological deep is that they call for a conscious violation of capitalist and economic virtues at every scale. Only by the living of a new reality, and by the suffering that it entails, can a new value system emerge out of the nihilistic debris left by economania. Citizens' initiatives as well as non-conformist action groups are part of the new living realities by ‘real people’ (as opposed to the ‘non-living’ of those immersed in technology as reality) if they communicate and if they open their focus beyond their immediate concerns. 28

Siebker wrote with global environmental policy in mind (as well as dinner parties), and with a sensitivity for the anguish inherent in the acts of communally wrenching away from the anxieties of growth as if no limits existed and communally plunging toward the intensity of experience necessitated by the embrace of community within the circle of natural limits, which are always volcanic. His recognition of these calderian emotions takes us to the rim on which Bataille would have had us tip over into a new temple. The fundamental principle of Bataillean ecology itself becomes clear and distinct in this will to imbalance.

#### Independently, sustainable finance requires expenditure in the general economy.

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Earl Gammon & Duncan Wigan, “Veblen, Bataille and Financial Innovation” Theory, Culture & Society, vol. 32, issue 4. 2015. DOI: 10.1177/0263276414566643.

Adapting the work of Veblen and Bataille, we conceive of financial innovation as multidetermined, having a socially contingent instrumentality in terms of risk mitigation and speculation, but also operating on another level of motivation within the wider social economy. At a conscious level, innovation has sensibility and coherence within the discursive frame of finance. At the same time, it functions at an unconscious level, performing operations of which the actors within the restricted economy remain unaware. Unconsciously, institutions and social technologies are sites for the conduction of affect – of anxiety and aggression – within a social order. There is, in essence, a greater affective economy in operation, channelled by the prevailing discursive frames of societies. Veblen and Bataille, in their own ways, saw affect overdetermining ostensibly rational economic behaviour. As we elaborate, operations taking place at an unconscious level can work against the endemic logics and teleologies that develop within the prevailing discursive frame. A paradox emerges, sustained so long as it remains untheorized. In the case of securitization and derivatives, while seemingly acting to perfect and complete the market, rendering risk fungible, they undermine the basis of production in the real economy and create systemic instability.

Contemporary financial innovation has marked the evolution of the institution of property, significantly transforming the dynamics of social production. This evolution, though, has produced far from desirable outcomes, and re-establishing more sustainable forms of social production requires that we become conscious of the affective economy that overdetermines the ‘real’ economy (Thompson, 2011). As Bryan et al. (2012: 300) state, ‘there is a danger that a response to financial crisis can be too readily framed in a way that reconfirms analytical presuppositions’.

One key implication of this analysis is the need to re-evaluate responses to the global financial crisis. Inasmuch as the crisis has been perceived as one of mispricing, requiring a technical and regulatory fix, the potential for a sustainable recovery is curtailed. Adhering to Bataille’s principle that the veritable problem of economics is excess, not scarcity, the current fiscal retrenchment severely circumscribes the potential for expenditure, exacerbating the chances for catastrophic social outbursts. The immediate response that appears more sustainable in terms of conducting the economy of affect is counter-cyclical fiscal policy. The value of full employment in the general economy of affect lies not in creating surplus accumulation, but in enhancing conditions for expenditure. A more comprehensive response, though, would require a broader social transformation.

### 1NC3---AT: Supply Chains

#### Trade impact is zero, if not backwards. Prefer meta-analysis over cherry-picking. Contextualizes their results and proves there’s equally as likely to be a null or even negative relationship as for their cherry-picked result to be correct, so you should treat it as pure white noise.

Brooks 8/1 – Professor of Government, Dartmouth College

Stephen Brooks, also a Guest Professor at Stockholm University, “The Trade Truce?,” *Foreign Affairs*, Vol. 103, No. 6 (July/August 2024), https://www.foreignaffairs.com/world/trade-truce-stephen-brooks

After the Cold War, academics began conducting significant empirical research into economics and peace. By far the most prominent perspective that emerged from this literature was capitalist peace theory. The concept’s lead proponent, Erik Gartzke, argued that free markets, free trade, and the free movement of global capital were all beneficial for peace.

For a quarter century after the Cold War ended, U.S. policy toward China matched this optimistic perspective. American officials, treating commerce with China as unambiguously good for security, eliminated tariffs on Chinese products and encouraged U.S. companies to set up shop in the country. But over the last ten years, the dominant view in Washington has shifted to the exact opposite: that pursuing economic engagement with China had been a mistake and had harmed U.S. security. Policymakers seem to believe there is a relationship between commerce and conflict. They just cannot settle on what it is.

KNOWN UNKNOWNS

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.

#### No disruption can collapse supply chains---constant disruptions prove resilience, not AFF uniqueness.

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Richard Howells, “From Shock To Strategy: Rethinking Supply Chains For The Next 30 Years”, 6/3/25, Forbes, https://www.forbes.com/sites/sap/2025/07/03/from-shock-to-strategy-rethinking-supply-chains-for-the-next-30-years/

If the last few years have taught us anything, it’s that uncertainty is the new normal. Supply chain leaders have navigated a relentless series of shocks—geopolitical upheaval, climate extremes, and rapid technological change. In the World Economic Forum’s latest white paper, “From Shock to Strategy: Building Value Chains for the Next 30 Years,” the message is clear:

"The era of linear, globalized value chains is over. The future belongs to those who can build resilience, agility, and sustainability into the very DNA of their operations."

Why Supply Chains Must Change

Let’s start with the big picture. The WEF’s Global Future Council on Advanced Manufacturing and Value Chains has mapped out a future where “the only certainty is uncertainty”.

Gone are the days when manufacturers could rely on a predictable, globalized model. Today, 90% of industry leaders are shifting toward regionalization and dual sourcing strategies. Headlines about trade wars, cyberattacks, and climate disasters aren’t just background noise, they’re the new operating environment.