## 1

#### The role of the ballot is to determine whether the resolution is a true or false statement – their framing collapses since you must say it is true that a world is better than another before you adopt it.

#### They justify substantive skews since there will always be a more correct side of the issue but we compensate for flaws in the lit.

#### Most educational since otherwise we wouldn’t use math or logic to approach topics. Scalar methods like comparison increases intervention – the persuasion of certain DA or advantages sway decisions – T/F binary is descriptive and technical.

#### The ballot says vote aff or neg based on a topic – five dictionaries[[1]](#footnote-1) define to negate as to deny the truth of and affirm[[2]](#footnote-2) as to prove true which means it’s constitutive and jurisdictional, that outweighs since it’s a procedural question it questions whether the judge should go outside the scope of the game

#### 1] a[[3]](#footnote-3) “used when expressing rates or ratios; in, to, or for each; per” but there are no numbers in the rez

#### 2] just[[4]](#footnote-4) describes what is “(of treatment) deserved or appropriate in the circumstances” but the res doesn’t specify circumstances

#### 3] government[[5]](#footnote-5) is “direction; control; management; rule” but a direction can’t perform an action

#### 4] to[[6]](#footnote-6) is to “expressing motion in the direction of (a particular location)” but the rez doesn’t have a location

#### 5] recognize[[7]](#footnote-7) is to “(of a person presiding at a meeting or debate) call on (someone) to speak” but a right can’t speak

#### 6] an[[8]](#footnote-8) “forming names of organic compounds, chiefly polysaccharides” but a right isn’t an organic compound

#### 7] of[[9]](#footnote-9) “expressing an age” but the rez is atemporal

#### 8] a worker[[10]](#footnote-10) “a person who produces or achieves a specified thing” but the rez doesn’t spec

#### 9] strike[[11]](#footnote-11) is to “cause (someone) to be in a specified state” but the rez doesn’t spec

## 2

#### Permissibility and presumption negate

#### 1] Obligations- the resolution indicates the affirmative has to prove an obligation, policies require positive justification and permissibility would deny the existence of an obligation.

#### 2] Falsity- Statements are more often false than true because proving one part of the statement false disproves the entire statement. Presuming all statements are true creates contradictions which would be ethically bankrupt.

#### 3] Negating is harder – A] Aff gets first and last speech which control the direction of the debate B] Affirmatives can strategically uplayer in the 1ar giving them a 7-6 time skew advantage, splitting the 2nr C] They get infinite prep time

#### 4] Affirmation theory- Affirming requires unconditionally maintaining an obligation

Affirm [is to]: maintain as true.

That’s Dictionary.com- “affirm” https://www.dictionary.com/browse/affirm

#### 5] Logic – Propositions require positive justification before being accepted, otherwise one would be forced to accept the validity of logically contradictory propositions i.e if one knew nothing about P one would have to presume that both the “P” and “~P” are true.

#### Skepticism negates

#### 1] Resolution can never be true because the aff has to prove they prescribe an obligatory moral action as indicated by ought, but the fallibility of moral actions negates textually, it makes no sense to affirm if the word ought in the resolution is unachievable

#### 2] Aff has 100% burden of proof, agents are categorically bound by your framework, if we don’t fulfill obligation under that then we are acting immorally since we are omitting. Those ethical obligations have to be 100% correct and have a 100% certainty behind them because ethical theories will collapse if obligations can be contingent

#### Every reason is equally as violent in its creation.

**Derrida,** Jacques Derrida, “Force of Law: The Mystical Foundation of Authority” //Massa

But **justice,** however unpresentable it may be, doesn't wait.· It **is that which must not wait.** To be direct, simple and brief, let us say this: **a just decision is always required immediately, "right away." It cannot furnish itself with** infinite information and the **unlimited knowledge of conditions,** rules or hypothetical imperatives **that could justify it.** And **even if it did** have all that at its disposal, even if it did give itself the time, all the time and all the necessary facts about the matter, **the moment of decision,** as such, **always remains a finite moment of urgency** and precipitation, since it must not be the consequence or the effectof this theoretical or historical knowledge, of this reflection or this deliberation, **since it always marks the interruption of the** juridico- or ethico- or politico-**cognitive deliberation that precedes it,** that must precede it. The instant of decision is a madness, says Kierkegaard. This is particularly true of the instant of the just decision that must rend time and defy dialectics. It is a madness. **Even if time** and prudence,the patience of knowledge and the mastery of conditions **were** hypothetically **unlimited, the decision would be structurally finite,** however late it came, decision of urgency and precipitation, **acting in** the night of **non-knowledge and non-rule**

