## Court PTX DA

### Trade Solves War We Conceded---1AR

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

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

Pax Petrolica: Theorizing an Oil Peace

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

International Costs of War

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

### Impact---Solves Case---War/Multilat

#### It sparks nuclear conflict AND collapses multilateral cooperation over AI, cyber, climate, terror, prolif, and transnational crime.

Sean Sturm & Dr. Michael A. Peters 24, MA, International Relations, International Islamic of University Islamabad; PhD, Professor, Faculty of Education, Beijing Normal University. Emeritus Professor, University of Illinois, Urbana–Champaign, "The Emerging International Order: Debating Polarity in Global Politics," PESA Agora, 2024, https://pesaagora.com/columns/the-emerging-international-order-debating-polarity-in-global-politics/. [language edited; initials inserted for clarity]

SS: 5: What factors do you believe contribute most significantly to shaping the existing polar structure of global politics?

MP: The existing polar structure of global politics is shaped by a complex interplay of various factors. While it is difficult to pinpoint a single factor, several contribute significantly to the current international landscape. The rise of new global powers and the relative decline of traditional ones have led to shifts in the balance of power. The competition between the United States and China, as well as other power dynamics such as the European Union, Russia and India, has created a multipolar world where strategic interests often clash. The global economy is interconnected but also marked by fierce competition. Economic interdependence can lead to cooperation but also to conflict as countries vie for markets, resources and investment opportunities. Trade wars and protectionism can exacerbate these tensions. The spread of different political ideologies, such as liberal democracy and authoritarianism, can lead to ideological clashes. The promotion of certain values by one country can be seen as a threat by another, leading to political polarisation. The rapid development of technology, especially in areas like artificial intelligence, cybersecurity and communication, has created new frontiers for international competition and cooperation. Countries often view technological superiority as a key factor in maintaining or gaining geopolitical advantage. The finite nature of resources and the growing threat of climate change can lead to competition, especially in regions where access to resources is critical. Environmental degradation can also create shared challenges that require international collaboration, often amidst differing priorities and levels of commitment. The rise of populist and nationalist movements in many countries has led to a shift towards more inward-looking policies, prioritising national sovereignty and interests over international cooperation. This can lead to a more confrontational approach to global politics. Terrorism, weapons proliferation and transnational crime pose security challenges that require international responses. However, differences in approach and priorities can lead to disagreements and even conflicts among states. The role and effectiveness of international organisations and the norms they promote can influence global politics. The perception of whether these institutions are fair and representative can lead to either cooperation or pushback, contributing to polarisation. Population movements, whether due to conflict, economic opportunity, or environmental factors, can create challenges for recipient and source countries, leading to policy responses that can increase international tensions. The ability to control and influence information flows, as well as the rise of disinformation and fake news, can manipulate public opinion and political discourse, contributing to polarisation and distrust among nations. All these factors are interconnected and often feed into each other, creating a dynamic and often volatile international environment. The polar structure of global politics is a reflection of these complex interactions, where the actions of one country can have far-reaching effects on the international system.

Greater attention needs to be paid to the international finance system, which is based on the US dollar dominance. After Bretton Woods and the settling up of WB and IMF, the gold standard faltered to be replaced with the dollar system which gives the US huge advantages. The global financial crisis, which reached its peak in 2008, exposed significant weaknesses in the international financial system, including the role of the US dollar as the world’s primary reserve currency. Prior to the crisis, the US dollar enjoyed a dominant position in global finance. It was not only the primary currency for international trade but also the major reserve currency held by central banks. This meant that many countries needed dollars to conduct trade and finance their balance of payments. The crisis raised questions about the trustworthiness and stability of the US financial system, which had been considered one of the safest and most reliable in the world. The collapse of major financial institutions like Lehman Brothers and the government’s rescue of others like AIG called this perception into question. As the crisis unfolded, trade and investment flows were disrupted. Global trade volume contracted sharply, and cross-border lending dried up. Since trade is often denominated in dollars, the stability of the dollar was crucial for the recovery of global trade. The Federal Reserve’s response to the crisis, particularly the implementation of quantitative easing (QE), was unprecedented. By purchasing large quantities of financial assets, the Fed aimed to lower interest rates and encourage lending and investment. While this was necessary to stabilise the US economy, it also raised concerns about the dollar’s value and long-term inflation prospects. The crisis led to a significant fall in commodity prices, including oil, which is priced in dollars. This deflationary trend put downward pressure on the dollar’s value against other currencies as investors sought shelter in perceived safe havens like the Swiss Franc or gold. The crisis prompted a reevaluation of the global financial architecture. There was increased discussion about the need for a more diversified reserve currency system, less dependent on the dollar. The International Monetary Fund (IMF) and other international financial institutions have been pressured to consider the role of other currencies, such as the euro or renminbi, in the global reserve system. Over time, the US economy recovered, and the dollar has remained the dominant reserve currency. However, the crisis did lead to a partial decentralisation of financial markets and a shift in liquidity provision, with central banks around the world playing a more active role in managing their domestic economies. The crisis also contributed to the rise of non-bank financial institutions, such as money market funds and shadow banks, which play a significant role in the financial system but are less regulated than traditional banks. This has raised concerns about financial stability in the long term. Although the US dollar’s role in the international financial system has remained robust, the global financial crisis did expose vulnerabilities and prompt a reevaluation of the system’s reliance on the dollar. This has led to a more nuanced approach to global financial governance, with a gradual shift towards a more balanced and diversified international monetary system and the increasing practice of BRICS countries trading in local currencies.

The shape of the existing polar structure of global politics must be understood in terms of the long-term shift from the end of the age of colonisation and the rise of independent states especially populous countries like India and China that have large populations and also domestic markets. Colonisation and globalisation are the twin long-term processes that have been responsible for the existing structure of global politics, sometimes referred to in the grossly simplified notion of Global South and Global North, or even South-South relations. I think here we need a theory of capitalism that embraces both historical phases and interprets the decline of the West – the colonisers – with the rise of the East – the colonised. After the end of the colonial era – the 1950s, ’60s and ’70s – globalisation, while a source of inequalities both within and between countries, also enabled China and other countries more recently to lift large sections of the population out of poverty. Globalisation allowed a form of export open trade to enable competition and, while not equal, provided the basis for development with BRICS countries but not all. Many suffer from excessive IMF debt loading and from little debt relief even though the population is at starving point (e.g., Sri Lanka). Globalisation allowed a foot in the door, and, during the first modern waves, it provided a means for some countries to step aside from general poverty. Now many developing countries are riding the latest wave – India, Indonesia, Vietnam, Uzbekistan. At a certain level investment in education becomes a critical variable, not only universal but also university education, especially in the STEM subjects that lead to digital benefits of larger-scale global markets. Now that AI comprises the latest unicorn investment strategy, with billions invested in the last year we are facing the AI race focus on bots and the US’s active strategic control of the chip supply line to slow China’s development. This is an added complication for Taiwan as the TSMC company makes 90% of the most advanced chips contributing to the Taiwan question of reunification with China. Nvidia’s Blackwell superchip is a game changer, especially with twinning, which is changing the future of industrial capacity coming online.

