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Resolved: The justices of the Supreme Court of the United States ought to be term-limited.

Definitions

On definitions,

Department of Justice 22. US Department of Justice, Offices of the US Attorneys. in 2022. The United States Attorneys serve as the nation's principal litigators under the direction of the Attorney General. Offices of the US Attorneys. "Introduction to the Federal Court System." U.S. Attorneys | Introduction To The Federal Court System | United States Department of Justice, 2 Dec. 2022, <https://www.justice.gov/usao/justice-101/federal-courts>. 🌸 BZ

The Supreme Court of the United States is the highest court in the American judicial system, and has the power to decide appeals on all cases brought in federal court or those brought in state court but dealing with federal law. For example, if a First Amendment freedom of speech case was decided by the highest court of a state (usually the state supreme court), the case could be appealed to the federal Supreme Court. However, if that same case were decided entirely on a state law similar to the First Amendment, the Supreme Court of the United States would not be able to consider the case. After the circuit court or state supreme court has ruled on a case, either party may choose to appeal to the Supreme Court. Unlike circuit court appeals, however, the Supreme Court is usually not required to hear the appeal. Parties may file a "writ of certiorari" to the court, asking it to hear the case. If the writ is granted, the Supreme Court will take briefs and conduct oral argument. If the writ is not granted, the lower court's opinion stands. Certiorari is not often granted; less than 1% of appeals to the high court are actually heard by it. The Court typically hears cases when there are conflicting decisions across the country on a particular issue or when there is an egregious error in a case. **The members of the Court are referred to as "justices"** and, like other **[these 9] federal judges**, they are appointed by the President and confirmed by the Senate **for a life term**. There are nine justices on the court – **eight associate justices and one chief justice**. The Constitution sets no requirements for Supreme Court justices, though all current members of the court are lawyers and most have served as circuit court judges. Justices are also often former law professors. The chief justice acts as the administrator of the court and is chosen by the President and approved by the Congress when the position is vacant. The Supreme Court meets in Washington, D.C. The court conducts its annual term from the first Monday of October until each summer, usually ending in late June.

"Term limit" restricts the number of years a Justice may serve.

This will likely take the form of 18-year term limits, because according to

Buchanan 20, Senior Director. Senior Director and Senior Legal Fellow, Women's Initiative. Buchanan, Maggie Jo. "The Need for Supreme Court Term Limits." Center for American Progress, 3 Aug. 2020, <https://www.americanprogress.org/article/need-supreme-court-term-limits/>. 🌸 BZ

While there is a range of potential term-limit proposals, there are some general principles that have rightly achieved broad support. **An 18-year nonrenewable limit is overwhelmingly the most common proposal**, although Chief Justice Roberts once expressed support for a 15-year term.¹⁰ Justice Breyer has argued that an 18-year term period would give justices enough time to fully learn the job and develop jurisprudence—a position bolstered by the fact that many justices have voluntarily retired after a similar period of service on the court.¹¹ Moreover, under advocacy organization Fix the Court's bipartisan model, the 18-year term would be staggered so that a vacancy[ies] would open every [few] two years. This would make certain that **each presidential term would bring two new justices—helping to ensure the court reflects the general public**.¹² Once at the end of their term, justices would have the option to continue to work as fully compensated federal judges in senior status, as all currently retired Supreme Court justices have elected to do.

Framework

The value is morality because the word ought in the resolution indicates a moral obligation

The United States is a democracy, because according to

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But a democratic republic is US [the US]. Exactly. Throughout our history we have functioned as both. Put another way, we have utilized characteristics of both. The people decide, but they do so through elected representatives working in pre-established, rule-bound and intentionally balky institutions such as Congress and the courts. The government seated in Washington, D.C., represents a [democracy] democratic republic, which governs a federated union of states, each of which in turn has its own democratic-republican government for its jurisdiction. The relationship between the democratic and republican elements of this equation has been a dynamic and essential part of our history. But it has not always been easy, and in our time the friction between them has become yet another flashpoint in our partisan wars.

Thus, the value criterion is upholding democratic values.

Prefer OUR criterion:

1st -- Democracy produces the best outcomes and individual liberty. Civilian government matters for every moral right.

Jones writes [Sean M. Lynn-Jones | March 1998; Associate, International Security Program Editorial Board Member, Quarterly Journal: International Security Former Editor, International Security; Former Series Editor, Belfer Center Studies in International Security; "Why the United States Should Spread Democracy," <https://www.belfercenter.org/publication/why-united-states-should-spread-democracy>] brett

The first way in which the spread of democracy enhances the lives of those who live in democracies by promoting individual liberty, including freedom of expression, freedom of conscience, and freedom to own private property ²²

Respect for the liberty of individuals is an inherent feature of democratic politics. As Samuel Huntington has written, liberty is "the peculiar virtue of democracy." ²³ A democratic

political process based on electoral competition depends on freedom of expression of political views and freedom to make electoral choices. Moreover, governments that are accountable to the public are less likely to deprive their citizens of human rights. The global spread of democracy is likely to bring greater individual liberty to more and more people. Even imperfect and illiberal democracies tend to offer more liberty than autocracies, and liberal democracies are very likely to promote liberty. Freedom House's 1997 survey of "Freedom in the World" found that 79 out of 118 democracies could be classified as "free" and 39 were "partly free" and, of those, 29

qualified as "high partly free." In contrast, only 20 of the world's 73 nondemocracies were "partly free" and 53 were "not free." ²⁴ The case for the maximum possible amount of individual

freedom can be made on the basis of utilitarian calculations or in terms of natural rights The utilitarian

case for increasing the amount of individual liberty rests on the belief that increased liberty will enable more people to realize their full human potential, which will benefit not only themselves but all of humankind. This view holds that greater liberty will allow the human

spirit to flourish, thereby unleashing greater intellectual, artistic, and productive energies that will ultimately benefit all of humankind. The rights-based case for liberty, on the other hand, does not focus on the consequences of increased liberty, but instead argues

that all men and women, by virtue of their common humanity, have a right to freedom. This argument is most memorably expressed in the American Declaration of Independence: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness ..." The virtues of greater individual liberty are not self-evident. Various political ideologies argue against making liberty the paramount goal of any political system. Some do not deny that individual liberty is an important goal, but call for limiting it so that other goals may be achieved. Others place greater emphasis on obligations to the community. The British Fabian Socialist Sidney Webb, for example, articulated this view clearly: "The perfect and fitting development of each individual is not necessarily the utmost and highest cultivation of his own personality, but the filling, in the best possible way, of his humble function in the

great social machine." ²⁵ To debate these issues thoroughly would require a paper far longer than this one. ²⁶ The short response to most critiques of liberty is that there appears to be a universal demand for

liberty among human beings Particularly as socioeconomic development elevates societies above

subsistence levels, individuals desire more choice and autonomy in their lives. More important, most political

systems that have been founded on principles explicitly opposed to liberty have tended to devolve into

tyrannies or to suffer economic, political, or social collapse. Liberal Democracies are Less Likely to Use

Violence Against Their Own People Second, America should spread liberal democracy because the citizens of liberal democracies are less likely to suffer violent death in civil unrest or at the hands of their governments.²⁷ These two findings are **supported by many studies**, but particularly by the work of R.J. Rummel. Rummel finds that democracies-by which he means liberal democracies-between 1900 and 1987 saw only 0.14% of their populations (on average) die annually in internal violence. The corresponding figure for authoritarian

regimes was 0.59% and for totalitarian regimes 1.48%.²⁸ Rummel also finds that citizens of liberal democracies are far less likely to die at the hands of their governments. **Totalitarian and authoritarian regimes have been responsible for the overwhelming majority of genocides and mass murders of civilians in the twentieth century**. The states that have killed millions of their citizens all have been authoritarian or totalitarian: the **Soviet Union**, the People's Republic of China, **Nazi Germany**, **Nationalist China**, **Imperial Japan**, and Cambodia under the **Khmer Rouge**.

Democracies have virtually never massacred their own citizens on a large scale, although they have killed foreign civilians during wartime. The American and British bombing campaigns against Germany and Japan, U.S. atrocities in Vietnam, massacres of Filipinos during the guerrilla war that followed U.S. colonization of the Philippines after 1898, and French killings of Algerians during the Algerian War are some prominent examples.²⁹ There are two reasons for the relative absence of civil violence in democracies: **(1) Democratic political systems-especially those of liberal democracies constrain the power of governments, reducing their ability to commit mass murders of their own populations**. As Rummel concludes, "Power kills, absolute power kills absolutely ... The more freely a political elite can control the power of the state apparatus, the more thoroughly it can repress and murder its subjects."³⁰ **(2) Democratic polities allow opposition to be expressed openly and have regular processes for the peaceful transfer of power**. If all participants in the political process remain committed to democratic principles, critics of the

government need not stage violent revolutions and governments will not use violence to repress opponents.³¹ **Democracy [They] Enhances Long-Run Economic Performance**

A third reason for promoting democracy is that **democracies tend to enjoy greater prosperity over long periods of time**. As democracy spreads, more individuals are likely to enjoy greater economic benefits. Democracy does not necessarily usher in prosperity, although some observers claim that "a close correlation with prosperity" is one of the "overwhelming advantages" of democracy.³² Some democracies, including India and the Philippines, have languished economically, at least until the last few years. Others are among the most prosperous societies on earth. Nevertheless, over the long haul democracies generally prosper. As Mancur Olson points out: "It is no accident that the countries that have reached the highest level of economic performance across generations are all stable democracies."³³ Authoritarian regimes often compile impressive short-run economic records. For several decades, the Soviet Union's annual growth in gross national product (GNP) exceeded that of the United States, leading Soviet Premier Nikita Khrushchev to pronounce "we will bury you." China has posted double-digit annual GNP increases in recent years. But autocratic countries rarely can sustain these rates of growth for long. As Mancur Olson notes, "experience shows that relatively poor countries can grow extraordinarily rapidly when they have a strong dictator who happens to have unusually good economic policies, such growth lasts only for the ruling span of one or two dictators."³⁴ The Soviet Union was unable to sustain its rapid growth; its economic failings ultimately caused the country to disintegrate in the throes of political and economic turmoil. Most experts doubt that China will continue its rapid economic expansion. Economist Jagdish Bhagwati argues that "no one can maintain these growth rates in the long term. Sooner or later China will have to rejoin the human race."³⁵ Some observers predict that the stresses of high rates of economic growth will cause political fragmentation in China.³⁶ Why do democracies perform better than autocracies over the long run? Two reasons are particularly persuasive explanations. First, democracies-especially **liberal democracies** are more likely to have market economies, and market economies tend to produce economic growth over the long run. Most of the world's leading economies thus tend to be market economies, including the United States, Japan, the "tiger" economies of Southeast Asia, and the members of the Organization for Economic Cooperation and Development. Two recent studies suggest that there is a direct connection between economic liberalization and economic performance. Freedom House conducted a World Survey of Economic Freedom for 1995-96, which evaluated 80 countries that account for 90% of the world's population and 99% of the world's wealth on the basis of criteria such as the right to own property, operate a business, or belong to a trade union. It found that the countries rated "free" generated 81% of the world's output even though they had only 17% of the world's population.³⁷ A second recent study confirms the connection between economic freedom and economic growth. The Heritage Foundation has constructed an Index of Economic Freedom that looks at 10 key areas: trade policy, taxation, government intervention, monetary policy, capital flows and foreign investment, banking policy, wage and price controls, property rights, regulation, and black market activity. It has found that countries classified as "free" had annual 1980-1993 real per capita Gross Domestic Product (GDP) (expressed in terms of purchasing power parities) growth rates of 2.88%. In "mostly free" countries the rate was 0.97%, in "mostly not free" ones -0.32%, and in "repressed" countries -1.44%.³⁸ Of course, some democracies do not adopt market economies and some autocracies do, but liberal democracies generally are more likely to pursue liberal economic policies. Second, democracies that embrace liberal principles of government are likely to create a stable foundation for long-term economic growth. Individuals will only make long-term investments when they are confident that their investments will not be expropriated. These and other economic decisions require assurances that private property will be respected and that contracts will be enforced. These conditions are likely to be met when an impartial court system exists and can require individuals to enforce contracts. Federal Reserve Chairman Alan Greenspan has argued that: "The guiding mechanism of a free market economy ... is a bill of rights, enforced by an impartial judiciary."³⁹ These conditions also happen to be those that are necessary to maintain a stable system of free and fair elections and to uphold liberal principles of individual rights. Mancur Olson thus points out that "the conditions that are needed to have the individual rights needed for maximum economic development are exactly the same conditions that are needed to have a lasting democracy ... the same court system, independent judiciary, and respect for law and individual rights that are needed for a lasting democracy are also required for security of property and contract rights."⁴⁰ Thus liberal democracy is the basis for long-term economic growth. A third reason may operate in some circumstances: democratic governments are more likely to have the political legitimacy necessary to embark on difficult and painful economic reforms.⁴¹ This factor is particularly likely to be important in former communist countries,