#### Objective knowledge of the external world is epistemically nonsensical.

**Neta**, Ram. “External World Skepticism.” The Problem of The External World, **2014**, philosophy.unc.edu/files/2014/06/The-Problem-of-the-External-World.pdf. //Massa recut CVHS SR

You take yourself to know that you have hands. But notice that, **if you do have hands**, then **you are not merely a brain** floating **in a vat of nutrient fluid and being electrochemically stimulated to have the sensory experiences** that you have now: such a brain does not have hands, but you do. So if you know that you do have hands, then you must also be in a position to know that you are not such a brain. But **how could you know that you are not such a brain? If you were such a brain, everything would seem** exactly **as it does now**; **you would** (by hypothesis) **have all** the same **sensory experiences** that you’re having **right now**. Since your **empirical knowledge of the world** around you **must somehow be based upon your sensory experiences, how could these experiences**—the very same experiences that you would have if you were a brain in a vat—**furnish you with knowledge that you’re not such a brain? And if you don’t know that you’re not such a brain, then you cannot know that you have hands.**

## 3

#### Yes Act-Omission Distinction

#### 1] Infinite obligations – no act-omission means you’re culpable for every possible omission implying they’re immoral for debating instead of curing cancer which is untenable. Answering this means you negate – (a) The 1AC is suboptimal compared to some alternative (b) State action would be frozen b/c they wouldn’t be able to decide b/t alternatives so the plan wouldn’t pass and you vote on presumption.

#### 2] Trolley Problem – Omissions allow us to escape culpability in otherwise unavoidable situations like when someone pulls the lever to kill 1 instead of 2 – otherwise we’re always categorically wrong which makes morality inaccessible, only the distinction solves. O/ws on Bindingness, if an agent is permanently violating their ethical standard, they can’t take moral action.

#### Negate

#### Not recognizing a right to strike is a legitimate moral action to avoid infinite culpability

## 4

#### Low Air Traffic Strikes now due to lack of Right to Strike – the plan reverses penalties.

Youn 19 Soo Youn 1-22-2019 "Why TSA and FAA workers can't just go on strike to end the shutdown" <https://abcnews.go.com/US/tsa-faa-workers-strike-end-shutdown/story?id=60540070> (Freelance Journalist)//Elmer

All over Twitter and Facebook, citizen commentators are offering a solution to end the partial U.S. government shutdown: **airport workers should just go on strike**. "How many hours after all the TSA workers went on strike would the government be re-opened?" tweeted consultant David Rothkopf, a sentiment echoed throughout the Twittersphere, calling on Transportation Security Administration workers and air traffic controllers to not show up for work. [Tweet Omitted] "The employees of the TSA can do even more. I propose a MASS sickout in Atlanta, the Monday after the Super Bowl. I'm not saying to disrupt the game...but make it impossible for those people to go back home. MAKE Congress and the President pay attention," radio host Joe Madison tweeted. The employees of the TSA can do even more. I propose a MASS sickout in Atlanta, the Monday after the Super Bowl. I'm not saying to disrupt the game...but make it impossible for those people to go back home. MAKE Congress and the President pay attention.https://t.co/N4nio3yudz — Joe Madison (@MadisonSiriusXM) January 22, 2019 But **striking is illegal for federal workers.** "Federal employees are **governed** chiefly **by** the **F**ederal **S**ervice **L**abor **M**anagement **R**elations **A**ct of 1978. That statute prohibits strikes by federal workers," University of Michigan law professor Kate Andrias told ABC News in an email. Moreover, the act **bars workers from getting a future federal government** job "if he or she 'participates in a strike, or asserts the right to strike against the Government of the United States," Andrias added, quoting the act. **For many air traffic controllers**, whose ranks are already at 30-year lows, **the last strike has been seared** into their memories. In **1981**, nearly **13,000 controllers walked out** after contract talks between their union, The Professional Air Traffic Controllers Organization (PATCO), and the Federal Aviation Administration broke down. Then-President Ronald **Reagan** **fired 11,000 controllers** within days and the **union was decertified**. Reagan also instituted **a lifetime ban** for working for the FAA for the striking controllers. While then-President Bill Clinton issued an executive order to modify the ban, "it's a short shelf-life profession," Georgetown University history professor Joseph A. McCartin told ABC News. There's also a mandatory retirement age of 56. "That's more than 13 years," McCartin, who wrote a book about the PATCO strike, explained. "Many were not interested in coming back." **Were they to strike** today, **federal workers could face prosecution and even jail time**. "While the clear majority of states make public-sector strikes illegal, the statute covering most federal employees **has some of the toughest penalties for illegal strikes**. Specifically, the statute covering most federal workers makes striking a crime, which is unusual," Joseph E. Slater, a law professor at the University of Toledo and an expert in public sector labor law, told ABC News in an email. "The typical penalties are (i) you can be fired and (ii) you and your union can be fined. But in addition to that, you can be jailed for striking against the federal government. And indeed, a number of the PATCO strikers were back in the early 1980s," Slater explained. The suggestion of a strike, or another way to walk off the job, is something Nick Daniels, president of the National Air Traffic Controller’s Association (NATCO) Fort Worth Center's chapter hears a lot. But as a union leader, he's well aware of the penalties.