SS: 6: What are the potential consequences of maintaining or attempting to shift the existing polar structure of global politics?

MP: Maintaining or attempting to shift the existing polar structure of global politics can have a range of potential consequences, both intended and unintended, which can affect global stability, economic growth and the lives of ordinary people. A polar structure can lead to heightened tensions and competition between major powers, potentially escalating into proxy conflicts or direct confrontations. This can increase the risk of military conflicts and nuclear brink~~man~~ship, endangering global security. The current structure may lead to a decline in multilateralism and the weakening of international institutions, making it harder to address global challenges such as climate change, pandemics and international security threats through collective action. The polar structure can result in economic blocs and trade barriers, leading to economic fragmentation and reducing global trade and investment flows. This can hinder economic growth and development, especially for smaller and less powerful countries. As major powers compete in technology and strategic capabilities, there is a risk of technological arms races and the development of new weapons systems that could increase the risk of accidental escalation and the spread of nuclear weapons. The promotion of different ideological systems can lead to polarisation and a lack of dialogue between countries, making it difficult to find common ground on issues of mutual concern. The polar structure can influence social and cultural dynamics, leading to the spread of nationalistic and xenophobic sentiments. This can negatively impact migrant and minority communities and lead to social divisions within countries. Developing countries can find themselves caught between major power rivalries, making it harder for them to determine their own political and economic futures. They may also face reduced assistance and increased conditionalities from major powers. The polar structure may hinder global cooperation on environmental issues, leading to a lack of effective action on climate change and other environmental challenges that require collective effort. The structure can impede effective global health responses to pandemics and other health crises, as national interests may be prioritised over a collective approach to health security. Countries may engage in diplomatic and soft power battles to shape international norms and narratives, which can lead to a more nuanced and subtle form of competition that still has significant implications for global politics. The consequences of maintaining or shifting the polar structure of global politics are not deterministic and can be influenced by a wide range of factors, including the actions of individual countries, international events and the emergence of new global issues. Efforts to address these consequences and promote a more cooperative and stable international order are ongoing, involving diplomatic negotiations, international cooperation and the development of new norms and institutions. Many countries walk the line between not offending the US and trading with China, like NZ as a traditional ally, but diplomacy has limits, and regional conflicts are likely to persist at the margins, especially for those states like Myanmar and Tajikistan that are not well integrated into either the global market economy or regional security networks. We will have to remember that the US has approximately 750 bases worldwide and an annual military budget of nearly $800 billion. While AI, satellite surveillance and drone warfare are changing the shape of modern conflict, the notion of control of territories still has a dominant place in geopolitics, and, ultimately, it is an international system that is backed by military force, whether it be border protection, control of the sea, peacekeeping or enforcement of sanctions.

### Impact---Solves Case---War---1AR Concession

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

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

Pax Petrolica: Theorizing an Oil Peace

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

International Costs of War

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

### Impact---War

#### Impact is nuke war.

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

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

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

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

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

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

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

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

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

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

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

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

### Impact---Turns Case---Legitimacy/Lochnerism

#### Zaps the case---failing to rule on tariffs ends Court legitimacy for good.

Charles Lane 10/27/25, nonresident senior fellow at the American Enterprise Institute, “It’s Time for the Supreme Court to Confront Trump”, https://www.thefp.com/p/its-time-for-the-supreme-court-to-confront-trump-tariffs

Some Supreme Court cases have the potential to cause sweeping change in the daily lives of millions of Americans. Some test the legitimacy of the court itself. Some determine the balance of power among the three branches of government.

And then there are rare cases that do all three. So it is with Learning Resources, Inc. v. Trump and V.O.S. Selections, Inc. v. Trump, two cases the justices consolidated for oral argument on November 5. At issue in both is the legality of the worldwide tariffs decreed by President Donald Trump earlier this year.

These two cases present one of the most consequential tests for the Supreme Court since Marbury v. Madison, the 1803 ruling that established the justices’ power to declare laws unconstitutional. Maybe the biggest test.

#### That zeroes enforcement of the AFF.

Ava Steinmetz 25, Portland State University, “Did Dobbs Reduce the Supreme Court's Legitimacy?”, Paper 1707, PDX Scholar Library Extension

Legitimacy refers to the public's acceptance and respect for the authority of the judicial system and its decisions. Legitimacy matters in accordance with the Court because it impacts the ability of the Court to function effectively, and the extent they are able to rule their constituents free of coercion; this is because legitimacy is grounded in how the public perceives the institution. I will be researching the topic of legitimacy in correlation with public perceptions of the Court. If the largest legal institution cannot maintain legitimacy, that means the system has no power to enforce rulings independently. The effects of diminished legitimacy impacts trust in the Court to make acceptable decisions. Without legitimacy, there is an increase in resistance against institutional decisions and political conflict. Politicians and the public are more likely to support Court curbing, or reducing its power, which constrains its ability to rule as an independent actor. I believe judicial legitimacy is integral to maintaining our democracy, as the Court has a constitutional role in serving as the ultimate interpreter of the Constitution, and the final arbiter of legal disputes. I plan to analyze high salience decisions made during the Roberts’ Court era, and measures of specific support and diffuse support in response to these decisions in order to see where and when their legitimacy was impacted. By analyzing public perceptions of the Court decision in Dobbs, I will explore if the decision itself led to a decline in institutional support as measured by specific support and diffuse support. Salient cases decided by the Court in recent years will help to determine whether the Dobbs decision showcases a shift in the Court and the ways they chose to vote over controversial issues. I expect to find that Dobbs is a turning point in the Court's legitimacy. Partisanship is not the primary frame through which the public views the Court; rather, the Court is generally regarded as an inherently legitimate institution, distinct from elected political bodies. I will be measuring perceptions of partisanship of the justices and the Court as an institution to see how it correlates with support for the Court, therefore affecting legitimacy.

### Impact---Solves Case---AT: Diplomacy

#### Impact is nuke war.

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

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

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

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

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

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

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

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

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

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

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

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

#### Trade outweighs diplomatic pressure.

Ilan Manor & Guy J. Golan 20, Digital Diplomacy Scholar, University of Oxford; Associate Professor, Bob Schieffer College of Communication of Texas Christian University, "The Irrelevance of Soft Power," E-International Relations, 10/19/2020, https://www.e-ir.info/2020/10/19/the-irrelevance-of-soft-power/

The irrelevance of Soft Power stems not from its theoretical dimension, but from a changing global landscape. The 21st century will be characterized by growing competition among three giants – China, India and the United States. To contend with this triumvirate, nations will create short-termed strategic alliances that will collectively bargain opposite the giants, or force their hands. These alliances will rest on shared interests, not shared values. In a world governed by increased competition, as opposed to cooperation, the practice of Soft Power will become secondary. The benefit of strategic alliances lies in their malleability. Unlike the Cold-War era, nations will not be bound to one giant. On the contrary, nations will collaborate with different giants towards different ends. National power will emanate from a nation’s status as a desirable member in strategic alliances. This desirability may rest on diverse resources ranging from economic stability to technological infrastructure and geographic location. Now is not the age of uni-polarity or bi-polarity. Now is the age of giants. And in this age, power will function differently, as explained in this article.