but it also appears to have played a role in the decisions India and the Philippines have taken in recent years to pursue difficult economic reforms.⁴² **Democracies [and] Never Have Famines** Fourth, the United States should spread democracy because the citizens of democracies do not suffer from famines. The economist Amartya Sen concludes that "one of the remarkable facts in the terrible history of famine is that no substantial famine has ever occurred in a country with a democratic form of government and a relatively free press."⁴³ This striking empirical regularity has been overshadowed by the apparent existence of a "democratic peace" (see below), but it provides a powerful argument for promoting democracy. Although this claim has been most closely identified with Sen, other scholars who have studied famines and hunger reach similar conclusions. Joseph Collins, for example, argues that: "Wherever political rights for all citizens truly flourish, people will see to it that, in due course, they share in control over economic resources vital to their survival. Lasting food security thus requires real and sustained democracy."⁴⁴ Most of the countries that have experienced severe famines in recent decades have been among the world's least democratic: the **Soviet Union** (Ukraine in the early 1930s), **China**, **Ethiopia**, **Somalia**, **Cambodia** and **Sudan**. Throughout history, famines have occurred in many different types of countries, but never in a democracy. Democracies do not experience famines for two reasons. First, in democracies governments are accountable to their populations and their leaders have electoral incentives to prevent mass starvation. The need to be reelected impels politicians to ensure that their people do not starve. As Sen points out, "the plight of famine victims is easy to politicize" and "the effectiveness of democracy in the prevention of famine has tended to depend on the politicization of the plight of famine victims, through the process of public discussion, which generates political solidarity."⁴⁵ On the other hand, authoritarian and totalitarian regimes are not accountable to the public; they are less likely to pay a political price for failing to prevent

famines. Moreover, authoritarian and totalitarian rulers often have political incentives to use famine as a means of exterminating their domestic opponents. Second, the existence of a free press and the **free flow of information in democracies prevents famine by serving as an early warning system on the effects of natural catastrophes such as floods and droughts that may cause food scarcities**. A free press that criticizes government policies also can publicize the true level of food stocks and reveal problems of distribution that might cause famines even when food is plentiful.⁴⁶ Inadequate information has contributed to several famines. During the 1958-61 famine in China that killed 20-30 million people, the Chinese authorities overestimated the country's grain reserves by 100 million metric tons. This disaster later led Mao Zedong to concede that "Without democracy, you have no understanding of what is happening down below."⁴⁷ The 1974 Bangladesh famine also could have been avoided if the government had had better information. The food supply was high, but floods, unemployment, and panic made it harder for those in need to obtain food.⁴⁸ The two factors that prevent famines in democracies-electoral incentives and the free flow of information-are likely to be present even in democracies that do not have a liberal political culture. These factors exist when leaders face periodic elections and when the press is free to report information that might embarrass the government. A full-fledged liberal democracy with guarantees of civil liberties, a relatively free economic market, and an independent judiciary might be even less likely to suffer famines, but it appears that the rudiments of electoral democracy will suffice to prevent famines. The ability of democracies to avoid famines cannot be attributed to any tendency of democracies to fare better economically. Poor democracies as well as rich ones have not had famines. India, Botswana, and Zimbabwe have avoided famines, even when they have suffered large crop shortfalls. In fact, the evidence suggests that democracies can avoid famines in the face of large crop failures, whereas nondemocracies plunge into famine after smaller shortfalls. Botswana's food production fell by 17% and Zimbabwe's by 38% between 1979-81 and 1983-84, whereas Sudan and Ethiopia saw a decline in food production of 11-12% during the same period. Sudan and Ethiopia, which were nondemocracies, suffered major famines, whereas the democracies of Botswana and Zimbabwe did not.⁴⁹ If, as I have argued, democracies enjoy better long-run economic performance than nondemocracies, higher levels of economic development may help democracies to avoid famines. But the absence of famines in new, poor democracies suggests that democratic governance itself is sufficient to prevent famines. The case of India before and after independence provides further evidence that democratic rule is a key factor in preventing famines. Prior to independence in 1947, India suffered frequent famines. Shortly before India became independent, the Bengal famine of 1943 killed 2-3 million people. Since India became independent and democratic, the country has suffered severe crop failures and food shortages in 1968, 1973, 1979, and 1987, but it has never

suffered a famine.⁵⁰ **Democracy is Good for the International[ly] System** In addition to improving the lives of individual citizens in new democracies, the spread of democracy will benefit the international system by reducing the likelihood of war. Democracies do not wage war on other democracies. This absence-or near absence, depending on the definitions of "war" and "democracy"-used-has been called "one of the strongest nontrivial and nontautological generalizations that can be made about international relations."⁵¹ One scholar argues that " **[proven by] the absence of war between democracies** comes as close as

anything we have to an empirical law in international relations.⁵² If the number of democracies in the international system continues to grow, the number of potential conflicts that might escalate to war will diminish. Although wars between democracies and nondemocracies would persist in the short run, in the long run an international system composed of democracies would be a peaceful world. At the very least, adding to the number of democracies would gradually enlarge the democratic "zone of peace."¹ The Evidence for the Democratic Peace **Many studies** have found that there are virtually no historical cases of democracies going to war with one another. In an important two-part article published in 1983, Michael

Doyle compares all international wars between 1816 and 1980 and a list of liberal states.⁵³ Doyle concludes that "constitutionally secure liberal states have yet to engage in war with one another."⁵⁴ **Subsequent statistical studies** have found that this absence of war between democracies is **statistically significant** and is not the result of **random chance**.⁵⁵ Other analyses have concluded that the influence of other variables, including geographical proximity and wealth, do not detract from the significance of the finding that democracies rarely, if ever, go to war with one another.⁵⁶ Most studies of the democratic-peace proposition have argued that democracies only enjoy a state of peace with other democracies; they are just as likely as other states to go to war with nondemocracies.⁵⁷ There are, however, several scholars who argue that democracies are inherently less likely to go to war than other types of states.⁵⁸ The evidence for this claim remains in dispute, however, so it would be premature to claim that spreading democracy will do more than to enlarge the democratic zone of peace.

AND

2nd reason -- Debate itself -- the fact we as debaters do research to cite unbiased articles and switch sides every round proves that this very activity is dependent on strong democratic values.

Contention 1 – Legitimacy

The Supreme Court is losing public legitimacy now – but term limits can boost government accountability and trust

Eisen & Matsuki 22, governance experts. Ambassador Norman Eisen (ret.) is a senior fellow in Governance Studies at Brookings and an expert on law, ethics, and anti-corruption. Sasha Matsuki is a Research Intern in the Governance Studies program at The Brookings Institution. Eisen, Norman, and Sasha Matsuki. “Term Limits-a Way to Tackle the Supreme Court's Crisis of Legitimacy.” Brookings, Brookings, 26 Sept. 2022, <https://www.brookings.edu/blog/fixgov/2022/09/26/term-limits-a-way-to-tackle-the-supreme-courts-crisis-of-legitimacy/>. 🍷 BZ

Term limits—a way to tackle the Supreme Court's crisis of legitimacy In late June, the Supreme Court overturned *Roe v. Wade* in a landmark decision grossly out of step with how Americans feel about abortion. **Polling immediately following the *Roe* reversal showed it exacerbated already crashing public trust in the Court and its neutrality, further endangering a crucial democratic institution. Restoring faith in the Court is an essential undertaking in order to preserve our democratic institutions. Among the most discussed proposals to restore trust in the Court are tenure limits on justices.** We favor them because they would help restore confidence in the institution as an independent judicial body insulated from partisan concerns and address the Court's legitimacy crisis. At the end of 2021, Chief Justice Roberts' Year-End Report on the Federal Judiciary stressed the importance of a Court empowered by its institutional independence, insulated from “inappropriate political influence” to ensure a preservation of public trust. Despite this, **Americans have their doubts: of the 84 percent who say that justices should keep their political views out of their decisions, only 18 percent feel they do it well.** Polling also shows that only 48 percent of Americans now have a favorable opinion of the Court two and a half months following *Dobbs*—down from 54 percent in January 2022 and 70 percent in July 2020. In their disapproval, **Americans are looking for change—67 percent [of Americans] are in favor of term limits.** Judicial appointments are also increasingly contentious. The recent appointments of Justices Kavanaugh and Brown Jackson were characterized by a type of partisan infighting that had died down since the now long-ago hearings of Bork and Thomas. The days of justices receiving over 90 votes ended with the late Justice Ginsburg's confirmation in 1993. **The court is losing the faith of the the American people.** Something must be done. Ours is an enterprise in which the rule of law, rather than the rule of the individual, plays a central part. Above all, the nation's highest court is crucial for this. A variety of options to restore trust exist, and we review them now before turning to our preferred choice of term limits. For additional examination of the ideas laid out by the authors here, readers may refer to the Final Report of the Presidential Commission on the Supreme Court, which further reflects the debate on the Court via the expertise of various legal scholars. MORE JUSTICES OF the proposals for changing the structure of the Supreme Court, increasing the number of justices on the bench, sometime disparagingly referred to as court packing, remains the most contentious. Though the Constitution does not stipulate the number of justices, there have been nine since 1869 when there were nine federal court circuits. President Roosevelt most famously tested that norm in 1937 in his push to add seats to the Court after the justices stymied his New Deal ambitions. The Senate Judiciary committee sent a negative recommendation to the Senate regarding the proposal: “The bill is an invasion of judicial power such as has never before been attempted in this country.” The bill summarily failed—but the Supreme Court appeared to get the message and began moving the New Deal proposals through. In the period following the late Justice Ruth Bader Ginsburg's death, there were calls to expand the Court if then-Senate Majority Leader Mitch McConnell were to work with former President Trump to replace her. Senator Markey of Massachusetts tweeted that “if he [McConnell] violates it, when Democrats control the Senate in the next Congress, we must abolish the filibuster and expand the Supreme Court.” Representative Nadler of New York echoed those sentiments. To take one example of how to do that, expanding the Court to thirteen would match the current number of federal court circuits. However, opponents would undoubtedly use the filibuster (and the related requirement of 60 votes to end debate) to block this. Thus, doing so would require a filibuster “carve-out” majority vote to change the filibuster rules. That would lower the threshold to a simple 51-vote majority to end debate, at least on the number of justices. Senator McConnell previously used such a carve-out strategy in 2017 to reduce the number of votes to confirm new justices from 60 to a simple majority and confirm Justice Gorsuch. But even though Democrats have 51 votes in the current Senate (including the Vice President as the tiebreaker in the evenly divided Senate), they were unable to muster the votes for filibuster reform for other purposes. And although one of the authors (Eisen) is open to this approach, and the other (Matsuki) less so, we acknowledge that political difficulties aside, increasing the number of justices as a means of restoring legitimacy bears risks. The public might view the expanded Court as serving the party with the greatest number of appointed justices when Americans already overwhelmingly feel that justices are doing a poor job of keeping their politics out of decisions. Moreover, once the norm of nine justices is changed, each party may keep expanding from the Court and appointing more justices once it controls the presidency and has the requisite votes in the Senate. Rather than salvage the Court's neutrality, more justices might affect the image of SCOTUS as another partisan battleground, affecting hopes of rehabilitating their judicial independence and trust. AGE LIMITS Age limits on Supreme Court justices offer another possible solution to the issues posed by lifetime appointments. The Senate attempted to implement them in 1954 by consideration of a constitutional amendment that would have created a mandated retirement age of 75 for all federal judges. Soon after however, political energy shifted, and the amendment was abandoned as attention turned to the fight against desegregation with Brown v. Board of Education. Today, age limits could appear as a straightforward solution to the Court's image woes. Justices would serve their terms and retire at a predetermined age, going on to continue serving on lower courts and taking on senior status. Several state supreme courts utilize age limits, such as Massachusetts and New Jersey, so proponents may point to these examples as instances where this policy works effectively at the state level. Implementation for the Supreme Court, however, raises several fundamental issues. First, we don't support age discrimination. Second, future presidents might seek to evade this limit by nominating younger and younger nominees to extend their impact on the Court. We have already seen this trend but it risks being extended to an unbounded degree. Justices might continue to maintain their appointments for equally extended periods as at present. The system could end up functioning essentially the same as the current lifetime appointments, defeating the purpose of installing age limits. Third, by looking for younger nominees, presidents would run the risk of skipping over highly qualified judges whose time on the Court would improve the quality of decisions and public standing of the institution, despite their age. But there is another chronological solution that avoids these disadvantages, and we turn to it now. **TENURE LIMITS Tenure [term] limits are a more robust alternative.** They would ensure a cyclical and predictable turnover, something that Justices Kagan, Breyer, and Roberts have reflected on as positives for the Court. **This would allow for new minds to join regularly and ensure one president or party does not have an outsized influence on the Court and trajectory of constitutional review for decades to come**—with each president likely being able to appoint a justice at least once or twice during his or her term in the White House. **An increase in turnover would also mean justices are less insulated from everyday life and more in touch with the direction of legal analysis on particularly contentious issues.** Tenure limits require determining exactly what the length of service should be. Current proposals have floated 18-year, nonrenewable terms, as in a 2021 bill by Representatives Khanna, Beyer, Lee, and Tlaib. A new justice would be appointed every two years on this plan, with current justices being exempt. This 18-year term length is shorter than the current average of about 25 to 26 years for justices who have left the Court since 1970, but term limits are in part designed to encourage turnover. **Terms shorter than the current average are thus an advantage** of the proposal. Since the terms would be nonrenewable, there would be an increase in the number of retired Supreme Court justices. Already, justices tend to take on senior status post retirement and continue to perform judicial duties such as sitting on lower appellate courts when needed. Fortunately, shifting the structure of term length on the Supreme Court would not put it out of touch with other levels of the American judiciary: **nearly all states have some form of term or age limits on their supreme courts.** Rhode Island is the one state with a life term and no mandated retirement age. **CONCLUSION The Supreme Court should be a body that is independent and insulated from partisanship.** Instead, it has become a battleground for political infighting. The way Americans feel about the Court reflects this increasing partisanship and politicization. **Though it would not be easy, changing the way that tenure functions would be an important step towards rebuilding public trust in the Court's capability as an independent body, removing it from beneath the specter of partisan politics.** There is strong appetite for change. Fifty-seven percent of Republicans, 82 percent of Democrats, and 51 percent of independents are in favor of setting a specific number of years that Supreme Court justices serve instead of life terms. **Though respondents were not offered a specific proposal or terms, representatives have already attempted to move the needle in favor of term limits—specifically 18-year, nonrenewable terms as discussed above.** Moreover, 7th Circuit Judge Diane Woods said she found the 18-year term limit idea “ambitious” and “intriguing”.