#### Trade is rebounding now.

Wood 9-16 Laura Wood 9-16-2021 “Global Terminal Tractor Market (2021 to 2026) - Advancements in Terminal Tractors Presents Opportunities” <https://www.globenewswire.com/en/news-release/2021/09/16/2298189/28124/en/Global-Terminal-Tractor-Market-2021-to-2026-Advancements-in-Terminal-Tractors-Presents-Opportunities.html> (Senior Press Manager at Research and Markets)//Elmer

However, **a strong rebound in global trade** **with** the **recovery of major industries** across the globe since the middle of last year has **helped soften** the **impact of the pandemic** for trade. The **global economic recovery** is also **expected to be fueled by** the **higher production of vaccines** and vaccination rates, allowing businesses to reopen more quickly. According to World Trade Organization (WTO), the **volume** of world merchandise trade is **expected to increase by 8.0%** in 2021 after having fallen 5.3% in 2020, continuing its rebound from the pandemic-induced collapse that bottomed out in the second quarter of 2020.

#### Strong Airline Industry key to global trade and the economy – strikes obliterate these benefits.

PWC 16, Pricewaterhouse Coopers. "Economic impact of air traffic control strikes in Europe." (2016). (PricewaterhouseCoopers LLP)//Elmer

2.2.1 The importance of connectivity The International Civil Aviation Organization (ICAO) defines connectivity as an indicator of a network’s concentration and its ability to move passengers from their origin to their destination seamlessly22. **Air connectivity is key to economic growth**, in part because it **enables States to attract business investment and human capital**. An increase in air connectivity **also spurs tourism, which is vital to many countries’ economic prosperity**. There is a **range of evidence produced** by airline industry authorities and academics which **suggests** that **as aviation expands, productivity and hence GDP increases**.23 In 2013 PwC completed a **deep-dive analysis** into **how aviation connectivity** **contributes to** the UK’s economy. The study identified five channels through which aviation plays a “positive enabling role”: **trade** in services, trade in goods, tourism, **business investment and innovation**, and productivity. A key finding emerging from academic and industry studies is the **strong linkage that has been observed over the last 20 years between airline industry growth and GDP growth.** In addition, studies have found that **a 10 percent increase in business air usage, or air travel connectivity, leads to an increase in whole economy productivity of between 0.07 percent and 0.9 percent.24** This includes: x reducing air travel times, giving businesses greater efficiency of access to a wider marketplace; x facilitating oversight of far-flung operations and thereby helping control their risks; thus x enabling investment and human capital to flow more freely across borders and exploit comparative advantages. In particular, a 2006 Oxford Economics study highlights the statistical linkage between business air usage and the level of GDP – in technical terms the study found that business air usage and Total Factor Productivity have a robust co-integrating relationship. Their key result implies that, “other things equal, a 10% increase in business air usage could raise GDP by 0.6% in the long run”. The report also notes that the growth in air transport in the 10 years prior to 2006 “boosted long-run underlying productivity by 2.0% across the EU25.”25 Further evidence on the specific channels of impact of aviation on GDP is outlined in the literature review in Section 4.3 of this report. Air transport is an important enabler to achieving economic growth and development. **Air transport facilitates integration into the global economy** **and provides vital connectivity on a** national, regional, and **international scale**. World Bank In the context of this study, if an **air traffic control strike** **causes** a reduction in the ability for airlines to operate flights as scheduled, this reduces the number of passengers and shipments able to reach their desired destinations as planned. Both **cancelled and delayed flights** **obstruct trade and connectivity**. Furthermore, a **pattern of disruptions will create** **uncertainty and discourage businesses** and consumers **from activities** that require air travel, therefore **reducing trade and connectivity further**. Given the importance of the link between the whole economy productivity and the airline sector output, it is therefore crucial to incorporate this linkage directly into our economic modelling of the impact of ATC strikes.