Vladimir Putin once stated that ‘I would prefer to abandon the terminology of the past. ‘Superpower’ is something that we used during the Cold War time. Why use it now?’ (Financial Times, 2016). The demise of the Cold War led scholars to reconsider additional terms including power. In a world no longer marked by ideological conflict and a nuclear arms race, collaboration rather than confrontation could be the order of the day. In a seminal article, Professor Joseph Nye introduced the concept of Soft Power. Ultimately, Nye argued, the attractiveness of a nation’s culture, political values, and foreign policy will be more influential on its engagement with other nations than the number of ballistic missiles at its disposal (Nye, 1990; 2008).

In this article we argue that the world is in the midst of profound structural change, and that this change necessitates that the concept of power be examined yet again. Specifically, we contend that this century will see the emergence of a modern day Triumvirate of three giants. While middle powers such as Russia, Iran, Brazil and the EU (European Union) will remain central to global affairs, it is the three giants who will dictate the rules of the game. India’s population size and status as a global telecommunications hub will see its power overshadow that of Iran or Brazil. China’s financial dominance and global military reach will eclipse that of Russia, while the US’s strength will continue to rest on its mass investment in defense, and ardent commitment to consumerism.

#### It sparks nuclear conflict AND collapses multilateral cooperation over AI, cyber, climate, terror, prolif, and transnational crime.

Sean Sturm & Dr. Michael A. Peters 24, MA, International Relations, International Islamic of University Islamabad; PhD, Professor, Faculty of Education, Beijing Normal University. Emeritus Professor, University of Illinois, Urbana–Champaign, "The Emerging International Order: Debating Polarity in Global Politics," PESA Agora, 2024, https://pesaagora.com/columns/the-emerging-international-order-debating-polarity-in-global-politics/. [language edited; initials inserted for clarity]

SS: 5: What factors do you believe contribute most significantly to shaping the existing polar structure of global politics?

MP: The existing polar structure of global politics is shaped by a complex interplay of various factors. While it is difficult to pinpoint a single factor, several contribute significantly to the current international landscape. The rise of new global powers and the relative decline of traditional ones have led to shifts in the balance of power. The competition between the United States and China, as well as other power dynamics such as the European Union, Russia and India, has created a multipolar world where strategic interests often clash. The global economy is interconnected but also marked by fierce competition. Economic interdependence can lead to cooperation but also to conflict as countries vie for markets, resources and investment opportunities. Trade wars and protectionism can exacerbate these tensions. The spread of different political ideologies, such as liberal democracy and authoritarianism, can lead to ideological clashes. The promotion of certain values by one country can be seen as a threat by another, leading to political polarisation. The rapid development of technology, especially in areas like artificial intelligence, cybersecurity and communication, has created new frontiers for international competition and cooperation. Countries often view technological superiority as a key factor in maintaining or gaining geopolitical advantage. The finite nature of resources and the growing threat of climate change can lead to competition, especially in regions where access to resources is critical. Environmental degradation can also create shared challenges that require international collaboration, often amidst differing priorities and levels of commitment. The rise of populist and nationalist movements in many countries has led to a shift towards more inward-looking policies, prioritising national sovereignty and interests over international cooperation. This can lead to a more confrontational approach to global politics. Terrorism, weapons proliferation and transnational crime pose security challenges that require international responses. However, differences in approach and priorities can lead to disagreements and even conflicts among states. The role and effectiveness of international organisations and the norms they promote can influence global politics. The perception of whether these institutions are fair and representative can lead to either cooperation or pushback, contributing to polarisation. Population movements, whether due to conflict, economic opportunity, or environmental factors, can create challenges for recipient and source countries, leading to policy responses that can increase international tensions. The ability to control and influence information flows, as well as the rise of disinformation and fake news, can manipulate public opinion and political discourse, contributing to polarisation and distrust among nations. All these factors are interconnected and often feed into each other, creating a dynamic and often volatile international environment. The polar structure of global politics is a reflection of these complex interactions, where the actions of one country can have far-reaching effects on the international system.

Greater attention needs to be paid to the international finance system, which is based on the US dollar dominance. After Bretton Woods and the settling up of WB and IMF, the gold standard faltered to be replaced with the dollar system which gives the US huge advantages. The global financial crisis, which reached its peak in 2008, exposed significant weaknesses in the international financial system, including the role of the US dollar as the world’s primary reserve currency. Prior to the crisis, the US dollar enjoyed a dominant position in global finance. It was not only the primary currency for international trade but also the major reserve currency held by central banks. This meant that many countries needed dollars to conduct trade and finance their balance of payments. The crisis raised questions about the trustworthiness and stability of the US financial system, which had been considered one of the safest and most reliable in the world. The collapse of major financial institutions like Lehman Brothers and the government’s rescue of others like AIG called this perception into question. As the crisis unfolded, trade and investment flows were disrupted. Global trade volume contracted sharply, and cross-border lending dried up. Since trade is often denominated in dollars, the stability of the dollar was crucial for the recovery of global trade. The Federal Reserve’s response to the crisis, particularly the implementation of quantitative easing (QE), was unprecedented. By purchasing large quantities of financial assets, the Fed aimed to lower interest rates and encourage lending and investment. While this was necessary to stabilise the US economy, it also raised concerns about the dollar’s value and long-term inflation prospects. The crisis led to a significant fall in commodity prices, including oil, which is priced in dollars. This deflationary trend put downward pressure on the dollar’s value against other currencies as investors sought shelter in perceived safe havens like the Swiss Franc or gold. The crisis prompted a reevaluation of the global financial architecture. There was increased discussion about the need for a more diversified reserve currency system, less dependent on the dollar. The International Monetary Fund (IMF) and other international financial institutions have been pressured to consider the role of other currencies, such as the euro or renminbi, in the global reserve system. Over time, the US economy recovered, and the dollar has remained the dominant reserve currency. However, the crisis did lead to a partial decentralisation of financial markets and a shift in liquidity provision, with central banks around the world playing a more active role in managing their domestic economies. The crisis also contributed to the rise of non-bank financial institutions, such as money market funds and shadow banks, which play a significant role in the financial system but are less regulated than traditional banks. This has raised concerns about financial stability in the long term. Although the US dollar’s role in the international financial system has remained robust, the global financial crisis did expose vulnerabilities and prompt a reevaluation of the system’s reliance on the dollar. This has led to a more nuanced approach to global financial governance, with a gradual shift towards a more balanced and diversified international monetary system and the increasing practice of BRICS countries trading in local currencies.