Term limits regularize the Justice appointment process – representing today's population rather than views half a century ago.

Congressman Johnson, 2022. Johnson, Hank. "Rep. Johnson Introduces Supreme Court Justice Term Limit Measure to Restore Balance, Legitimacy for Scotus." Congressman Hank Johnson, 26 July 2022, <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-introduces-supreme-court-justice-term-limit-measure-restore>. 🌸 BZ

WASHINGTON, D.C. – In an effort to restore legitimacy and independence to the nation's highest court, today Congressman Hank Johnson (GA-04) introduced the Supreme Court Tenure Establishment and Retirement Modernization (TERM) Act, which would establish term limits for Supreme Court justices while preserving constitutional protections for judicial independence in decision making. Under the TERM Act, a new justice would take the bench every two years and spend 18 years in active service. Sen. Sheldon Whitehouse (RI) is introducing the legislation in the U.S. Senate. "This Supreme Court is increasingly facing a legitimacy crisis," said Rep. Johnson, Chairman of the Judiciary Subcommittee on Courts, Intellectual Property and the Internet. "Five of the six conservative justices on the bench were appointed by presidents who lost the popular vote, and they are now racing to impose their out-of-touch agenda on the American[s] people, who do not want it. Term limits are a necessary step toward restoring balance to [an] this radical, unrestrained majority on the court. I am pleased to have the support of Judiciary Committee Chairman Nadler, and Subcommittee Chairs Cicilline, Cohen, and Jackson Lee, and Rep. Bass, along with Rep. Khanna, who has been a champion of this issue." "With all the harmful and out-of-touch rulings from the Supreme Court this last year, legislation creating 18-year terms for justices is essential," said Chairman Jerrold Nadler. "Otherwise, we will be left with backwards-looking majority for a generation or more. Instead, under this bill, each President would be entitled to appoint two justices. We would begin to see [the] a Court that better represents this nation and that better reflects the public whose rights it is responsible for protecting." "Instituting term limits for Supreme Court Justices will help rebalance the bench and restore the public's trust in our nation's highest court.," said Rep. David Cicilline, chairman of the Judiciary Subcommittee on Antitrust, Commercial and Administrative Law. "We must address the crisis currently facing the Court in terms of its legitimacy and the public's confidence in it. This legislation is an important step to restoring the Court's important role in our constitutional system." The Supreme Court TERM Act would: • Establish terms of 18 years in regular active service for Supreme Court justices, after which justices who retain the office will assume senior status; • Establish regular appointments of Supreme Court justices in the first and third years following a presidential election as the sole means of Supreme Court appointments; • Require current justices to assume senior status in order of length of service on the Court as regularly appointed justices receive their commissions; • Preserve life tenure by ensuring that senior justices retired from regular active service continue to hold the office of Supreme Court justice, including official duties and compensation; and • **Require the Supreme Court justice who most recently assumed senior status to fill in on the Court if the number of justices in regular active service falls below nine.** America is alone among modern constitutional democracies in allowing its high-court justices to serve for decades without term or age limits, resulting in some Presidents appointing no justices and others appointing as much as a third of the Court. Regularizing appointments every two years will ensure a Supreme Court that is more representative of the nation, reflecting the choices of recently elected Presidents and Senators. Term limits for Supreme Court justices are an essential tool to restoring a constitutional balance to the three branches of the federal government.

We have two links to saving democracy:

Subpoint A] Low trust in the Supreme Court means power taken from citizens

Knowlton 20, regulatory advisor. Natalie Anne Knowlton is an advisor on regulatory innovation at IAALS and Co-Founder of Access to Justice Ventures, LLC. Knowlton, Natalie Anne. "Trusting the Public's Perception of Our Justice System." IAALS, 27 Aug. 2020, <https://iaals.du.edu/blog/trusting-public-s-perception-our-justice-system>. 🌸 BZ

Public trust and confidence in our government institutions is critical [for] to the functioning of our [democracy] democratic republic. While members of the public are directly involved in electing the executive and legislative branches, **the judicial branch is somewhat removed from direct public engagement.** By design, **the public has no direct role** building out and maintaining the ranks of the federal judiciary. And while there are many states that do have some form of judicial elections (for better or worse), being further down the ballot means these races generally garner less public engagement than do other local positions. **Nevertheless, the judiciary does not operate in a vacuum, separate from the public it serves. Our independent courts rely on the trust and confidence of the public—and when the public has neither, we not only undermine our justice [and democracy] system, but our democratic system as a whole.** Setting the Bar High(er) for Trust in Our Judiciary This is an area of great interest to me—and more broadly at IAALS. After all, perception is reality (no matter how much we deny that truth), and if the public has little confidence in the courts, all of our work here at IAALS is for naught. Part of what drives my personal interest in this issue is a belief that the public's level of confidence in the system is unacceptably low.

Subpoint B] Court Legitimacy is key to stop Democratic Backsliding

Ura and Hall 22, professors Joseph Daniel Ura and Matthew Hall 10-31-2022 "The Dangers Behind the Supreme Court Losing Legitimacy" <https://flaglerlive.com/182667/supreme-court-legitimacy-2/> (Joseph Daniel Ura is Professor of Political Science at Texas A&M University. Matthew Hall is the David A. Potenziani Memorial College Professor of Constitutional Studies, Professor of Political Science, Concurrent Professor of Law, and Director of the Rooney Center for the Study of American Democracy at the University of Notre Dame.)/Elmer

The Supreme Court's historically **low public standing** has **prompted a national conversation about the court's legitimacy.** It's even drawn rare public comment from three sitting Supreme Court justices. What's referred to by experts as the problem of "judicial legitimacy" may seem abstract, but the court's faltering public support is about more than popularity. **Eroding legitimacy means** that **government officials and ordinary people become increasingly unlikely to accept public policies with which they disagree.** And Americans need only look to the relatively recent past to understand the stakes of the court's growing legitimacy problem. **Cost 'paid in blood'** The Supreme Court's 1954 decision in Brown v. Board of Education shined a light on many white Americans' tenuous loyalty to the authority of the federal judiciary. In Brown, the court unanimously held that racial segregation in public education violates the equal protection clause of the 14th Amendment. The justices were abundantly aware that their decision would evoke strong emotions. **So Chief Justice Earl Warren worked tirelessly to ensure that the court issued a unanimous, short and readable opinion designed to calm the anticipated popular opposition.** Warren's efforts were in vain. **Rather than recognizing the court's authoritative interpretation of the Constitution, many white Americans participated in an extended, violent campaign of resistance to the desegregation ruling.** Resistance in the South to the Supreme Court's school desegregation order was strong and often violent. This billboard urged impeachment of the court's then-chief justice, Earl Warren. AP photo The integration of the University of Mississippi in 1962 provides a pointed example of this resistance. The Supreme Court had backed a lower federal court that ordered the university to admit James Meredith, a Black Air Force veteran. But Mississippi Gov. Ross Barnett led a wide-ranging effort to stop Meredith from enrolling at Ole Miss, including deploying state and local police to prevent Meredith from entering campus. On Sunday, Sept. 30, 1962, Meredith nevertheless arrived on the university's campus, guarded by dozens of federal marshals, to register and begin classes the next day. A crowd of 2,000 to **3,000 people gathered on campus and broke into a riot.** Meredith and the marshals were attacked with Molotov cocktails and gunfire. The marshals fired tear gas in return. In response, President John F. Kennedy invoked the Insurrection Act of 1807 and ordered the U.S. Army onto campus to restore order and protect Meredith. Overnight, thousands of troops arrived, battling rioters. The violence finally ended after 15 hours, leaving two civilians dead – both killed by rioters – and dozens of wounded marshals and soldiers in addition to hundreds of injuries among the insurgent mob. The next day, Oct. 1, Meredith enrolled in the university and attended his first class, but thousands of troops remained in Mississippi for months afterward to preserve order. **What some call "the Battle of Oxford" was fueled by white racism and segregation, but it played out against the backdrop of weak judicial legitimacy. Federal courts did not command enough respect among state officials or ordinary white Mississippians to protect the constitutional rights of Black Mississippians.** Neither Gov. Barnett nor the thousands of Oxford rioters were willing to follow the court order for Meredith to enroll at the university. In the end, the Constitution and the federal courts prevailed only because Kennedy backed them with the Army. But the cost of weak judicial legitimacy was paid in blood. Legitimacy leads to

acceptance In contrast, when people believe in the legitimacy of their governing institutions, they are more likely to accept, respect and abide by the rules the government – including the courts – ask them to live under, even when the stakes are high and the consequences are far-reaching. For example, two decades ago, the Supreme Court resolved a disputed presidential election in Bush v. Gore, centered on the counting of ballots in Florida. This time, the court was deeply divided along ideological lines, and its long, complicated and fragmented opinion was based on questionable legal reasoning. But in 2000, the court enjoyed more robust legitimacy among the public than it does today. As a consequence, Florida officials ceased recounting disputed ballots. Vice President Al Gore conceded the election to Texas Gov. George W. Bush, specifically accepting the Supreme Court's pivotal ruling. No Democratic senator challenged the validity of Florida's disputed Electoral College votes for Bush. Congress certified the Electoral College's vote, and Bush was inaugurated. Democrats were surely disappointed, and some protested. But the court was viewed as sufficiently legitimate to produce enough acceptance by enough people to ensure a peaceful transition of power. There was no violent riot; there was no open resistance. Indeed, on the very night that Gore conceded, the chants of his supporters gathered outside tacitly accepted the outcome: "Gore in four!" – as if to say, "We'll get you next time, because we believe there will be a next time." Risks ahead But what happens when institutions fail to retain citizens' loyalty? The Jan. 6, 2021, insurrection showcased the consequences of broken legitimacy. The rioters who stormed the Capitol had lost faith in systems that undergird American democracy: counting presidential votes in the states, tallying Electoral College ballots and settling disputes over election law in the courts. The rioters may well have believed their country was being stolen, even if such beliefs were baseless. So, they rebelled in the face of a result they didn't like. This threat is far from gone. In addition to numerous important questions about individual rights and the scope of government power, the Supreme Court may soon be asked to resolve disputes over the administration of elections and the power to certify election winners – particularly the authority to designate a slate of presidential electors. Nothing is certain in politics, but the specter of constitutional crisis looms over the United States. It's dangerously unclear whether the Supreme Court retains enough legitimacy to authoritatively resolve such disputes. If it doesn't, the court's abstract [lost] legitimacy problem could once again end with blood in the streets.