#### Collapse of Trade causes Hotspot Escalation – goes Nuclear.

Kampf 20 David Kampf 6-16-2020 “How COVID-19 Could Increase the Risk of War” <https://www.worldpoliticsreview.com/articles/28843/how-covid-19-could-increase-the-risk-of-war> (Senior PhD Fellow at the Center for Strategic Studies at The Fletcher School)//Elmer

But that overlooked the ways in which the risk of interstate war was already rising before COVID-19 began to spread. Civil wars were becoming more numerous, lasting longer and attracting more outside involvement, with dangerous consequences for stability in many regions of the world. And the global dynamics most commonly cited to explain the falling incidence of interstate war—democracy, economic prosperity, international cooperation and others—were being upended. If the spread of democracy kept the peace, then its global decline is unnerving. **If globalization and** economic **interdependence kept** the **peace, then** a looming global depression and the **rise of** nationalism and **protectionism are disconcerting**. If regional and global institutions kept the peace, then their degradation is unsettling. If the balance of nuclear weapons kept the peace, then growing risks of proliferation are disquieting. And if America’s preeminent power kept the peace, then its relative decline is troubling. Now, the pandemic, or more specifically the world’s reaction to it, is revealing the extent to which the factors holding major wars in check are withering. The idea that war between nations is a relic of the past no longer seems so convincing. The Pessimists Strike Back More than any other individual, it was cognitive scientist Steven Pinker who popularized the idea that we are living in the most peaceful moment in human history. Starting with his 2011 bestseller, “The Better Angels of Our Nature: Why Violence Has Declined,” Pinker argued that the frequency, duration and lethality of wars between great powers have all decreased. In his 2019 book, “Enlightenment Now: The Case for Reason, Science, Humanism, and Progress,” he wrote that war “between the uniformed armies of two nation-states appears to be obsolescent. There have been no more than three in any year since 1945, none in most years since 1989, and none since the American-led invasion of Iraq in 2003.” Optimists like Pinker held that, rather than the world falling apart, as a quick glance at headline news might suggest, the opposite was true: Humanity was flourishing. More regions are characterized by peace; fewer mass killings are occurring; governance and the rule of law are improving; and people are richer, healthier, better educated and happier than ever before. In their book, “Clear and Present Safety: The World Has Never Been Better and Why That Matters to Americans,” Michael A. Cohen and Micah Zenko argued that the evidence is so overwhelming that it is difficult to argue against the idea that wars between great powers, and all other interstate wars, are becoming vanishingly rare. Even when wars do break out, they tend to be shorter and less deadly than they were in the past. John Mueller, a senior fellow at the Cato Institute, also reasoned that the idea of war, like slavery and dueling before it, was in terminal decline, while Joshua Goldstein, an international relations researcher at American University, credited the United Nations and the rise of peacekeeping operations for helping win the “war on war.” But in recent years, a range of critics have begun to poke holes in these arguments. Tanisha M. Fazal, an international relations professor at the University of Minnesota, contends that the decline in war is overstated. Major advances in medicine, speedier evacuations of wounded soldiers from the field of battle and better armor have made war less fatal—but not necessarily less frequent. Fazal and Paul Poast, who is at the University of Chicago, further assert that the notion of war between great powers as a thing of the past is based on the assumption that all such conflicts resemble World War I and II—both are historical anomalies—and overlooks the actual wars fought between great powers since 1945, from the Korean War and the Vietnam War to proxy wars from Afghanistan to Ukraine. Meanwhile, Bear F. Braumoeller, an Ohio State political science professor, analyzed the same historical data on conflicts used by Pinker, Mueller and Goldstein, and found no general downward trend in either the initiation or deadliness of warfare over the past two centuries. What’s more, Braumoeller contends that the so-called “long peace”—the 75 years that have passed without systemic war since World War II—is far from invulnerable, and that wars are just as likely to escalate now as they used to