The shape of the existing polar structure of global politics must be understood in terms of the long-term shift from the end of the age of colonisation and the rise of independent states especially populous countries like India and China that have large populations and also domestic markets. Colonisation and globalisation are the twin long-term processes that have been responsible for the existing structure of global politics, sometimes referred to in the grossly simplified notion of Global South and Global North, or even South-South relations. I think here we need a theory of capitalism that embraces both historical phases and interprets the decline of the West – the colonisers – with the rise of the East – the colonised. After the end of the colonial era – the 1950s, ’60s and ’70s – globalisation, while a source of inequalities both within and between countries, also enabled China and other countries more recently to lift large sections of the population out of poverty. Globalisation allowed a form of export open trade to enable competition and, while not equal, provided the basis for development with BRICS countries but not all. Many suffer from excessive IMF debt loading and from little debt relief even though the population is at starving point (e.g., Sri Lanka). Globalisation allowed a foot in the door, and, during the first modern waves, it provided a means for some countries to step aside from general poverty. Now many developing countries are riding the latest wave – India, Indonesia, Vietnam, Uzbekistan. At a certain level investment in education becomes a critical variable, not only universal but also university education, especially in the STEM subjects that lead to digital benefits of larger-scale global markets. Now that AI comprises the latest unicorn investment strategy, with billions invested in the last year we are facing the AI race focus on bots and the US’s active strategic control of the chip supply line to slow China’s development. This is an added complication for Taiwan as the TSMC company makes 90% of the most advanced chips contributing to the Taiwan question of reunification with China. Nvidia’s Blackwell superchip is a game changer, especially with twinning, which is changing the future of industrial capacity coming online.

SS: 6: What are the potential consequences of maintaining or attempting to shift the existing polar structure of global politics?

MP: Maintaining or attempting to shift the existing polar structure of global politics can have a range of potential consequences, both intended and unintended, which can affect global stability, economic growth and the lives of ordinary people. A polar structure can lead to heightened tensions and competition between major powers, potentially escalating into proxy conflicts or direct confrontations. This can increase the risk of military conflicts and nuclear brink~~man~~ship, endangering global security. The current structure may lead to a decline in multilateralism and the weakening of international institutions, making it harder to address global challenges such as climate change, pandemics and international security threats through collective action. The polar structure can result in economic blocs and trade barriers, leading to economic fragmentation and reducing global trade and investment flows. This can hinder economic growth and development, especially for smaller and less powerful countries. As major powers compete in technology and strategic capabilities, there is a risk of technological arms races and the development of new weapons systems that could increase the risk of accidental escalation and the spread of nuclear weapons. The promotion of different ideological systems can lead to polarisation and a lack of dialogue between countries, making it difficult to find common ground on issues of mutual concern. The polar structure can influence social and cultural dynamics, leading to the spread of nationalistic and xenophobic sentiments. This can negatively impact migrant and minority communities and lead to social divisions within countries. Developing countries can find themselves caught between major power rivalries, making it harder for them to determine their own political and economic futures. They may also face reduced assistance and increased conditionalities from major powers. The polar structure may hinder global cooperation on environmental issues, leading to a lack of effective action on climate change and other environmental challenges that require collective effort. The structure can impede effective global health responses to pandemics and other health crises, as national interests may be prioritised over a collective approach to health security. Countries may engage in diplomatic and soft power battles to shape international norms and narratives, which can lead to a more nuanced and subtle form of competition that still has significant implications for global politics. The consequences of maintaining or shifting the polar structure of global politics are not deterministic and can be influenced by a wide range of factors, including the actions of individual countries, international events and the emergence of new global issues. Efforts to address these consequences and promote a more cooperative and stable international order are ongoing, involving diplomatic negotiations, international cooperation and the development of new norms and institutions. Many countries walk the line between not offending the US and trading with China, like NZ as a traditional ally, but diplomacy has limits, and regional conflicts are likely to persist at the margins, especially for those states like Myanmar and Tajikistan that are not well integrated into either the global market economy or regional security networks. We will have to remember that the US has approximately 750 bases worldwide and an annual military budget of nearly $800 billion. While AI, satellite surveillance and drone warfare are changing the shape of modern conflict, the notion of control of territories still has a dominant place in geopolitics, and, ultimately, it is an international system that is backed by military force, whether it be border protection, control of the sea, peacekeeping or enforcement of sanctions.

### Link---Court PC Real

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### The Court---and Roberts especially---are political and strategic actors. They know how significant the tariffs case is and will switch votes and compromise in other areas to balance and preserve overall neutral public perception of the judiciary.

Joan Biskupic 11/11/25, J.D. from the Georgetown University Law Center, CNN’s Chief Supreme Court Analyst, interviewed by Zachary Wolf, “Are tariffs a tax? The court’s view may decide the fate of Trump’s tariff battle”, https://www.cnn.com/2025/11/11/politics/tariffs-trump-supreme-court-roberts-tax-analysis

Will the Court be thinking about its own image?

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

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

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

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

Are the justices intimidated?

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

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

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

Roberts will likely try to build a coalition

WOLF: What are you expecting from the decision?

BISKUPIC: I think the chief, with a case of this magnitude, will want to write the court’s opinion. Going into the case, the momentum was with the challengers because of how lower courts ruled. And maybe the justices are going that way, too. But remember we saw only a glimpse of their views in oral arguments. They’ve taken a private vote by now and are beginning negotiations that will take months. As I said, there are cross-currents here. I don’t necessarily think votes will shift. But with Obamacare, the chief made multiple vote switches. So it ain’t over till it’s over.

Roberts changed his mind on Obamacare

WOLF: Why did he change at the last minute?

BISKUPIC: In the beginning, he was with fellow conservatives to strike Obamacare down under the Commerce Clause. But then he decided he could uphold it under Congress’ taxing power. This is why you made a connection between this case and that one on the word “tax.”

A bigger majority is better

WOLF: That’s interesting that they have to negotiate with each other to get to something they can all agree on or a majority will agree on.

BISKUPIC: Exactly. Five votes are needed for a majority, but the chief might want to try for more, with more compromises — because it is such a big case and so much at stake for President Trump and his agenda.

#### The Court’s being careful this term to maintain the perception that they’re politically balanced---justices will self-police their decisions to maintain anti-partisanship.

Richard M. Re 25, Professor of Law at Harvard Law School, November 2025, “Foreword: To a Conservative Warren Court,” Harvard Law Review, 139 Harv. L. Rev. 2

This basic picture can be formalized by way of the following two principles:

Nonpartisanship Principle. In general, judges act permissibly when they adhere to institutional precedent, personal precedent, or consensus views.

Antipartisanship Principle. But judges should generally eschew the wishes of their co-partisans, absent strong support in institutional precedent, personal precedent, or consensus views.

Each of the two principles has objective and subjective aspects. That is, a judge should subjectively aspire to obey the principles; and critics of the courts can apply the principles as objective standards, based on observable behavior.292

Notably, the antipartisanship principle does not just render partisanship an invalid reason but also treats the avoidance of partisanship as a potential reason for decision. Imagine a judge who is unsure how to rule in a controversial case where both sides find some support in [\*48] institutional or personal precedent. Under the nonpartisanship principle, the judge might permissibly favor either side. But, if the issue has a partisan valence and the judge is associated with a relevant political party, then the judge should err in favor of disappointing partisan expectations. Some respected federal court of appeals judges appear to have done just that.293 The lead opinion in Planned Parenthood of Southeastern Pennsylvania v. Casey could be understood as such an effort.294 And some otherwise surprising votes by Chief Justice Roberts, as well as Justices Breyer and Kagan, might be viewed similarly.295 This antipartisan orientation also resonates with broader themes in legal culture. For instance, Justices have publicly praised their predecessors for ruling against the presidents who appointed them,296 with the Nixon Tapes Case from the long Warren Court being perhaps the most salient example.297

The antipartisanship principle does reflect a certain irony, in that it recommends awareness of politics precisely to check its influence.298 Judges who nearly always vote for members of their own party (or race, or religion) are probably doing something very wrong. To similar effect, Justice Barrett (among others) has recently recalled Justice Scalia's adage that judges whose votes always match their politics are bad at their [\*49] jobs.299 This Term, the Court itself came close to making that idea explicit, adducing a string cite of recent rulings as proof that it has been applying standing doctrine "evenhandedly."300 These examples show that Justices are mindful of their decisions' ideological valence, the better to ensure that their legal compasses are reliably pointing north.