The impact is therefore economic collapse and mass violence – democracy prevents all the harms we mentioned in our framework part at the start of our speech.

This culminates in civil conflict that could go nuclear – especially exacerbated by a weakened democracy

Laitman 17, Ontology Professor [Michael; 8/25/17; Professor of Ontology and Theory of Knowledge, Ph.D. in Philosophy from the Russian Academy of Science, "There Will Be No Winners in the Second Civil War," News Max, <https://www.newsmax.com/michaellaitman/america-civil-war-newt-gingrich-don-lemon/2017/08/25/id/809867/>]

Referencing Dennis Prager's piece, "America's Second Civil War," Gingrich added, "What you're seeing with Antifa, what you're seeing on college campuses, what you're seeing, to some extent, in the bureaucracy, is a real division of the country. ...I wish we could all sing Kumbaya and come together but I don't think that's what's gonna happen. ...As a historian, my view is pretty straightforward: one side or the other wins."

America is already so rife with extremists on both sides of the political aisle that many people see war not only as imminent, but as virtually inevitable. If that's the case, we'd better get busy digging ourselves bunkers... and graves. And not just in the U.S. A civil war in America will not end in America. If the country plunges into battle, many will be vying for the loot. China, Russia, North Korea, Iran, and others will destroy whatever the war doesn't, the American empire will become history, and a third world war, with multiple nuclear powers, will follow. There will be no winners because, to quote Machiavelli, "Wars begin when you will, but they do not end when you please."

Contention 2 – Climate Change

Currently, the Supreme Court is destroying climate change prevention policy

de Vogue et al. 22. Supreme court / environment / breaking news journalists [By Ariane de Vogue, Ella Nilsen and Veronica Stracqualursi, CNN]. Vogue, Ariane de, et al. "Supreme Court Curbs EPA's Ability to Fight Climate Change | CNN Politics." CNN, Cable News Network, 30 June 2022, <https://www.cnn.com/2022/06/30/politics/supreme-court-climate-change-epa-regulations/index.html>. 🇺🇸 BZ

The Supreme Court curbed the [government's] Environmental Protection Agency's ability to broadly regulate carbon emissions from existing power plants, a major defeat for the Biden administration's attempts to slash emissions at a moment when scientists are sounding alarms about the accelerating pace of global warming. In addition, the court cut back agency authority in general invoking the so-called "major questions" doctrine – a ruling that will impact the federal government's authority to regulate in other areas of climate policy, as well as regulation of the internet and worker safety. The decision issued Thursday will send shockwaves across the federal government, threatening agency action that comes without clear congressional authorization. ADVERTISING The ruling was 6-3. Chief Justice John Roberts wrote the opinion for the conservative majority, with the three liberal justices dissenting. Roberts said that "our precedent counsels skepticism toward EPA's claim" that the law "empowers it to devise carbon emissions caps based on a generation shifting approach." "Under our precedents, this is a major questions case," Roberts wrote, adding that "there is little reason to think Congress assigned such decisions to the Agency." Steve Vladeck, CNN Supreme Court analyst and professor at the University of Texas School of Law, said the ruling "could be cataclysmic for modern administrative law." "For a century, the federal government has functioned on the assumption that Congress can broadly delegate regulatory power to executive branch agencies. Today's ruling opens the door to endless challenges to those delegations – on everything from climate change to food safety standards – on the ground that Congress wasn't specific enough in giving the agency the power to regulate such 'major' issues," Vladeck said. Regarding the EPA, Roberts wrote that capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal may be a "sensible" solution. "But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme" under the law in question. "A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body," he wrote. Writing separately, Justice Neil Gorsuch emphasized the court's move to limit agency power, which he considers unaccountable to the public. "While we all agree that administrative agencies have important roles to play in a modern nation, surely none of us wishes to abandon our Republic's promise that the people and their representatives should have a meaningful say in the laws that govern them," Gorsuch wrote. Justice Elena Kagan, writing for the dissenters, sounded the alarm about global warming and said that the court's decision "strips" the EPA of the "power Congress gave it to respond to 'the most pressing environmental challenge of our time.'" "The Court appoints itself – instead of Congress or the expert agency – the decision-maker on climate policy," she wrote. "I cannot think of many things more frightening," she concluded. The White House on Thursday blasted the ruling. "This is another devastating decision from the Court that aims to take our country backwards," a White House official said in a statement. "While the Court's decision risks damaging our ability to keep our air clean and combat climate change, President Biden will not relent in using the authorities that he has under law to protect public health and tackle the climate change crisis." Meanwhile, US Department of Health and Human Services Secretary Xavier Becerra said the ruling is "a public health disaster" that will hurt Americans' health. "A failure to regulate power plant emissions will lead to increases in asthma, lung cancer, and other diseases associated with poor air quality, and in many places, those impacts are likely to fall hardest in already heavily polluted neighborhoods," Becerra said. Action from Congress is unlikely. The opinion calls into question the future of federal-level climate action in the US, and puts even more pressure on Congress to act to reduce planet-warming emissions. But broad action from Congress is unlikely. Democrats in Congress have been embroiled in difficult negotiations on a climate and clean energy bill with their main holdout, Sen. Joe Manchin of West Virginia for months, with no clear end in sight. It's unclear whether those negotiations on a package of clean energy tax credits and other emissions-cutting programs will yield a result. And without both major investments on clean energy and strong regulations cutting emissions by the EPA, President Joe Biden has very [there's] little hope of meeting his climate goal[s], independent analysis shows. Congressional Democrats also expressed fury at the court's decision and warned of the environmental consequences. Democratic Rep. Raúl Grijalva of Arizona, who chairs the House Natural Resources Committee, said the court has "sentenced our planet to death." "Make no mistake, this decision – and all of the decisions this week – will be directly responsible for the harm and deaths of countless Americans," he said. Democratic Sen. Ed Markey, who proposed the Green New Deal, said the decision "lets polluters turn back the clock on fifty years of reduced pollution and improved air quality all across the country." "The result of this dangerous decision is an EPA that is undermined in its ability to protect the public," he said, adding that Congress should pass "meaningful climate and clean energy funding" and the "climate justice and clean energy package." Vladeck said the lack of congressional willpower will lead to the erosion of federal power. "It would be one thing if Congress could be expected to respond to this ruling by updating all of those delegations to make them more specific, but we – and the Court – know that it won't, which will almost surely lead[ing] to significant deregulation across a wide swath of federal authority." Climate impacts of power plants Fossil fuels in the power sector are a huge contributor to the climate crisis. Around 25% of planet-warming greenhouse gas emissions around the globe and in the US come from generating electricity, according to the EPA. And coal, the dirtiest fossil fuel, powers about 20% of US electricity. Emissions from power production rose last year for the first time since 2014, an increase that was mainly driven by coal use. The surge in fossil fuel use is worrying not only for Biden's climate goals – the President in his first months in office pledged to slash US emissions in half by 2030 – but also the planet. Scientists have become increasingly urgent in their warnings that to make headway on the climate crisis, emissions need to not only be reduced going forward, but the world needs to develop ways to also remove the greenhouse gas that's been pumped into the atmosphere in decades past. In a landmark report last year, scientists reported that the planet is warming faster than they had previously imagined it would. As it does, they said, extreme weather will become more deadly; water crises will develop and worsen; food insecurity will grow and disease will spread. To avoid the worst consequences, the world [we] must limit global warming to 1.5 degrees Celsius (it's already passed 1.1 degrees), and the only way to do that is to keep the vast majority of the Earth's remaining fossil fuel stored in the ground.

AND: public views aren't represented by the Court today – a vast majority support climate change policy

Matei 22, journalist. Adrienne Matei is a Vancouver-based writer and editor with over 10 years of experience in culture-oriented journalism. M.A. Journalism ('19) Columbia University, New York. Recipient of the 2019 Pulitzer Fellowship in Arts Criticism. B.A. English Lit ('13) McGill University, Montreal. Matei, Adrienne. "Polling Shows That US Voters Favor Climate Bills – Yet Assume Fellow Americans Don't | Adrienne Matei." The Guardian, Guardian News and Media, 1 Sept. 2022, <https://www.theguardian.com/commentisfree/2022/sep/01/us-voters-assume-fellow-americans-dont-favor-climate-bills>. 🌸 BZ

America is polarized, but a new study has revealed one issue on which **the nation is surprisingly united**

[on]: mitigating climate change. Yet Americans themselves underestimate the US population's concern for the state of the climate and support for major climate mitigation policies – by a whopping 80–90%, according to researchers from Boston College, Princeton University and Indiana University Bloomington. In a peer-reviewed article, researchers shared the results of a nationwide survey of 6,000 Americans, for which participants were asked to estimate the percentage of Americans who were "at least somewhat concerned about climate change". Participants also estimated the percentage of Americans they thought supported specific climate policies including carbon taxes for fossil fuel companies, renewable energy mandates, building renewable energy projects on public lands, and a Green New Deal. Regardless of political orientation, education, age, race, media preferences and income, the study found all Americans vastly underestimate how much their compatriots care about climate change and support green policies. "Climate policy and concern about climate change are much more prevalent than you think in the US," one of the study's authors, Gregg Sparkman, told Scientific American. "And virtually everyone in the country seems to greatly underestimate how popular climate policy is and to underestimate how concerned their fellow Americans are about climate change." Despite [polls by Yale's Program on Climate Change Communication](#) showing that a "supermajority" of 66–**80% of Americans support these climate policies**, the average American estimates that only a minority of 37–43% of the public are down for the eco cause. Republicans proved especially pessimistic about how much people care about climate change, though virtually half of Republicans are pro-climate policies, says Sparkman. In truth, the issue of securing a livable future appears to enjoy bipartisan support. It turns out that the feeling of being alienated in one's concern for the environment is as widespread as it is unfounded. In fact, this study captures a phenomenon known as "pluralistic ignorance", a shared misconception of the thoughts and behaviors of others. In this case, pluralistic ignorance results in what the authors call a "false social reality" in which many of us perceive that others aren't willing to take action on climate issues, and overestimate how many Americans are indifferent to, or in denial of, climate change. [Ending the misconception that most Americans don't care about climate change and truly appreciating how popular eco-friendly policies are could give such measures valuable momentum and support, and encourage politicians to pursue greener agendas.](#) Moreover, understanding that there's nothing fringe about caring about the environment could help people feel more confident discussing their green politics with peers. The perception that **people are unified in the desire for pro-climate legislation** is a powerful thing – it becomes easier to take action when we know that people actually support collective solutions.