be. Just because a major interstate war hasn’t happened for a long time, doesn’t mean it never will again. In all probability, it will. And by focusing solely on interstate wars, the optimists miss half the story, at least. Wars between states have declined, but civil wars never disappeared—and these **internal conflicts** **could easily escalate into regional or global wars**. The number of conflicts in the world reached its highest point since World War II in 2016, with 53 state-based armed conflicts in 37 countries. All but two of these conflicts were considered civil wars. To make matters worse, new studies have shown that civil wars are becoming longer, deadlier and harder to conclusively end, and that these internal conflicts are not really internal. Civil wars harm the economies and stability of neighboring countries, since armed groups, refugees, illicit goods and diseases all spill over borders. Some 10 million refugees have fled to other countries since 2012. The countries that now host them are more likely to experience war, which means states with huge refugee populations like Lebanon, Jordan and Turkey face legitimate security challenges. Even after the threat of violence has diminished in refugees’ countries of origin, return migration can reignite conflicts, repeating the brutal cycle. A Yugoslav Federal Army tank. Perhaps most importantly, recent research indicates that civil wars increase the risk of interstate war, in large part because they are attracting more and more outside involvement. In a 2008 paper, researchers Kristian Skrede Gleditsch, Idean Salehyan and Kenneth Schultz explained that, in addition to the spillover effects, two other factors in civil wars increase international tensions and could possibly provoke wider interstate wars: external interventions in support of rebel groups and regime attacks on insurgents across international borders. Immediately after the Cold War, none of the ongoing civil wars around the world were internationalized. According to the Uppsala Conflict Data Program, there were 12 full-fledged civil wars in 1991—in Afghanistan, Iraq, Peru, Sri Lanka, Sudan, and elsewhere—and foreign militaries were not active on the ground in any of them. Last year, by contrast, every single full-fledged civil war involved external military participants. This is due, in part, to the huge growth in U.S. military interventions abroad into civil conflicts, but it’s not only the Americans. All of today’s major wars are in essence proxy wars, pitting external rivals against one another. Conflicts in Syria, Yemen and Libya are best understood not as civil wars, but as international warzones, attracting meddlers including the United States, Russia, Saudi Arabia, Turkey, Iran, France and many others, which often intervene not to build peace, but to resolve conflicts in a way that is favorable to their own interests. These internationalized wars are more lethal, harder to resolve and possibly more likely to recur than civil wars that remain localized. It is not that difficult to imagine how these conflicts could spark wider international conflagrations. Wars, after all, can quickly spiral out of control. As Risks Increase, Deterrents Decline To make matters worse, most of the global trends that explained why interstate war had decreased in recent decades are now reversing. The theories that democracy, prosperity, cooperation and other factors kept the peace have been much debated—but if there was any truth to them, their reversals are likely to increase the chance of war, irrespective of how long the coronavirus pandemic lasts. Democracy is often considered a prophylactic for war. Fully democratic countries are less likely to experience civil war and rarely, if ever, go to war with other democracies—though, of course, they do still go to war against non-democracies. While this would be great news if democracy and pluralism were spreading, there have now been 14 consecutive years of global democratic decline, and there have been signs of additional authoritarian power grabs in countries like Hungary and Serbia during the pandemic. If democracy backslides far enough, internal conflicts and foreign aggression will become more likely. Other theories posit that **economic bonds between countries** have **limited wars** in recent decades. Dale Copeland, a professor of international relations at the University of Virginia, has argued that **countries work to preserve ties when there are high expectations for future trade**, **but war becomes** increasingly **possible when trade is predicted to fall.