So the antipartisanship principle is susceptible to subtle application, as judges assess patterns in their own decisions over a period of time, rather than case by case. The goal, in other words, is to construct a principled overall jurisprudence, rather than handing out wins and losses to various groups according to a quota or schedule. And that approach appears to track the thought processes of many members of the public: According to a leading political science theory, lay observers assess the Justices' legitimacy by keeping "a running tally" of how often the Court rules either well or poorly.301 Those lay assessments arise in a political context, so that conservative decisions score well with conservatives, and liberal ones score well with liberals.302 In this way, judges' desires for esteem, both in their own eyes and in the public's, may point in the same antipartisan direction.

#### Court capital is real and finite.

HLR 11, Harvard Law Review, “ADVISORY OPINIONS AND THE INFLUENCE OF THE SUPREME COURT OVER AMERICAN POLICYMAKING”, June, 124 Harv. L. Rev. 2064, Lexis

In assessing the Court's power relative to the elected branches, it is first necessary to be clear about what motivates the Supreme Court. When exercising judicial review, the Court seeks to vindicate its constitutional vision by striking down legislation repugnant to that vision. This is true whether one believes that the Court seeks in good faith to divine the true meaning of the Constitution and impose it on the elected branches, attempts to interpret the Constitution faithfully but subconsciously imports its own policy views, or disingenuously strives to implement its policy preferences in the guise of neutral interpretation. For the purposes of the present argument it is irrelevant which view or combination of views is most accurate, and the phrase "constitutional vision" will stand for any and all of these. Yet as suggested above, the Court is not unconstrained when it seeks to effect its constitutional vision through judicial review: if it strays too far from the political mainstream, n55 it will face consequences that undermine its constitutional [\*2076] vision even more than would the upholding of a disfavored statute. n56 The upshot is that the Court operates under conditions of scarcity and must economize on its political capital to go as far in implementing its constitutional vision as political realities allow, which sometimes means upholding (or declining to review) government actions that contravene that vision. n57 And, as a distinct matter, most [\*2077] Justices have displayed a desire to conserve the Court's political capital and maintain its institutional prestige as much as possible even where the Court was not immediately threatened with any hard political constraints. n58 This conservatism is especially understandable given that the Justices are generally not political experts and lack the sophisticated public relations apparatuses of the elected branches, and that the elected branches have substantial capacity to shift public opinion about the Court if they so choose; these factors make it rational for the Court to be parsimonious with its political capital in order to avoid blind overreaching.

[FOOTNOTE]

n57. Thus, the Court's decisionmaking process in a judicial review case incorporates its internal preferences and its view of external constraints as follows: R = B / C, where B equals the benefits to the Court's constitutional vision of invalidating a given piece of legislation, C stands for the cost the Justices expect to incur in terms of political capital, and R gives the trade-off rate between costs and benefits in any given case, such that the Court will expend its political capital in those cases where R is highest, so long as R > 1.

A reasonable objection to the model elaborated in this Part is that although the Court is politically constrained, this "bank account" model in which the Court has finite political capital to "spend" by striking down popular government actions is unrealistic: the Court can also increase its prestige - its institutional capital - by exercising judicial review, which has been the effect of Marbury and Brown, two decisions without which the Court would be much weaker now. Nonetheless, most countermajoritarian decisions do seem to cost the Court rather than increase its capital (Marbury was a refusal to make the countermajoritarian decision, see Friedman, supra note 53, at 60-62, and Brown jeopardized rather than solidified the Court's power over the years immediately following the decision, see Klarman, supra note 53, at 312-43). This is especially true in the short run, while the decision remains countermajoritarian, and it is the short run that counts for the current Justices: the fact that Brown is today sacrosanct did not help the Court when Southern resistance threatened that decision's efficacy in the years immediately after its announcement. Cf. Daryl J. Levinson, Parchment and Politics: The Positive Puzzle of Constitutional Commitment, 124 Harv. L. Rev. 657, 743 (2011) ("Evidently, the Court can build up a savings account of approval that it can then spend down by issuing unpopular decisions without losing public support."). The necessary implication of Levinson's statement is that the "savings account" - and thus the Court's countermajoritarian capacity - is finite. At any rate, the Court's position is no different from that of any other political actor: though the presidency as an institution, for instance, would certainly lose influence as a result of a string of weak, unassertive presidents, and might gain it through the acts of a strong leader, any given President at any given time is undoubtedly limited by political constraints.

### Link---Court PC Real---AT: Dodson

#### First---it concedes we’re on the brink, PC is limited and finite, and the Court needs to save it for the biggest confrontation. We’re yellow.

Scott 2ac Dodson 25. Professor and director of the Center for Litigation and Courts at the University of California Law, San Francisco, J.D. from the Duke University School of Law. "The Supreme Court and Public Opinion." *Iowa Law Review*, 111(117), 145-155.

IV. THE COURT AND PUBLIC OPINION TODAY

Throughout history, the Supreme Court has maintained a high public approval rating despite the occasional unpopular, even severely unpopular, decision. The Court has perennially had the highest reputational ratings of any branch of government.266 Its approval rating was typically above sixty percent until 2010, and its public trust was invariably above sixty percent between 1973 and 2014.267 The Court's public-trust rating even hit eighty percent in 1999, the year before Bush v. Gore.268 But since 2010, the Court's approval rating has been below sixty percent, and, since 2014, its trust rating has fallen below sixty percent four times.269 In 2021, the Court's approval rating sunk to a record low of forty percent.270 As of fall 2023, the Court's approval rating of forty-one percent and trust rating of forty-nine percent have languished near historic lows.271

These low approval ratings seem strange for a Court helmed by a Chief Justice who has publicly pressed a judicial philosophy of humility and minimalism calling balls and strikes, respecting precedent, avoiding controversy, offering political compromises, and striving for narrow opinions that can garner unanimity.272 Indeed, Joan Biskupic has surmised that "Roberts has at times set aside his ideological and political interests on behalf of his commitments to the Court's institutional reputation and his own public image."273 But his efforts haven't done the trick. This Part explores why.

The reason, I submit, lies not in a single, explosive exercise of antidemocratic power by the Court. As even the Cherokee Cases suggest, those shocks fade quickly, often hastened by calculated judicial retreat. Instead, this Court has experienced a confluence of circumstances that have accumulated over time, including: (1) two decades of perceived persistent conservative activism; (2) the Court's dismissive attitude toward a raft of ethics scandals; (3) partisanship surrounding the appointment of new Justices; (4) a handful of unpopular opinions; and (5) a rise in partisan polarization among the populace. Meanwhile, the Court has not issued a heroic opinion like Brown or Lawrence to pick up the flagging public support. The Court has avoided knockout punches, but it has exposed itself to, perhaps even invited, a steady barrage of jabs, and the public has noticed.