This is supported by a Yale study. Yale. "Voters Will Support pro-Climate Candidates with Pledges, Time, and Money." Yale Program on Climate Change Communication, 27 July 2014, <https://climatecommunication.yale.edu/publications/voters-will-support-pro-climate-candidates-with-pledges-time-and-money/>. 🌸 BZ

Millions of registered voters¹ would sign a pledge to vote for, would work for, or would give money to candidates who share their views on global warming – if asked to by a person they like and respect. This suggests that [global warming could become a more prominent electoral issue if campaigns engage and mobilize this potential "issue public."](#) Willingness to Pledge One in four registered voters (27%) thinks global warming is happening, is worried about it², and would "definitely" (7%) or "probably" (20%) sign a pledge to vote only for candidates who share his or her views on global warming. This translates to more than 10 million³ registered voters who would definitely sign a pledge and more than 30 million who would probably sign one, for a total of about 41 million. Democrats are the most likely to say they would do so (10% definitely; 41% in total). Some Independents would also sign such a pledge (10% definitely; 18% in total), and some Republicans say they would as well (2% definitely; 11% in total). Willingness to Volunteer About one in six (17%) registered voters thinks global warming is happening, is worried about it, and would "definitely" (2%) or "probably" (15%) volunteer time to elect a candidate because the candidate shares his or her views on global warming. This translates to an estimated 3 million registered voters who would definitely volunteer their time and about 23 million who would probably volunteer. Democrats are the most likely to say they would volunteer (4% definitely; 31% in total). Some Independents would also volunteer their time to elect such a candidate (3% definitely; 11% in total), and some Republicans say they would as well (4% probably would). Willingness to Donate Further, about one in six registered voters (16%) thinks global warming is happening, is worried about it, and would "definitely" (2%) or "probably" (14%) donate money to a candidate because the candidate shares his or her views on global warming. This translates to approximately 3 million registered voters who would definitely donate money and about 21.5 million who would probably give to a political candidate. Again, Democrats are the most likely to donate money (5% definitely; 29% in total). Some Independents would also donate money to a candidate who shares their views on global warming (1% definitely; 5% in total), and some Republicans say they probably would do so as well (5%). Image for Voters Will Support Pro-Climate Candidates With Pledges, Time, and Money [EnlargePermalink](#) [Taken together, these results indicate that there are millions of registered American voters willing to pledge their vote and support pro-climate action candidates with their time and money.](#)

Pro-climate candidates like Democrats have a unique opening to appoint Justices in the coming years.

Millhiser 22 [Ian is a senior correspondent at Vox, where he focuses on the Supreme Court, the Constitution, and the decline of liberal democracy in the United States, 12/21/22, Sotomayor and Kagan need to think about retiring, Vox, <https://www.vox.com/policy-and-politics/23507944/supreme-court-sonia-sotomayor-elena-kagan-ruth-bader-ginsburg-retire>]

Barring extraordinary events, **Democrats will control the White House and the Senate for the next two years.** They are unlikely to control it for longer than that. The 2024 Senate map is so brutal for Democrats that they would likely need to win a landslide in the national popular vote just to break even. Unless they stanch the damage then, some forecasts suggest that Democrats won't have a realistic shot at a Senate majority until 2030 or 2032. And even those forecasts may be too optimistic for Democrats. If Sotomayor and Kagan do not retire within the next two years, in other words, they could doom the entire country to live under a 7–2 or even an 8–1 Court controlled by an increasingly radicalized Republican Party's appointees.

Furthermore,

Japan Times 22 says. Sources with an AllSides Media Bias Rating of Center either do not show much predictable media bias, display a balance of articles with left and right biases, or equally balance left and right perspectives. "U.S. Election Outcome Unlikely to Impact Climate Change Fight, Experts Say." The Japan Times, 12 Nov. 2022, <https://www.japantimes.co.jp/news/2022/11/12/world/science-health-world/joe-biden-us-climate-policy-midterm-elections/>. 🌸 BZ

A Democratic majority "would allow Biden to continue to appoint judges and other appointees who are climate-friendly," said Colgan. Meanwhile, when it comes to authorizing oil and gas exploration, "Congress has limited authority," said Keohane. "I don't think we're likely to see a big shift in oil and gas production." Overall, the U.S. Congress could end up with "two lost years" when it comes to fighting climate change, he added. "It's not ideal, but I don't worry too much about backsliding." Adding to the overall optimism of experts are the series of Democratic victories in key states, which Rabe said "have tremendous power and independence in some ways to move beyond the federal government." In 2017, former President Donald Trump withdrew the United States from the Paris climate agreement, pushing California and other states to move forward with their own ambitions. The election of several pro-climate Democratic governors and local officials will allow new funding for infrastructure and energy to be "aggressively used in some of these states," said Rabe. "State action is crucial for decarbonization," added Colgan. He gave the example of newly elected Massachusetts Gov. Maura Healey, who is aiming for a 100% clean energy grid by 2030 — "five years ahead of Biden's goal for the U.S. as a whole," he said. "If we have a Congress that does not take action, state action is going to be very important," said Keohane. "So far, we've seen the Democrats, at the state level be much more willing to take action on the climate than Republicans." In a referendum in the state of New York, voters approved a \$4.2 billion bond to fight climate change. This was a proposal backed by Democratic Gov. Kathy Hochul, who won re-election on Tuesday.

AND: Justices serving 18+ years retire ASAP – including the anti-Climate ones – in staggered terms

Orts 22, Legal Professor. Professor of Legal Studies and Business Ethics at the Wharton School of the University of Pennsylvania. Orts, Eric W. "Supreme Illegitimacy." The Regulatory Review, 19 Oct. 2022, <https://www.theregreview.org/2022/10/10/orts-supreme-illegitimacy/>. 🌸 BZ

2. Establish 18-year term limits for justices. Federal judges have a constitutional right to lifetime appointment, but this does not mean that Congress cannot set term limits specifically for the Supreme Court. As the Commission on the Supreme Court recognizes, rotation systems are possible. Retroactively imposing an 18-year term limit would require Justice Thomas to retire immediately, Chief Justice John Roberts in 2023, and Justice Alito in 2024.

American environmental policy limits large U.S. pollution and inspires international action

Hultman & Gross, Policy Directors

Nate Hultman is the founder and director of the Center for Global Sustainability at the University of Maryland, and a professor in the School of Public Policy. Samantha Gross is the director of the Energy Security and Climate Initiative and a fellow in Foreign Policy. Hultman, Nathan, and Samantha Gross. "How the United States Can Return to Credible Climate Leadership." Brookings, Brookings, 1 Mar. 2021, <https://www.brookings.edu/research/us-action-is-the-lynchpin-for-successful-international-climate-policy-in-2021/>. 🌹 BZ

The United States is rejoining international efforts against climate change in a crucial year. All members of the Paris Agreement are obliged to submit updated pledges for emissions reductions prior to a global climate meeting in November. President Joe Biden wants to re-establish U.S. leadership on climate. Doing so will require the United States to make an ambitious but achievable pledge and to assist other nations in doing the same. The political landscape for enacting climate legislation in the United States is still tricky, but U.S. subnational actors have continued emissions reduction efforts during the Trump administration and will be a key part of efforts going forward. These subnational actors can share their skills and ambition with their counterparts abroad. The United States also has an opportunity to lead through its role in the global financial sector. It can encourage greener investing by requiring disclosure of climate risks and support global efforts to finance emissions reduction and climate adaptation in developing countries. CHALLENGE 2021 has the potential to be a year of rapid advancement on climate change. The European Union, China, Japan, and South Korea have all announced new and ambitious near- and long-term climate targets, and every member of the Paris Agreement is obliged to update their pledges prior to the November Conference of the Parties (COP) meeting. Non-government actors and sub-national governments around the world are also committing to ambitious long-term goals. Most of these goals focus on reaching net-zero emissions by 2050. As the international community gears up for the COP event, political attention to climate is the highest it has been since the runup to the Paris COP in 2015. Expectations are high for commitments that honor the Paris Agreement goal of limiting warming to "well below" 2°C above pre-industrial levels. Four years of U.S. absence from the global climate community — including global climate negotiations and international efforts to reduce greenhouse gas emissions — have left a big gap in international leadership and credibility. In this context, the reaction in the global climate community to Joe Biden's election as U.S. president has been overwhelmingly positive. The world sees the importance of U.S. action to limit overall global temperature rise, and President Biden's campaign, appointments — including former secretary of state John Kerry as special presidential envoy for climate — and early actions in office indicate his interest in a new approach to climate change. However, the Biden administration immediately faces a difficult challenge. Four years of U.S. absence from the global climate community — including global climate negotiations and international efforts to reduce greenhouse gas emissions — have left a big gap in international leadership [internationally] and credibility. How does the new administration meet the moment? How does the United States regain its credibility on the world stage? Since greenhouse gas emissions mix throughout the global atmosphere and [AND] oceans, emissions in one part of the world impact the climate everywhere. The Paris Agreement calls for all countries to reduce emissions in line with their own development goals and political realities. But science suggests that a goal of net-zero emissions from the largest emitting countries by mid-century is necessary. In this context, credible U.S. action is critical. As the world's largest economy, second-largest greenhouse gas emitter, and superpower re-engaging on climate diplomacy, U.S. actions [are critical] can either dampen or accelerate global action. If the United States fails to make commitments that the rest of the world views as serious, it will be harder to pressure other countries to take more serious action. Credible U.S. action could form the basis for genuine leadership, as the United States displayed preceding the Paris COP through its bilateral commitments with China.

Basically, regular replacement of judges will allow Americans to influence the court more – especially on climate change.

Extensions

Framework: Democracy

- 1] Democracies best for overall society's well-being and protecting individual rights
- 2] Debate itself wouldn't exist w/o democracy's values
- 3] The U.S. itself is a democracy, hence our fwk is specific to the topic

Democracy is by ppl and for the ppl, but theres certain checks to make sure that actually happens – held accountable

Aff's democracy limits crazy non-freedom things, even if the ppl are for it

Democratic procedures ensure the principle of public equality---each person is due basic liberal rights---that means people under a successful democratic frame would ALL HAVE EQUAL RIGHTS, so nobody would be subjugated to [x form of violence]---**BUT**, fair democratic procedures mean even perceptually unjust outcomes that come from the people are, in fact, justified.

Professor of Philosophy Thomas Christiano writes in 2003, [Thomas Christiano (2003), (Christiano is associate professor of philosophy at the University of Arizona and the author of several influential papers on ethics and political philosophy), "The Authority of Democracy", *The Journal of Political Philosophy*: Volume 11, Number 2, <http://bigfatgenius.com/4260%20fall%202018/Christiano%20-%20The%20authority%20of%20democracy.pdf//> Accessed: 02-18-2023] Sachin

Now consider the case in which a majority decides to enslave the minority; this is a clear violation of the principle of the public realization of equal advancement of interests. Why is this? If another enslaves me, that person assumes the power to decide what I ought to do and reaps the benefits from this. He thereby implies that my interests are not of equal significance to his. Or if he thinks that my interests do matter equally, he implies that my capacity for judgment is not worthy of respect. But, for all the same reasons that I gave for the importance of respect for the judgment of persons in cases of political decision-making, the principle of public equality and the interests and facts on which it is based require that my judgment regarding how I am to conduct my life must be given equal respect and therefore must not be subordinated to that of others. Hence, enslavement is a violation of the principle of public equality.

Any radical suppression of basic liberal rights of members of the population would fall afoul of the basic requirements of public equality. People may disagree about what liberal rights are basic and what their boundaries are as well as what equality in these liberal rights consists in, but some kind of equality in basic liberal rights is necessary to the public realization of equality given the facts of judgment.

One question we might ask about the account I have given is whether it does not undermine the idea that democratic rights are intrinsically justified. In a sense, some outcomes defeat the intrinsic justice of democracy. They do not merely override the justice of democracy, they undermine the intrinsic justice altogether. Does this undermine the idea that democracy is intrinsically fair? The answer is no. First of all, democratic decision-making retains its justice even when many of the outcomes are unjust. It legitimates those outcomes by the fact that they originate in fair procedures. Hence, even if overall we could say that the democracy was producing overall unjust outcomes, they would still be legitimate. Second, what the argument for the limits of the authority of democracy shows is that the justice of democracy is conditional on the realization of publicity but it is certainly not merely instrumental to the realization of publicity.

Democracy, when it does not violate public equality, embodies public equality. Its justice is conditional on certain basic facts accompanying democratic process but its justice is not a mere instrument to the realization of those facts.