** If **globalization brought peace**, the recent wave of far-right nationalism and populism around the world may increase the chances of war, as tariffs and other trade barriers go up—mostly from the United States under President Donald Trump, who has launched trade wars with allies and adversaries alike. The coronavirus pandemic immediately elicited further calls to reduce dependence on other countries, with Trump using the opportunity to pressure U.S. companies to reconfigure their supply chains away from China. For its part, China made sure that it had the homemade supplies it needed to fight the virus before exporting extras, while countries like France and Germany barred the export of face masks, even to friendly nations. And widening economic inequalities, a consequence of the pandemic, are not likely to enhance support for free trade. This assault on open trade and globalization is just one aspect of a decaying liberal international order, which, its proponents argue, has largely helped to preserve peace between nations since World War II. But that old order is almost gone, and in all likelihood isn’t coming back. The U.N. Security Council appears increasingly fragmented and dysfunctional. Even before Trump, the world’s most powerful country ratified fewer treaties per year under the Obama administration than at any time since 1945. Trump’s presidency only harms multilateral cooperation further. He has backed out of the Paris Agreement on climate change, reneged on the Iran nuclear deal, picked fights with allies, questioned the value of NATO and defunded the World Health Organization in the middle of a global health crisis. Hyper-nationalism, rather than international collaboration, was the default response to the coronavirus outbreak in the U.S. and many other countries around the world. It’s hard to see the U.S. reluctance to lead as anything other than a sign of its inevitable, if slow, decline. The country’s institutionalized inequalities and systemic racism have been laid bare in recent months, and it no longer looks like a beacon for others to follow. The global balance of power is changing. China is both keen to assert a greater leadership role within traditionally Western-led institutions and to challenge the existing regional order in Asia. Between a rising China, revanchist Russia and new global actors, including non-state groups, we may be heading toward an increasingly multipolar or nonpolar world, which could prove destabilizing in its own right. Finally, the pacifying effect of nuclear weapons could be waning. While vast nuclear arsenals once compelled the United States and the Soviet Union to reach arms control agreements, old treaties are expiring and new talks are breaking down. **Mistrust is growing**, and the **chance of an** unwanted **U.S.-Russia nuclear confrontation is** arguably as **high** as it has been since the Cuban missile crisis. The theory of nuclear peace may no longer hold if more countries are tempted to obtain their own nuclear deterrent. Trump’s decision to abandon the Iran nuclear deal, for one thing, has only increased the chance that Tehran will acquire nuclear weapons. It’s almost easy to forget that, just a few short months ago, the United States and Iran were one miscalculation or dumb mistake away from waging all-out war. And despite Trump’s efforts to negotiate nuclear disarmament with Kim Jong Un’s regime in Pyongyang, it is wishful thinking to believe North Korea will give up its nuclear weapons. At this point, negotiators can only realistically try to ensure that North **Korea’s** **nuclear menace** **doesn’t get** even **more potent**. In other words, by turning inward, the United States is choosing to leave other countries to fend for themselves. The end result may be a less stable world with more nuclear actors. If leaders are smart, they will take seriously the warning signs exposed by this global emergency and work to reverse the drift toward war. If only one of these theories for peace were worsening, concerns would be easier to dismiss. But **together**, they are unsettling. While the world is not yet on the brink of **World War III** and no two countries are destined for war, the odds of avoiding future conflicts don’t look good. The pandemic is already degrading democracies, harming economies and curtailing international cooperation, and it also seems to be fostering internal instability within states. Rachel Brown, Heather Hurlburt and Alexandra Stark argue that the coronavirus could in fact sow more civil conflict. If this proves accurate, the increase in civil wars is likely to lead to more external meddling, and these next **proxy wars** **could** soon **precipitate all-out international conflicts** if outsiders aren’t careful. **With** the **usual deterrents to conflict declining** around the world, **major wars could soon return**.