A. PERSISTENT CONSERVATIVE ACTIVISM

Some of the hits have been of the Court's own making. Stare decisis adherence to prior precedent is a foundational principle that increases stability and reduces ideological variance.274 Although measuring the Court's relative commitment to stare decisis over time is difficult,275 the public perception is that the Roberts Court regularly revisits important decisions, even delighting in overturning them.276 Key examples include Citizens United (overruling precedent allowing campaign-finance limits),277Dobbs (overruling Roe v. Wade's and Casey's constitutionalization of abortion),278Students for Fair Admissions (effectively overruling precedent allowing affirmative action in higher-education admissions),279 and Loper Bright (overruling Chevron's directive that courts defer to reasonable agency interpretations of implementing statutes).280 That these important decisions have all been outcomes that align with conservative politics, decided along the Court's own ideological split, undermines the role that stare decisis plays in "protect[ing] the Court's legitimacy by reinforcing the public's opinion of an apolitical judiciary."281

Worse, the Court appears to be using its discretionary agenda-setting powers not as Bickel proposed to avoid controversy until the right moment but to actively seek out controversial cases to decide. Scholars have noted "a trend, particular to the Roberts Court, of exercising its certiorari discretion to grant review in cases that present an opportunity to overrule precedent,"282 a trend that appears to be accelerating.283 Indeed, Dobbs presented three questions in the petition for certiorari: (1) whether to overrule Roe ; (2) whether a different constitutional standard should apply; or (3) whether standing existed.284 The Court could have taken the case on the second or third grounds and avoided the question of whether to overrule Roe. But it chose to take the case only on the first question.285 In other words, the Court overruled Roe "because it wanted to, not because it had to."286 This Court has turned the passive virtues discretionary docket control into the "active vices" by reaching out to take cases on certiorari and reframe issues for decision.287

In addition to active use of certiorari discretion, the Court has dramatically scaled up its use of other aspects of its "shadow docket"288 its non-merits docket often under the guise of the need to issue emergency relief, but resolving, in the process, particularly high-profile, partisan issues,289 including immigration, COVID-19 regulations, and other matters.290 The merits docket operates with formalism and transparency including regular procedures, public oral argument, and public written opinions all designed to enhance public respect for the Court. By contrast, the shadow docket exhibits none of these features.291 The Court can use the shadow docket to issue an unsigned, summary order staying the effect of a law or lower-court opinion. On May 22, 2025, for example, the Court, in an unsigned order, granted President Donald Trump's emergency application for a stay of a lower-court ruling blocking the President's ability to remove certain agency heads, despite some precedent to the contrary, and over the dissent of Justices Kagan, Sotomayor, and Jackson.292 The last ten years have seen "an explosion in the use of [the shadow docket] powers and the controversy they create,"293 and the public has noticed.294

And the Court's merits decisions reveal a conservative majority flexing its judicial muscles.295 Some ideologies threaten to destabilize the structure of government. The Roberts Court is strongly skeptical of the power and role of administrative agencies,296 "has consistently issued holdings that restrict the scope of administrative deference,"297 and doesn't think particularly much of Congress.298 Other ideologies reflect views of the Constitution that disable elected officials from addressing the needs of the day, like reasonable gun regulation.299 Some see this agenda as an exercise in judicial aggrandizement, achieved by disparaging other branches and imposing vague standards that help the Court maintain control.300 These observations have led commentators to charge the Supreme Court with imperialism.301 The Court, as one commentator put it, "today is not only the most activist of any Court in the past century, but increasingly the locus of all legal power."302 The Court is exercising that power not through sporadic and heroic decisions but through a series of decisions seen by large swaths of the nation as ideologically driven.

A prime example of all these factors is Citizens United, in which the Court overruled prior precedent and struck down, on free-speech grounds, a popular, bipartisan federal law limiting campaign contributions.303 The opinion generated a largely critical response.304 In fact, the five Justices in the majority had very little on their side, other than the Chamber of Commerce. Opposed were four Justices in dissent, the executive branch, Congress, and many states, all of which supported campaign limits.305 The Court could have avoided controversy by deciding the case as the parties presented it: without preserving the First Amendment question.306 Yet the Court itself put the constitutional challenge back on the table as well as reconsidering two past precedents upholding campaign limits.307 All on its own, the Court chose to engage the constitutional questions, strike down a democratically popular law, and overrule two prior decisions.

In the aftermath, President Obama took the rare step of criticizing the opinion publicly in his State of the Union Address, with several Justices in attendance; Alito was broadcast visibly shaking his head and mouthing "not true."308 To be sure, Obama's reproach paled in comparison to Jefferson's, Jackson's, and Roosevelt's, but the public noted the condemnation of the Court by a popular President. Citizens United, emblematic of this Court's propensity toward activism rather than restraint, is a part of a gradual accumulation of negative public reactions to the Court.

B. ETHICS SCANDALS

Aside from decisions, certain Justices have been caught in the limelight for conduct implicating judicial ethics. Justice Thomas has repeatedly been under fire for failing to disclose numerous gifts of destination vacations, private jet flights, sports events, tuition payments, and vehicle financing paid by prominent conservative businessmen.309 Justice Alito reportedly was gifted an expenses-paid luxury fishing trip by a conservative donor, whose hedge fund subsequently appeared as a litigant before the Court; Alito neither disclosed the trip nor recused himself from the case.310 In the weeks leading up to the January 6 insurrection of the Capitol by Trump supporters, Thomas's wife, Ginni, a longtime conservative activist, sent more than two dozen text messages to White House Chief of Staff Mark Meadows urging support for claims that the election was stolen from Trump.311 When flags flown during the January 6 insurrection were flown at Alito's house, he refused to recuse himself from pending cases pertaining to the insurrection.312 Both Alito and Thomas voted, in subsequent cases, to vacate the criminal conviction of a January 6 insurrectionist and to provide broad presidential immunity to Trump for his official acts in contesting the 2020 election.313 These matters received widespread media coverage.314

The Court's response to these events has not mollified the public. It has remained, as a whole, silent on media reports involving specific Justices.315 When Congress held hearings about ethics at the Supreme Court and invited Chief Justice Roberts to testify, he declined.316 And the Court has consistently resisted efforts to impose binding ethics standards on its members.317 The Court finally issued a formal Code of Conduct in November 2023,318 but that Code confirms that individual recusal matters are decided solely by the Justice implicated.319 The reaction of the Court to the scandals has generated its own negative media attention and contributed to its declining popularity.320

C. POLITICIZED APPOINTMENTS

New Justices are appointed by the President and confirmed by the Senate. That process, as John Adams's Midnight Judges shows, has always been political and has occasionally been controversial. Abe Fortas, Robert Bork, and Clarence Thomas are prominent examples. But until recently, such polarized partisanship has been the exception rather than the rule. Antonin Scalia and Anthony Kennedy, for example, were unanimously confirmed, and Bill Clinton's appointees Ruth Bader Ginsburg and Stephen Breyer were confirmed by margins of ninety-six percent and eighty-seven percent, respectively. Since 2006, however, only one of the eight Justices confirmed has been so by more than a two-thirds vote, and the votes are invariably divided along partisan lines.