C1 – Legitimacy

Court losing legitimacy w/ rulings

Term limits = even apptments by prez, rep population better

i1] Citizens have more input, because the President they elect get to choose a predictable amount of Supreme Court Justices. E.g. Trump appointed 3 justices in four years, while Obama only appointed 2 in EIGHT years. Uneven amounts of appointments are not representative of the population.

i2] Citizens simply demand change – a vast majority demand term limits

- 2 links to democracy: trust & ppl accepting policies (e.g. riots in Jan 6 vs people accepting Al Gore's 2000 election loss)**
- Civil war, tensions. Many deaths**
- + all other dem benefits (freedom, less war, no famine, good econ)**

Otherwise, lost confidence translates into more law-breaking since people don't see value in the government

This also leads to decline of democracy: conflict within America deepening the political divide and causing deaths: like Jan 6 and other reactions to court rulings

C2 – Clim Change

SCOTUS destroying clim policy (June 2022, govn't less authority / regs)

80% ppl support clim policy + CANDIDATES

Dems will control White House + Senate, but only short term [time to appoint pro-clim justices]

AND: Roberts, Thomas, Alito (anti-climate) retire ASAP

Am env policy key for 1] inspire internationally + 2] second largest emitter

Climate change deadly... [o/w]

Clim change o/w:

- 1] High probability: happening rn continuously
- 2] Low timeframe: need to start now or Earth overheats. Plus – seeing floods, droughts, extreme weather that is killing millions
- 3] High magnitude: extinction via inevitable overheating

Aff Underview Cards

SCOTUS

Despite ups and downs, the Supreme Court is necessary to check government and resolving major disputes

Mikulis 18. Rick Mikulis is a senior management and government and politics major. Mikulis, Rick. "We Shouldn't Abolish the Supreme Court." The Diamondback, 31 Dec. 2018, <https://dbknews.com/0999/12/31/arc-oandsq37znb3xnwsk4hi2epuk4/>. 🌸 BZ

This op-ed categorically ignores the majority of work done by the Supreme Court and the disastrous results of such an ill-conceived idea, while misunderstanding the purpose of the small amount of responsibilities that the author chooses to mention. The Supreme Court, while it may have flaws, should absolutely not be abolished. Allow me to first begin by explaining a few fundamentals about our highest court, as established in Article III of the Constitution. Without the Supreme Court, we lose a crucial third of our federal system of checks and balances. Without the Supreme Court, there is no one to hear appeals from each of the 13 Circuit Courts. Without the Supreme Court, suits between states can not be heard. The United States is a common law country: The majority of our [U.S.] law is unwritten, based on the results of court cases, rather than from civil law passed by our legislature. When there is a debate about conflicting common law between states that affect issues on a national level, it is essential that we [need] have a body prepared to hear the arguments and deliver a verdict. Without the Supreme Court, we lose the ability to operate an effective government. Now, to address some of the vagueries presented in the aforementioned op-ed. The author believes that the Supreme Court simply decides what should and shouldn't be law, apparently as part of some grand plan by these "lawyer-king imbeciles," as he describes them. At best, this is some sort of perversion of legal positivism (law is based in legislators' beliefs, regardless of ethical justification) and at worst it is a cynical and inaccurate understanding of legal theory. The biggest point the author offers is about the Supreme Court's supposed inconsistency, as if overturning a 74-year-old ruling about Japanese internment camps represents being indecisive. What he misses is that the Court does not dictate law for the nation for everyone to follow. Rather, the truth is closer to legal realism, wherein laws and rulings from the Supreme Court come from social and public interests. The Court overturned its previous rulings because the country changed perspective over a long period of time, not because the Court couldn't decide what it wanted the law to be. The author of the piece also misunderstands the idea of judicial review. The Supreme Court uses judicial review to determine the constitutionality of legislative and executive action, not to "overturn particularly unpopular laws." Consider, for example, United States v. Lopez, through which the Supreme Court declared the Gun-Free School Zones Act of 1990 to be unconstitutional. None of the justices in the majority opinion believed that guns should be in schools; they correctly defined the extent of the federal government according to the Constitution, and where the states' responsibilities began. There is always room for improvement with our process. And it's fine to be unhappy with rulings the Supreme Court has made, or the appointment of certain justices. But suggesting to get rid of one of our three branches of government on the national level is irrational and lacks basis in a cogent argument.

Constitutional Amendment

We fiat a Constitutional Amendment as both necessary and most viable – times have changed since the 1700's: the Court is more powerful and there are more qualified potential Justices

Schwarz 19, chief counsel. Schwarz received an AB magna cum laude from Harvard College in 1957 and a JD magna cum laude from Harvard Law School in 1960, where he was an editor of the Harvard Law Review. After a year's clerkship with Chief Judge J. Lumbard of the U.S. Court of Appeals for the Second Circuit. Schwarz, Frederick. "Saving the Supreme Court." Brennan Center for Justice, 13 Sept. 2019, <https://www.brennancenter.org/our-work/analysis-opinion/saving-supreme-court>. 🌸 BZ

Two fundamental flaws in the Constitution's appointment system must be fixed. First, there is no regularized system for Supreme Court appointments. Because presidents can appoint new justices only when a sitting justice resigns or dies, justices are appointed unevenly, so that some presidents have many appointments, while others have few or even none. In addition, because justices now serve longer on average than their predecessors, there are significantly fewer appointment opportunities. These developments fray the only formal link between the court and the people — nomination by an elected president and confirmation (or not) by elected senators. In the early days of the republic, when the court was viewed as weak, such defects caused little harm. But today, with the court holding immense power, the lottery appointment system undermines the court's constitutional legitimacy and erodes the court's connection to our democracy. Second, **life tenure** permits justices themselves to strategically time their retirements so that an ideologically like-minded president can appoint their successor. Recently, this **has become the norm.** Such ideological control of a Supreme Court seat was never contemplated by the founders. In addition, some justices have remained on the court after a severe decline in their mental or physical capacities, in hopes of lasting until a president who shares their legal and policy preferences takes office. Such ideological control of a Supreme Court seat was never contemplated by the founders when they wrote the Constitution. **Fixing these flaws requires a constitutional amendment** with two related provisions. **First, Supreme Court appointments should be regular.** Every president, in the first and third year of each term, would nominate a Justice, subject to Senate confirmation. **Second, each new Supreme Court justice would serve a single 18-year term — still "during good behavior."** (This term limit would not apply to current justices.) And if a new justice did not serve a full term due to retirement or death, his or her successor would be nominated only to complete the remainder of the 18-year term. The successor would not get a new 18-year term. **Regular appointments work only if accompanied by term limits** — which have independent benefits as well. Without a term limit, regular appointments, coupled with increasing longevity, would lead to a court that was huge. Moreover, an 18-year limit fits with a 9-member court. Eventually, two justices will end their 18-year term in each four-year presidential term, just as two new justices are appointed. These two amendments are supported by a close analysis of what the framers did — and, more importantly, did not do — in formulating the Constitution. Moreover, **the amendments are necessary because of how the Supreme Court and the country have changed since the founding.** An appointment system designed for a court that was originally characterized as "feeble" does not fit a court that has become immensely powerful. A different landscape At the Constitutional Convention, the framers emphasized the importance of judicial independence, not wanting the justices to be dominated by the other branches of government. (Hence, the Constitution's "good behavior" clause and the ban on Congress reducing sitting justices' pay.) But little attention was paid to the system by which justices would be appointed. Indeed, the proposed system that was adopted — nomination by a president subject to the advice and consent of the Senate — was included in the Proposal of the Committee on Unfinished Parts, an omnibus proposal for all presidential appointments. The committee did not explain its proposal, and the convention as a whole adopted the proposal without any discussion. Alexander Hamilton did not address this nomination system in the Federalist Papers as part of the ratification debates. He did, however, defend life tenure for justices — no surprise since at the Constitutional Convention, Hamilton had urged life tenure for presidents and for members of the Senate. But Hamilton supported life tenure for justices because the judiciary was "in continued jeopardy of being overpowered, awed or influenced" by Congress and the president. Indeed, **Hamilton contended the judiciary needed special protection because of its "natural feebleness," in part because it had "no influence over the sword or the purse."** But **nobody now considers the Supreme Court to be feeble.** Nor would anyone now adopt the critique of John Jay, the first chief justice, that the court lacked "energy, weight, and dignity." Beyond asserting that the court would be feeble, Hamilton gave a second "weighty reason for the permanency" of judicial offices: **Only a "few men" would have "sufficient skill."** In addition, a **"temporary duration in office" would discourage those few fit characters "from quitting a lucrative line of practice" (the law), to which they might fear being too old to return.** The result would be to "throw the administration of justice into hands less able and less well qualified to conduct it with utility and dignity." **(When Hamilton wrote, there were few lawyers and far fewer law**

schools. As our population has expanded by 77 times from the first census in 1790 to the most recent census in 2010, the proportion of lawyers has also grown substantially. For example, in Massachusetts in 1790, there was one lawyer for every 4,240 residents. Fifty years later, it was one for every 1,150 residents. And by 2019, the American Bar Association's tally of nationally active lawyers was one for every 243 people.)

Blocks

Aff Examples – Term Limits GOOD

Major democratic countries all have term limits on their Supreme Courts: Canada, Australia, England, etc

- They have more legitimacy
- Less polarized
- Transparent
- Subject to less political games/manipulation

Analytics: On the India Example

- 1] Can't apply to the US – there are 30 justices – that means each justice is less powerful, so they do not talk about it. But in the US you have an auto job and you don't need to lobby for work – Harvard will pay you 500k to show up each week – that's not the type of corruption that changes legal systems.
- 2] NQ – most of the world has term limits – Germany, India, etc – why is the US more analogous to India than it is to Germany.
- 3] India Supreme Court is more indebted to the Executive which means it has less independence and increases lobbying – increasing term limits doesn't change the functional dependence of SCOTUS on the executive branch.

Card: Status Quo is Similar

Today, Justices face regular turnover anyways. Their criticisms of the affirmative are true in their world too

The Supreme Court of the US says: SCOTUS. "The Court as an Institution." Home - Supreme Court of the United States,

<https://www.supremecourt.gov/about/institution.aspx>. 🍁 BZ

The number of **Justices on the Supreme Court** changed six times before settling at the present total of nine in 1869. Since the formation of the Court in 1790, there have been only 17 Chief Justices* and 104 Associate Justices, with **Justices serving for an average of 16 years**. Despite this important institutional continuity, the Court has had periodic infusions of new Justices and new ideas throughout its existence; **on average a new Justice joins the Court almost every two years**. President Washington appointed the six original Justices and before the end of his second term had appointed four other Justices. During his long tenure, President Franklin D. Roosevelt came close to this record by appointing eight Justices and elevating Justice Harlan Fiske Stone to be Chief Justice.

AT Polls Arg

Polls are most accurate to gauge a population's views [specifically like Levi et al 22 – climate and term limit polls]

According to Gallup: Gallup. "How Does Gallup Polling Work?" Gallup.com, Gallup, 20 Oct. 2014,

<https://news.gallup.com/poll/101872/how-does-gallup-polling-work.aspx>. 🍁 BZ

Gallup **polls aim to represent the opinions of a sample of people representing the same opinions that would be obtained if it were possible to interview everyone in a given country.** The majority of Gallup surveys in the U.S. are based on interviews conducted by landline and cellular telephones. Generally, Gallup refers to the target audience as "national adults," representing all adults, aged 18 and older, living in United States. The findings from Gallup's U.S. surveys are based on the organization's standard national telephone samples, consisting of directory-assisted random-digit-dial (RDD) telephone samples using a proportionate, stratified sampling design. A computer randomly generates the phone numbers Gallup calls from all working phone exchanges (the first three numbers of your local phone number) and not-listed phone numbers; thus, Gallup is as likely to call unlisted phone numbers as listed phone numbers. Within each contacted household reached via landline, an interview is sought with an adult 18 years of age or older living in the household who has had the most recent birthday. (This is a method pollsters commonly use to make a random selection within households without having to ask the respondent to provide a complete roster of adults living in the household.) Gallup does not use the same respondent selection procedure when making calls to cell phones because they are typically associated with one individual rather than shared among several members of a household. **When respondents to be interviewed are selected at random, every adult has an equal probability of falling into the sample. The typical sample size for a Gallup poll, either a traditional stand-alone poll or one night's interviewing from Gallup's Daily tracking, is 1,000 national adults with a margin of error of ± 4 percentage points.** Gallup's Daily tracking process now allows Gallup analysts to aggregate larger groups of interviews for more detailed subgroup analysis. **But the accuracy of the estimates derived only marginally improves with larger sample sizes [than this].** After Gallup collects and processes survey data, each respondent is assigned a weight so that the demographic characteristics of the total weighted sample of respondents match the latest estimates of the demographic characteristics of the adult population available from the U.S. Census Bureau. **Gallup weights data to census estimates for gender, race, age, educational attainment, and region.**

Polls are accurate: their misconceptions are based on outlier polls that the media uses to write good stories

Graham, 20 (David A. Graham is a staff writer for the Atlantic, Silver is a former management consultant and professional poker player, who got into the political-forecasting business in 2007, "What Does Nate Silver Know? The famous data journalist thinks the media are making the same mistakes this year as they did in 2016.", Atlantic, March 2020, <https://www.theatlantic.com/magazine/archive/2020/03/can-you-still-trust-nate-silver/605521/>) jl