## 5

#### The Court is stimulating massive backlash over partisanship BUT liberal civil rights rulings pacify opposition.

Dr. Bruce Peabody 20, Professor of American Politics, Fairleigh Dickinson University, PhD in Government from the University of Texas at Austin, “How the Supreme Court can maintain its legitimacy amid intensifying partisanship”, The Conversation, https://theconversation.com/how-the-supreme-court-can-maintain-its-legitimacy-amid-intensifying-partisanship-148126

How courts can reinforce their standing While recent polling finds an uptick in the percentage of Americans who approve of “the way the Supreme Court is handling its job,” the general trend line shows a public that has, according to the FiveThirtyEight news site, “slowly become more disillusioned” with the high court over the past three decades. But should anyone care? Isn’t the very purpose of an independent judiciary to make its decisions with little regard for public opinion and what Alexander Hamilton called the “ill humors in the society”? The truth is, the courts need public support. Judges depend upon national and local officials to uphold their opinions, such as clerks issuing marriage licenses to same-sex couples. Law enforcement officials are required by the Supreme Court to provide certain suspects with Miranda warnings. And if the people on the losing end of court decisions believe judges are unfairly appointed and partisan, they may dismiss their judgments as illegitimate. That threatens the sense of unity and stability that Chief Justice John Roberts has said the judiciary must provide in our polarized age. Fortunately, research points to several ways courts can bolster their standing, so that when they inevitably issue controversial decisions they can withstand the ensuing storm. People, for example, are more likely to accept unfavorable judgments if they experience procedural justice – the fairness and transparency through which decisions are made. They may not like a case outcome, but they’ll go along with it if they approve of how the dispute was handled. Courts can protect procedural justice and their legitimacy by making sure each party in a case has a chance to present its story and by emphasizing respect from not only judges but clerks and other court personnel. Of course, these strategies aren’t as relevant for the millions of people who don’t have direct experience with our legal system. But judges can still reach these Americans by conveying the degree to which many decisions seem to uphold principles of law rather than giving vent to ideological beliefs. Closely divided Supreme Court decisions like the 2012 ruling upholding the Affordable Care Act, or the more recent June Medical Services v. Russo case – which struck down a Louisiana law requiring abortion providers to have admitting privileges at nearby hospitals – draw lots of attention. But it turns out that unanimous decisions on the Supreme Court are far more common. Since 2000, approximately 36% of all cases were decided 9-0. During that same span, 19% were decided 5-4. More bluntly, courts can continue to get support from ideological and partisan skeptics if these individuals can recognize victories along with their losses. Recent decisions upholding the civil rights of LGBTQ employees, for example, may blunt liberal frustration over the court’s voting rights cases, such as Shelby County v. Holder, which significantly limited the reach of the Voting Rights Act of 1965. In our closely divided and polarized era, the Supreme Court can maintain some of its legitimacy by continuing to issue what law professor Tara Leigh Grove calls “a mix of conservative and progressive decisions in high-profile cases.”

#### A Right to Strike is perceived as a key Liberal Ruling.

Lim 19 Woojin Lim 12-11-2019 "The Right to Strike" <https://www.thecrimson.com/article/2019/12/11/lim-right-to-strike/> (Philosophy BA at Harvard)//Elmer

**Strikes** are not only a means of demanding and achieving an **adequate provision of** basic **liberties** but also are themselves intrinsic, self-determined expressions of freedom and human rights. The exercise of the p**ower to strike affirms** a **quintessential** corpus of **values** **akin to liberal democracies**, notably those of dignity, liberty, and autonomy. In acts of collective defiance, strikers assert their freedoms of speech, association, and assembly. Acts of striking, marching, and picketing command the attention of the media and prompt public forums of discussion and dialogue.

#### That prevents Democratic court packing.

D. Benjamin Barros 20, Dean and Professor of Law at the University of Toledo School of Law, “How the Democrats can pack the court and de-escalate at the same time”, The Hill, https://thehill.com/opinion/judiciary/520190-how-the-democrats-can-pack-the-court-and-de-escalate-at-the-same-time

We may have reached a degree of disfunction that will force a fundamental change: Increasing the number of justices on the United States Supreme Court, or packing the court.

Democrats will be outraged if Republicans move forward with filling the vacancy caused by the death of Justice Ruth Bader Ginsburg so close to the election after refusing to bring President Obama’s nomination of Merrick Garland to a vote in 2016. In response to a potential election-year confirmation of President Trump’s anticipated nominee, Democrats are openly discussing packing the court if Joe Biden wins the presidency and Democrats win both houses of Congress in the November election.

Packing the court is remarkably easy to do legislatively. A bill increasing the number of seats on the court simply needs to pass both houses of Congress and be signed by the president. The Constitution does not proscribe the number of justices, and in our history we have had both fewer and more than nine members of the court at any given time.

The big impediment to court packing is political. Historically, packing the court would have been seen as a major violation of political norms that might in turn expose the party making the change to losses in the next election. In light of the Republican flip-flop on seating a justice in an election year, court packing by the Democrats would likely to be seen as par for the course, rather than particularly norm-breaking.