The partisan voting pattern reflects the partisan popular view of the Court. From 1993 to 2016, the Court's political balance remained relatively constant. Conservative Justices held a 5-4 majority, with some conservative moderates namely, Justices Kennedy and O'Connor voting with liberal Justices to uphold key precedents, like Roe v. Wade.321 Republican Presidents would replace conservative retirements, and Democratic Presidents would replace liberal retirements, without dramatically altering the political valence of the Court.

But the political climate surrounding the Supreme Court began to change dramatically in 2015, in the waning years of an outgoing Democratic President and several aging liberal Justices who seemed unlikely to retire in time for Obama to appoint a younger successor. Then, Justice Scalia, a conservative standard-bearer, suddenly died, resulting in a vacancy that President Obama attempted to fill by appointing Merrick Garland, a highly respected judge on the D.C. Circuit at the time. The Republican-controlled Senate, however, refused to act on the appointment, arguing that a Supreme Court confirmation should not occur in an election year when an outgoing President was of a different party than the controlling Senate majority.322 It was not lost on the public that Garland's confirmation would have given liberal-leaning Justices a majority on the Court for the first time since 1970.323

The gambit paid off. Donald Trump prevailed in 2016 and appointed Neil Gorsuch to fill Scalia's seat, securing a conservative majority on the Court. Soon after, Justice Kennedy retired, and Trump appointed the reliably conservative Brett Kavanaugh to the Court, who was confirmed by a 50-48-1 vote only after a controversial and widely televised hearing involving allegations of sexual assault.324 And, soon after, liberal icon Justice Ruth Bader Ginsburg died, giving Trump the opportunity to flip a liberal seat to a reliably conservative vote, which he took by appointing Amy Coney Barrett in a move widely viewed as portending the end of Roe v. Wade's constitutional protection of abortion.325 That view proved true in the 2022 overruling of Roe in Dobbs v. Jackson Women's Health.326 The dissenters in that case wrote: "Neither law nor facts nor attitudes have provided any new reasons to reach a different result than Roe and Casey did. All that has changed is this Court."327 The culmination of a string of high-profile appointments whose ideologies have shifted the political valence of the Supreme Court has firmly tied the appointments process to popular politics.328

D. POLITICAL POLARIZATION

These events have, since 2010, coincided with "a rapid rise in party polarization," with Republican voters and candidates becoming more conservative and Democratic voters and candidates becoming more liberal.329 As a result, the public is more likely to view the Court in partisan terms, and elected officials are more likely to characterize the Court in partisan terms. With a shrunken political center, the Court, whatever it decides, is likely to dismay around half the populace.

That dismay is increasingly felt by the left. President Trump and his appointees "supercharged liberal discontent with the Supreme Court"330 by dismantling cherished precedent like Roe,331 undermining core progressive values,332 elevating the primacy of religious rights and gun rights,333 expressing a "deep distrust of bureaucracy,"334 and handing Trump a win on presidential immunity from criminal prosecution.335 With now more than fifty-five years of conservative dominance on the Supreme Court, the shine of the Court has worn off for progressives.336 Waning liberal support for the Court, in an age of Court politization and party polarization, is contributing to the view of the Court as just another form of dirty politics.337

CONCLUSION

Throughout history, the Court has ably managed its relationship with the coordinate branches and the people, despite punctuated events of extraordinary controversy. Today's Court sits in a somewhat different position, beset by lowgrade but persistent political and public skepticism, fueled by charged partisanship and the Court's own conduct.

It is unclear what the Court can do, or is willing to do, to restore its reputation. The Court has committed itself to assuming the apex position not only of the judiciary but also in law itself, such that the other branches and the people routinely look to the Court to decide the major political and social questions of the day, cast in legal terms.338 As Susan Carle has argued, when "[c]onfronted with matters they see as profoundly important, [the Justices'] sense of responsibility, if nothing else, impels them to use the power they have to set matters straight in the way they see appropriate."339 This Court, in particular, seems inclined to do so, without regard to the reactions of the political branches or the people.340 Blunt force has overcome master strategy.

But even so, it's not clear the Court feels much threat. Although liberal anger at the Court in the wake of President Joe Biden's election generated calls for term limits and court-packing,341 Biden neutralized the fervor by forming a Presidential Commission on the Supreme Court to study reform proposals;342 the Commission did not recommend major reform, and no congressional reform measures resulted from its efforts.343 So perhaps the Court has calculated that it can continue along its path without paying a price.

But some costs are hidden. This Court, though weathering this stretch of low public opinion, has saved little political capital to cash in when needed. The real fear is whether the Court has exhausted the security and support to stand up when it really matters, perhaps in the face of serious threats to the constitutional order. Today, the Court is vulnerable. And thus so are we.

### Internal---Tariffs Inev---AT: Thumpers

#### Framing issue---our DA isn’t “all tariffs are bad”, it’s “*haphazard trade wars* are bad”. Even if Trump can still tariff after the ruling, he’ll be forced to make an explicit and thought-out case for them---and the overall result will be *net less tariffs*.

Aime Williams 12/30/25, US trade and climate correspondent for the Financial Times, holds a masters degree from UCL, “Donald Trump expected to impose new levies if Supreme Court strikes down tariffs”, https://www.ft.com/content/ead498af-2403-4cef-a515-055cb38dfbdb

But while the White House may be able to rebuild a tariff wall, the alternative legal avenues will curtail Trump’s ability to quickly raise and lower levies, depriving him of the most immediate route to hitting major trading partners with duties.

“If the Supreme Court rules against the administration, Trump’s power to use tariffs both as punishment and reward will be significantly diminished,” said Lori Wallach, director of the Rethink Trade group and a lawyer.

“With other laws, the administration would have to make a case for using tariffs,” she said. “It will be less like: ‘I have woken up and decided I am annoyed with this Canadian TV advert so I am going to increase the tariff rate.’”

#### Their authors are falling for Trump’s obvious posturing.

Ankush Khardori 12/16/25, J.D. from Columbia, senior writer for POLITICO Magazine and a former federal prosecutor at the Department of Justice, “Trump Is Raging at a Looming Supreme Court Loss on Tariffs. He’s Got a Point.”, https://www.politico.com/news/magazine/2025/12/16/trump-tariffs-supreme-court-defeat-messy-column-00691102

If Trump’s request for divine intervention falls flat, the administration will, in fairly short order, have to figure out a way to salvage the president’s signature economic policy initiative. For months, top administration officials like Treasury Secretary Scott Bessent and National Economic Council Director Kevin Hassett have brushed off the prospect of a loss at the Supreme Court by claiming that they will simply use other trade statutes to replace the tariffs that have been issued under the purported authority of the International Emergency Economic Powers Act.