Polling in the 2018 midterm elections proved highly accurate, correctly anticipating the wave of Democratic victories that handed the party control of the House of Representatives. "In some ways, polling is the only way in which the Trump presidency has been normal," Silver said. **As he sees it, the problems stem not from the polls but from how the press interprets them.** During the long run-up to the 2020 primary season, he saw pundits fall into familiar traps. The same sort of commentators who expected Trump to collapse four years ago have consistently predicted a Joe Biden implosion that, as of this writing, has yet to happen—perhaps in part because Biden's core supporters, like Trump's, are members of demographics underrepresented in the press (for Trump, non-college-educated voters and rural voters; for Biden, non-college-educated voters and black voters). Despite Biden's durable lead, the press has been quick to crown a series of front-runners in waiting, from Kamala Harris to Elizabeth Warren to Pete Buttigieg—all while largely ignoring Biden's most persistent rival for the top spot in the polls: Bernie Sanders. **To locate story lines where they don't exist, commentators seize on outlier polls, like the one from Monmouth University in August that suggested a closer race than any previous survey had.** (That single snapshot was covered so breathlessly that the director of the university's polling institute took the rare step of publicly noting how much it

deviated from the others.) Or pundits rely instead on what Silver described to me as “stylized facts”: A strong debate performance or fundraising quarter will kick off a round of coverage of a candidate’s supposed surge, even if polls don’t detect much movement. It’s not that these factors don’t matter—they do—but Silver’s work suggests that they don’t matter nearly as much as most journalists imagine. By Silver’s estimation, the average debate performance moves polls about as much as an average week on the trail—and, as Senator Harris can attest, even a well-received moment can take a candidate only so far. Delivering forecasts in the clearest way possible is undoubtedly to the good; studies have demonstrated that the public doesn’t grasp probability well. But it’s hard to believe that FiveThirtyEight would have been spared opprobrium had it predicted Trump had a 3-in-10 chance of winning. And convincing readers to trust the model again is more than just a math problem.

AT Benesh [climate]

Their Benesh ev is from 2020: significantly outdated. SCOTUS has already overturned environment, proving SQUO is WORSE and their whole impact moot

COMPARE W/ our more recent ev from 2022, read in the Aff constructive 1AC. The June ruling wrecks federal authority in preventing pollution and climate change

de Vogue et al. 22. Supreme court / environment / breaking news journalists [By Ariane de Vogue, Ella Nilsen and Veronica Stracqualursi, CNN]. Vogue, Ariane de, et al. "Supreme Court Curbs EPA's Ability to Fight Climate Change | CNN Politics." CNN, Cable News Network, 30 June 2022, <https://www.cnn.com/2022/06/30/politics/supreme-court-climate-change-epa-regulations/index.html>. 🇺🇸 BZ

The Supreme Court curbed the [government's] Environmental Protection Agency's ability to broadly regulate carbon emissions from existing power plants, a major defeat for the Biden administration's attempts to slash emissions at a moment when scientists are sounding alarms about the accelerating pace of global warming. In addition, the court cut back agency authority in general invoking the so-called "major questions" doctrine – a ruling that will impact the federal government's authority to regulate in other areas of climate policy, as well as regulation of the internet and worker safety. The decision

issued Thursday will send shockwaves across the federal government, threatening agency action that comes without clear congressional authorization. ADVERTISING The ruling

was 6-3. Chief Justice John Roberts wrote the opinion for the conservative majority, with the three liberal justices dissenting. Roberts said that "our precedent counsels skepticism toward EPA's claim" that the law "empowers it to devise carbon emissions caps based on a generation shifting approach." "Under our precedents, this is a major questions case," Roberts wrote, adding that "there is little reason to think Congress assigned such decisions to the Agency." Steve Vladeck, CNN Supreme Court analyst and professor at the University of Texas School of Law, said the ruling "could be cataclysmic for modern administrative law." "For a century, the federal government has functioned on the

assumption that Congress can broadly delegate regulatory power to executive branch agencies. Today's ruling opens the door to endless challenges to those delegations – on everything from climate change to food safety standards – on the ground that Congress wasn't specific enough in giving the agency the power to regulate such 'major' issues," Vladeck said. Regarding the EPA, Roberts wrote that capping carbon dioxide emissions at a level that will force a nationwide transition away from the use of coal may be a "sensible" solution. "But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme" under the law in question. "A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body," he wrote. Writing separately, Justice Neil Gorsuch emphasized the court's move to limit agency power, which he considers unaccountable to the public. "While we all agree that administrative agencies have important roles to play in a modern nation, surely none of us wishes to abandon our Republic's promise that the people and their representatives should have a meaningful say in the laws that govern them," Gorsuch wrote. Justice Elena Kagan, writing for the dissenters, sounded the alarm about global warming and said that the court's decision "strips" the EPA of the "power Congress gave it to respond to 'the most pressing environmental challenge of our time.'" "The Court appoints itself – instead of Congress or the expert agency – the decision-maker on climate policy," she wrote. "I cannot think of many things more frightening," she concluded. The White

House on Thursday blasted the ruling. "This is another devastating decision from the Court that aims to take our country backwards," a White House official said in a statement. "While the Court's decision risks damaging our ability to keep our air clean and combat climate change, President Biden will

not relent in using the authorities that he has under law to protect public health and tackle the climate change crisis." Meanwhile, US Department of Health and Human Services Secretary Xavier Becerra said the ruling is "a public health disaster" that will hurt Americans' health. "A failure to regulate power plant emissions will lead to increases in asthma, lung cancer, and other diseases associated with poor air quality, and in many places, those impacts are likely to fall hardest in already heavily polluted neighborhoods," Becerra said. Action from Congress is unlikely

The opinion calls into question the future of federal-level climate action in the US, and puts even more pressure on Congress to act to reduce planet-warming emissions. But broad action from Congress is unlikely. Democrats in Congress have been embroiled in difficult negotiations on a climate and clean energy bill with their main holdout, Sen. Joe Manchin of West Virginia for months, with no clear end in sight. It's unclear whether those negotiations on a package of clean energy tax credits and other emissions-cutting programs will yield a result.

And without both major investments on clean energy and strong regulations cutting emissions by the EPA, President Joe Biden has very [there's] little hope of meeting his climate goal[s], independent

analysis shows. Congressional Democrats also expressed fury at the court's decision and warned of the environmental consequences. Democratic Rep. Raúl Grijalva of Arizona, who chairs the House Natural Resources Committee, said the court has "sentenced our planet to death." "Make no mistake, this decision – and all of the decisions this week – will be directly responsible for the harm and deaths of countless Americans," he said. Democratic Sen. Ed Markey, who proposed the Green New Deal, said the decision "lets polluters turn back the clock on fifty years of reduced pollution and improved air quality all across the country." "The result of this dangerous decision is an EPA that is undermined in its ability to protect the public," he said, adding that Congress should pass "meaningful climate and clean energy funding" and the "climate justice and clean energy package." Vladeck said the lack of congressional willpower will lead to the erosion of federal power. "It would be one thing if Congress could be expected to respond to this ruling by updating all of those delegations to make them more specific, but we – and the Court – know that it won't, which will almost surely lead[ing] to significant deregulation across a wide swath of

federal authority." Climate impacts of power plants Fossil fuels in the power sector are a huge contributor to the climate crisis. Around 25% of planet-warming greenhouse gas emissions around the globe and in the US come from generating electricity, according to the EPA. And coal, the dirtiest fossil fuel, powers about 20% of US electricity. Emissions from power production rose last year for the first time since 2014, an increase that was mainly driven by coal use. The surge in fossil fuel use is worrying not only for Biden's climate goals – the President in his first months in office pledged to slash US emissions in half by 2030 – but also the planet. Scientists have become increasingly urgent in their warnings that to make headway on the climate crisis, emissions need to not only be reduced going forward, but the world needs to develop ways to also remove the greenhouse gas that's been pumped into the atmosphere in decades past.

In a landmark report last year, scientists reported that **the planet is warming faster** than they had previously imagined it would. As it does, they said, **extreme weather will become more deadly; water crises** will develop and worsen; **food insecurity** will grow and **disease** will spread. **To avoid the worst consequences,** the world **[we]** must limit global **warming to 1.5 degrees Celsius** (it's already passed 1.1 degrees), and the only way to do that is to keep the vast majority of the Earth's remaining fossil fuel stored in the ground.

AT Smarick [stare decisis]

Their author, Andy Smarick, leans conservative, hence will naturally align with the status quo despite horrible judicial rulings. Furthermore, he served under Bush, who appointed Justice Roberts

Manhattan Institute – where he works. “Andy Smarick.” Manhattan Institute, <https://www.manhattan-institute.org/expert/andy-smarick>. 🌸 BZ

Andy Smarick is a senior fellow at the Manhattan Institute, where his work focuses on education, civil society, and the principles of American conservatism. In 2021, he was appointed by Governor Larry Hogan to the University of Maryland System's Board of Regents. Previously, he served as the chair of the Maryland Higher Education Commission and as president of the Maryland State Board of Education. His other government experience includes serving as an aide in the White House Domestic Policy Counsel of President George W. Bush, legislative assistant at the U.S. House of Representatives, deputy assistant secretary at the U.S. Department of Education, New Jersey deputy commissioner of education, and legislative aide at the Maryland state legislature.

The website the article is published on – Law and Liberty – leans FAR RIGHT. Bias heavily influences the results they have – e.g. not accounting for recent heavily detrimental court decisions like Roe, lax gun control, and climate

Media Fact Check, with the most comprehensive media bias resource on the internet. There are currently **5900+ media sources and journalists listed in their database** and growing every day. Don't be fooled by Questionable sources. Use the search feature above (Header) to check the bias of any source. Use name or URL. Check, Media Bias Fact. “Law & Liberty.” Media Bias/Fact Check, 3 Mar. 2022, <https://mediabiasfactcheck.com/law-liberty-bias/>. 🌸 BZ



RIGHT BIAS These media sources are moderate to strongly biased toward conservative causes through story selection and/or political affiliation. They may utilize strong loaded words (wording that attempts to influence an audience by appealing to emotion or stereotypes), publish misleading reports, and omit information that may damage conservative causes. Some sources in this category may be untrustworthy. See all Right Bias sources. Overall, we rate Law & Liberty Right Biased based on an editorial perspective that aligns with conservative libertarianism.

AT Econ/BizCon/War

1] We're likely facing recession soon – Neg squo today isn't solving anything.

Prefer ev from Foster, US Economy Reporter, in early 2023 says: Sarah previously worked for Bloomberg News, the Chicago Tribune and the Chicago Daily Herald and has been quoted in several national and regional media outlets, including Yahoo! News, NBC, the Toronto Star, the St. Louis Post-Dispatch and more. Foster, Sarah. "Survey: **Recession Odds for U.S. Economy in 2023 Hit 64%.**" Bankrate, 4 Jan. 2023, <https://www.bankrate.com/banking/federal-reserve/economic-indicator-survey-recession-risks-january-2023/>. 🌸 BZ

The U.S. economy has a **64 percent** chance of contracting in 2023, **according to** the average forecast **among economists.** Just two experts (or 15 percent) said the financial system could avoid a downturn, putting the odds of a recession at 40 percent. Meanwhile, one economist arrived at 100 percent odds — signifying he was absolutely **certain of a recession.** **Recession odds for 2023 have jumped sharply as the Fed's massive tightening campaign has unfolded.** The fourth-quarter forecast is up from just 33 percent in the first-quarter poll and 52 percent in the second quarter.