#### Court packing prevents extinction from environmental tipping points like warming---AND independently solves: CJR, democracy collapse and reproductive rights.

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A 6-3 Republican Court whose life-tenured members are openly hostile to preserving reproductive rights, addressing climate change, protecting the environment, safeguarding the civil rights of minority groups, and holding free and fair elections is “radical” because it is wildly out of touch with the hundreds of millions of people whose lives their decisions will control. This Court is not a check or a balance. It is a hostage situation. The Court’s faults, however, extend far beyond the particular group of justices who currently sit on it. This institution charges nine wealthy attorneys, trained at the same tiny circle of law schools, with the herculean task of privately negotiating uneasy resolutions to America’s most contentious disputes. (Barrett, who graduated from Notre Dame Law School in 1997, would be the first justice who did not attend Yale, Stanford, or Harvard law schools to be confirmed since the Ford administration.) Every sudden vacancy kicks off months of frenzied partisan warfare, replete with breathless, competing prognostications about how a nominee, who is careful to say nothing of substance, may or may not rule on some hypothetical high-stakes case. It is a patently ridiculous system of governance, and you would immediately recognize it as such if not for the fact that this is the way we’ve always done it. Granted, the Founders likely never envisioned the justices becoming as powerful as they are today. The Constitution has surprisingly little to say about the Supreme Court beyond its existence and its members’ subjectively-defined terms of office (“during good Behaviour”). The Court’s power of judicial review, which allows it to strike down laws that conflict with the Constitution, appears nowhere in the text; it is the brainchild of Chief Justice and legendary power-grabber John Marshall, who basically created it out of whole cloth in 1803. Since then, the judiciary has continued to siphon power from the politically accountable branches of government, whose members have been increasingly happy to foist seemingly intractable problems on judges who answer to no one. Rather than answer hard questions or take tough votes or commit to convincing people of the merits of their policy preferences, lawmakers can instead pour themselves into the task of empowering like-minded jurists who (they hope) will implement those preferences by judicial fiat, solemnly asserting that the law compels a particular result—one that just so happens to comport with their personal beliefs. This feature of the federal judiciary, as New York Magazine’s Eric Levitz writes, is extremely valuable for Republicans, because it gives a party in decline the chance to nevertheless implement an unpopular policy agenda, all while flying largely under the political radar. (This feature of the federal judiciary also explains why conservatives have invested far more resources over the years to seize control of it.) Judges have slowly transformed into an entrenched cadre of robe-clad superlegislators, where the balance of power can hinge on something as arbitrary as which octogenarian lawyer decides to retire at the right moment or happens to die at the wrong one. Such a small, insular system is extremely vulnerable to exploitation and gamesmanship, especially if the side playing the game more strategically also gets a little lucky along the way. The precise timing of Ginsburg’s death may have been a fluke, but the crisis that ensued is not; it is a foreseeable result of the Court’s fundamental brokenness. Life tenure also meant something very different 230 years ago than it does today, as savvy investments in young, loyal talent can pay off over the course of multiple generations. My daughter will be born this November. When Barrett is 87—the age at which Justice Ginsburg died—my daughter will be thinking about celebrating her 40th birthday. The modern Court is functionally a conservative oligarchy on the verge of swallowing whatever remains of representative democracy, hoping you won’t notice. The Court-packing battle is just one of many debates in which reactionaries weaponize terms like “radical” to obfuscate the urgency of change. Which of these is more dangerous, more destabilizing, more harmful: reducing the legal system’s dependence on a failed mass incarceration system, or continuing to blow hundreds of billions of dollars to put people in cages instead? What strikes you as “illegitimate”: disbanding police departments, or investing even more money in an ineffective public safety regime that cannot stop killing Black and brown people? Relative to the status quo, enacting a Green New Deal might feel “radical.” Relative to the impending heat death of the planet hastened by decades of unchecked human greed, attempting to decarbonize the U.S. economy by 2050 is, I would argue, actually kind of modest. Should Democrats capture the White House and the Senate this fall—and then have the courage to use the power Americans entrust to them—expanding the Court will be a lot of things. It will be significant. It will be groundbreaking. But it will not be “radical,” because confronting an existential crisis that threatens to hollow out democracy is exactly what people should expect their government to do.

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