Their outward nonchalance raises some obvious questions, not the least of which are why, if they are right, the president is asking God to step in, or why the administration spent all year using the wrong legal authority to support the president’s policy initiative. Their seeming indifference, however, also obscures the new legal and political obstacles that the Trump administration would confront. The fallback effort would not be as simple or straightforward a matter as they have claimed.

### Internal---Tariffs Inev---AT: IEEPA---2NR

#### Other alternatives are way less escalatory.

Charles Lane 10/27/25, nonresident senior fellow at the American Enterprise Institute, “It’s Time for the Supreme Court to Confront Trump”, https://www.thefp.com/p/its-time-for-the-supreme-court-to-confront-trump-tariffs

To be sure, there might be a route to upholding the tariffs without either okaying Trump’s misuse of IEEPA or enraging him by rescinding the tariffs. In a friend of the court brief filed on behalf of the pro-Trump America First Policy Institute, law professors Jed Rubenfeld (who is a*Free Press* columnist) and Alan Dershowitz suggested a possible off-ramp.

They argue that even if Trump’s tariffs aren’t lawful under IEEPA, they are lawful under a different, admittedly obscure, statute: Section 338 of the Tariff Act of 1930. That provision allows the president to levy tariffs of up to 50 percent on countries that he determines “discriminate” against U.S. goods.

But there’s a catch: Trump’s own solicitor general, John D. Sauer, has not made this argument himself. Possibly this is because Section 338 gives the president less latitude than he is claiming now: Its 50 percent cap on retaliatory tariffs doesn’t allow him to threaten triple-digit tariffs as negotiating leverage, as he has repeatedly done. The most recent instance was on October 10, when Trump, retaliating for a Chinese near-embargo of rare-earth mineral exports, said he was about to hit China with a 100 percent levy.

### 1NC

Court Politics DA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A Defining Constitutional Test

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

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

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

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

#### Impact is nuke war.

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

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

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

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

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

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

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

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

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

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

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

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

## Bureaucracy

### Catastrophic Risks---1NC---AT: Try or Die

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

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

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

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

## Lochner

### Judicial Activism---1NC/1NR

#### No impact.

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

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

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

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

#### Courts not going rogue.

Robert Blackburn 25, Writer, The Battalion, "The Supreme Court Is Underrated," The Battalion, 07/19/2025, https://thebatt.com/opinion/opinion-the-supreme-court-is-underrated.

In a political atmosphere that feels ever more divisive and partisan, one branch of the federal government stands out as a beacon of success. Despite existing in the age of the internet, the Supreme Court of the United States has not succumbed to the outside pressures of rampant tribalism.

This is due to several factors. One reason is that the nation’s highest courts’ continued success is the nature of their application process. Justices must be nominated by the president, then confirmed by the Senate. This strenuous process eliminates less qualified candidates which prevents them from negatively impacting the court’s reputation.

Additionally, justices are allowed to serve until their death or retirement, which ensures the nine-member panel is protected from outside political pressure. While this may frustrate decision makers or the public, it does allow for the jurists to vote as they see fit.

Finally, neither political party has attempted to push unqualified candidates into the court. Of the current nine justices, eight attended either Harvard or Yale for law school. The only exception is Associate Justice Amy Coney Barrett, who graduated first in her class from Notre Dame. The panel’s impressive qualifications do not end here. Eight of the nine were jurists at the circuit court level before being nominated for the Supreme Court. Associate Justice Elena Kagan, who is the outlier, served as Solicitor General and as the Dean of Harvard Law School.

This lack of partisanship and incredible qualifications has not stopped the court from being viewed divisively. As it stands currently, six conservatives make up the majority, while three liberals represent the minority.

In the past, these two opposing ideologies have resulted in the most contentious cases being settled six to three, with the panel split along ideological lines. The most famous example of this was Dobbs v. Jackson Women’s Health Organization, which overturned national abortion rights established in Roe v. Wade. In this case, all six conservative justices ruled that the Constitution did not guarantee abortion rights, while the three liberals dissented and claimed that the Constitution did guarantee the right to choice.

As a result, the court’s conservative majority drew the ire of pro-choice individuals. While the case’s decision is a strong example of the ideological divide in the court, similar cases represent a small portion of the court’s workload. More frequently than not, the members of the court agree on issues, resulting in unanimous or near-unanimous rulings.

This sentiment is backed up by the numbers. During the 2023-24 term, three members of the court, Chief Justice John Roberts as well as Associate Justices Brett Kavanaugh and Barrett, ruled as part of the majority over 90% of the time. The same cannot be said for the rest of the so-called conservative super majority. Justices Samuel Alito (80%), Clarence Thomas (78%) and Neil Gorsuch (83%) were less likely to be in the majority. The liberal members on the court all found themselves on the ruling side of a case around 70% of the time.

Although every liberal is significantly less likely to be involved in the majority opinion than any conservative, it is remarkable that the justices agree as often as they do. Ideological divisions are to be expected among any group of people. Despite several high-profile cases being decided along these lines, this divide does not characterize the overall body of work of this version of the Supreme Court.

Recently, examples of both types of decisions have occurred. In Catholic Charities Bureau, Inc. v. WILIRC, all nine justices combined forces to overturn a Wisconsin Supreme Court decision that infringed on religious rights protected by the First Amendment.

However, this is not the most interesting aspect of the decision. The majority opinion, written by the ideologically-liberal Justice Sonia Sotomayor, dismantled the ruling from the liberal majority of the Wisconsin Supreme Court, who were all elected onto the panel. This demonstrates the key difference between polarized national politics and the institution that is the Supreme Court.

In Mahmoud v. Taylor, Justice Alito wrote for the court’s conservative wing, establishing the ability for parents to opt their children out of the curriculum if they find it religiously problematic. All three liberals dissented from this ruling. Despite the courts’ inherent similarity, cases like this demonstrate the different philosophies of the jurists.

Earlier this year, conservatives Kavanaugh and Roberts worked with the three liberal justices to make it easier for individuals to access federal civil rights claims in Williams v. Reed. This ruling provides the most recent example of a minority of the courts’ conservatives ruling with the liberals to achieve a majority. Cases like this are not uncommon and illustrate another important aspect of the court: each justice acts independently of the others

Despite there being a conservative majority on the bench, the members of the panel rely on their jurisprudence rather than the beliefs of their party or ideological group. While holding similar views, the conservative majority is not the republican party. Rather, it is a collection of the six highly talented individuals who hold overlapping beliefs. The same thing can be said about the three liberals on the bench.

This phenomenon has enabled the court to remain a highly-respected body whose rulings serve as the law of the land. Similarly, it has, for the most part, stopped outside influences from attempting to meddle with the affairs of the court. Legally, if the current situation changes, the legislature could move to impeach a jurist from their post, or Congress could expand the court, potentially diluting the importance of each member.

Both of these Pandora’s boxes have remained shut. This should be the case as every member of the court has demonstrated a remarkable ability to rule in an unbiased manner. As long as it continues, the Supreme Court of the United States will remain a sacred institution and the envy of our peers abroad. Entities like the Supreme Court are what make America truly special. It is in all of our best interests to keep this the case. Despite how appealing it may seem, citizens and elected officials should not attempt to interfere with the affairs of the nation’s highest court.