2] Turn: The predictability of term limits would increase business confidence, as everyone would recognize the regular and expected Justice re-appointments

Black & Bryan 17, political science professors. Prof. Black: Associate Professor, Department of Political Science, Michigan State University. Prof. Bryan: Assistant Professor, Department of Political Science, Loyola University Chicago. Black, Ryan C., and Amanda Clare Bryan. "The Policy Consequences of Term Limits on the U.S. Supreme Court." SSRN, 11 Feb. 2017, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2915011. 🌸 BZ

Proponents of **term limits advance several normative arguments** in its favor.²² First, as Calabresi and Lindgren discuss at length, **confirmation hearings for Supreme Court justices have become remarkably polarized in recent years.**²³ **Term limits,** the argument goes, would reduce the need for confirmation hearings to become heavily politicized because the **Court's turnover would be regular and predictable.**²⁴ As Calabresi and Lindgren explained: **Under the current system, vacancies on the Supreme Court arise very irregularly,** which means that when one does arise, **the President and Senate both act without knowing when the next vacancy might be . . .** As a result, the **political pressures** on the President and the Senate **are overwhelming.** There is simply so much at stake . . . that the President and the Senate . . . inevitably become engaged **in a bitter political contest** . . .²⁵ **[but]** Having **predictable and equal numbers of appointments for each president would help to alleviate this problem.**²⁶ Moreover, proponents argue that **the predictability of term limits would [also] reduce the desire for justices to strategically retire[ing] based on who is serving in the White House and who [they] he or she believes the next president will be.**²⁷

3] No conventional nor nuke war – multiple warrants:

A] 2008, Asian financial crisis, etc vast majority of ACTUAL economic downturns haven't caused war. Proven empirically

B] Russia is attacking and its going badly – deters others from attacking. Nations aren't bold enough to face the entirety of NATO

C] Decline incites cooperation and no nukes

Christina L. **Davis &** Krzysztof J. **Pelc 17**, Christina L. Davis is a Professor of Politics and International Affairs at Princeton; Krzysztof J. Pelc is an Associate Professor of Political Science at McGill University, "Cooperation in Hard Times: Self-restraint of Trade Protection," Journal of Conflict Resolution, 61(2): 398-429

Conclusion Political economy theory would lead us to expect rising trade protection during hard times.

Yet empirical evidence on this count **has been mixed** Some studies find a correlation between poor macroeconomic conditions and protection, but the worst recession since the Great

Depression has generated surprisingly moderate levels of protection. We explain this apparent contradiction. **Our statistical findings show that under conditions of**

pervasive economic crisis at the international level, **states exercise more restraint** than they would when facing crisis alone. **These results**

throw light on behavior not only during the crisis, but throughout the WTO period, from 1995 to the present. One concern may be that the restraint we observe during widespread crises is actually the result of a decrease in aggregate demand and that domestic pressure for import relief is lessened by the decline of world trade. By **controlling for product-level imports**, we show that the restraint on remedy use is not a byproduct of declining imports. We **also** take into account the ability of some countries to **manipulate their currency** and demonstrate that the relationship between crisis and trade protection **holds** independent of exchange rate policies. Government decisions to impose costs on their trade partners by taking advantage of their legal right to use flexibility measures are driven not only by the

domestic situation but also by circumstances abroad. This **can give rise to an individual incentive for strategic self-restraint toward**

trade partners in similar economic trouble. Under conditions of widespread crisis, government **leaders fear** the **repercussions**

that their own use of trade protection may have on the behavior of trade partners at a time when they

cannot afford the economic cost of a trade war. **Institutions** provide **monitoring** and a venue for **leader**

interaction that facilitates coordination among states. Here the key function is **to** reinforce expectations that any

move to protect industries will trigger similar moves in other countries. Such coordination often draws on shared historical analogies, such as the Smoot–Hawley lesson, which form a focal point to shape beliefs about appropriate state behavior. Much of the literature has focused on the more visible action of legal enforcement through dispute settlement, but this only

captures part of the story. Our research suggests that **tools of informal governance such as leader pledges, guidance from the Director**

General, trade policy reviews, and plenary meetings play a real role within the trade regime. In the absence of

sufficiently stringent rules over flexibility measures, compliance alone is insufficient during a global economic crisis. **These circumstances trigger informal mechanisms**

that complement legal rules to support cooperation. **During** widespread **crisis**, legal enforcement would

be inadequate, and informal governance helps to bolster the system. Informal coordination is by nature difficult to observe, and we are unable to directly measure this process. Instead, we examine the variation in responses across crises of varying severity, within the context of the same formal setting of the WTO. Yet by focusing on discretionary tools of protection—trade

remedies and tariff hikes within the bound rate—we can offer conclusions about how systemic crises shape country restraint independent of formal institutional constraints. Insofar as **institutions are**

generating such **restraint**, we offer that it is **by facilitating informal coordination**, since all these instruments of trade protection fall within the letter of the law.

Future research should explore trade policy at the micro level to identify which pathway is the most important for coordination. Research at a more macro-historical scope could compare how countries respond to crises under

fundamentally different institutional contexts. In sum, the determinants of protection include economic downturns not only at home but also abroad. **Rather than reinforcing pressure for**

protection, pervasive crisis in the global economy is shown to generate countervailing pressure for

restraint in response to domestic crisis. In some cases, **hard times bring more, not less, international**

cooperation

AT Stare Decisis / Judicial ACTIVISM

1] Regularizing the appointment process strengthens rule of law & precedent.

Fisher '22 [Jeffrey L.; law professor at Stanford Law School; co-director of the Stanford Supreme Court Litigation Clinic; and special counsel at O'Melveny & Myers LLP, 7-21-2022, "Opinion," POLITICO, <https://www.politico.com/news/magazine/2022/07/21/supreme-court-reform-term-limits-00046883//> Cookie NJ + brett]

Some also worry that justices under a system of term limits might become less independent because they might perform their duties with an eye toward a professional career beyond their service on the Supreme Court. Again, age is a mitigator here. If justices aren't appointed until their late 50s or 60s, serious post-judicial careers seem unlikely.

Lastly, one might reasonably wonder why in the world we should favor a system that would result in more confirmation hearings. Have we learned nothing, one might ask, from recent history? In response, I will end where I began. The whole point of term limits would be to regularize the appointment and confirmation process; to make the nominations of new justices more unremarkable, and generally to lower the temperature regarding the court and its personnel. The reform would not be a panacea. But it would curb our worst instincts and tendencies that have developed in this realm. And that can only benefit the American people and the rule of law.

2] Non-UQ: Dobbs (overturning Roe), Bruen (expanded gun rights), and many other cases prove the court doesn't care about setting precedent.

Olinsky and Oyenubi 22 Ben Olinsky and Grace Oyenubi 6-13-2022 <https://www.americanprogress.org/article/the-supreme-courts-extreme-majority-risks-turning-back-the-clock-on-decades-of-progress/> (Senior Vice President, Structural Reform and Governance; Senior Fellow)//Elmer

As the Supreme Court nears the end of its term, it is poised to hand down a string of decisions that carry a deeply disturbing theme: the reversal of long-standing precedents and law that will claw back the rights of Americans in a way unseen in modern times. Much attention has appropriately been given to the stunning draft decision reported on Dobbs v. Jackson Women's Health Organization, which would overturn Roe v. Wade. Yet in other cases, too, Americans will likely see significant retrenchments of their rights, including those to clean air, religious freedom, effective governance, and to live safe from the scourge of gun violence. Dobbs will not be an isolated case of overreach nor of attacks on cherished liberties. Instead, it offers a stark preview of the plans the court's radical majority has for the future. Simply put, the current majority on the court is anything but conservative. These unelected justices—who, as recently as two years ago, promised to respect foundational Supreme Court precedents—are advancing their own extreme ideological vision that is out of step with most Americans. This will quite literally turn back the clock on our nation's hard-fought progress. It should not go unnoticed that this is the first full term in which all three justices nominated by President Donald Trump are sitting together. * After decades of a more or less stable and relatively balanced—if conservative—membership, the court's actions this term are the direct outcome of MAGA policies and tactics to wrest control of the Supreme Court at any cost. These actions lead one to wonder, as Transportation Secretary Pete Buttigieg recently asked, if we are seeing “the high-water mark of rights and freedoms in this country” before these civil rights are rescinded. The Supreme Court's path to expanding individual rights has not always been a straight line. Ample evidence exists of the court siding with prejudice or powerful actors over the people, before its missteps were corrected at a later date. Dred Scott v. Sanford held that African Americans were not to be recognized as citizens. Nearly a century later, Korematsu v. United States upheld the forced internment of Japanese Americans. Plessy v. Ferguson blessed state segregation laws as legal under the infamous “separate but equal” doctrine. And Lochner v. New York invalidated a state law regulating acceptable working conditions under a contract. Today, the original, flawed findings would prove shocking and unacceptable to most Americans. Fortunately, in each of these cases, the Supreme Court—or, in one case, a constitutional amendment—expanded our notion of the rights guaranteed in our society. As the Supreme Court nears the end of its term, it is poised to hand down a string of decisions that carry a deeply disturbing theme: the reversal of long-standing precedents and law that will claw back the rights of Americans in a way unseen in modern times. What is different about the Supreme Court's hard pivot in this

term is that, in each case, the court may seek to reopen and undermine precedents, compromises, or laws that have long since been settled and safeguarded the rights of everyday people. Beyond the most direct effect of harming Americans and their rights, this extremist brand of judicial activism has also eroded trust in the Supreme Court as a critical national institution. Although there are no quick solutions, there are three potential actions that may help protect our democracy: First, the current majority on the Supreme Court must recognize that its continued radical activism has the potential to destabilize its very institution and the broad respect granted to it and its decisions by the populace—and show restraint. Second, **Congress must consider significant reforms to the court including term limits**, new binding ethical restrictions, increased transparency, and fast-track procedures **to ensure open seats do not go unfilled for political or ideological reasons**. Third, Congress and executive branch agencies must write laws and regulations in a way that accounts for the court's activism in order to avoid improper intrusion by the court in these laws' appropriate implementation.

3] Not only is Aff good, but Neg is bad: the current court is violating stare decisis AND WILL CONTINUE TO anyways – the real question is: what form will change take place? A liberal overruling is far better than a conservative violation of stare decisis

Leonhardt 22. David Leonhardt is a senior writer for The New York Times. Leonhardt, David. "What's next for the Supreme Court?" The New York Times, The New York Times, 27 June 2022, <https://www.nytimes.com/2022/06/27/briefing/supreme-court-abortion.html>. 🌸 BZ

My colleague Adam Liptak, who covers the Supreme Court, describes the five Republican-appointed **justices** besides Chief Justice John Roberts as "an impatient, ambitious majority." They have **largely rejected** Roberts's more cautious approach of deciding cases narrowly and **shifting the law slowly**. The five instead **prefer[ing] to set American law as they believe** it should be set, even when they must **overrule[ing] longstanding precedent**. To do otherwise, they believe, is dishonest. **After the court overturned Roe v. Wade on Friday**, one obvious question was: **What other legal changes might soon be coming?** Initial attention has focused on the possibility that the court may soon **restrict[ing] L.G.B.T. rights, contraception access or interracial marriage**. All those issues **involve** some of **the same logic that led to the abortion decision**, as both Justice Clarence Thomas and the three liberal **justices pointed out in their writings accompanying the decision**.

4] Their ev is acting retroactively: we need to see what happens moving forward today, not 1900's

AT Independence / Future Employer / Corruption

1] 18 yr term limit is NONRENEWABLE – can't be reappointed

2] Justices will retire w/ benefits and salary – constitution says so, even with term limits

Congressman Johnson continues: Johnson, Hank. "Rep. Johnson Introduces Supreme Court Justice Term Limit Measure to Restore Balance, Legitimacy for Scotus." Congressman Hank Johnson, 26 July 2022, <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-introduces-supreme-court-justice-term-limit-measure-restore>. 🌸 BZ

The Supreme Court TERM Act would build on the existing retirement system for Article III judges, which the Court has repeatedly upheld as constitutional[ly]. The bill would also preserve[ing] judicial independence by ensuring that Supreme Court justices who assume senior status remain fully compensated members of the federal judiciary for life, capable of exercising official duties on and off the bench for as long as they choose.

3] Full independence is undemocratic and unjust: without taking into account peoples' views, Justices are free to do whatever without fear of being removed. That's what's happening today

AT Implementation

- 1] LD is a value debate and the Aff is arguing that the resolution is a good IDEA, not about whether it will happen
- 2] Fiat: The debate topic is a general statement that the US Supreme Court OUGHT, rather than a statement of fact. Thus, it's not relevant whether the Aff "policy" is even likely to pass, only that it is moral to pass
- 3] Fiat: The Aff's hypothetical action will always lose to a status-quo ground Neg, thus for fairness we shouldn't focus on implementation
- 4] You had time in CX to ask – it's your time to clarify, especially since I can't get to everything in a limited amount of time

AT Political Capital

Term limits are supported across all political parties

Coolidge Foundation 21 May 2021 <https://coolidgefoundation.org/wp-content/uploads/2021/05/Supreme-Court-Term-Limits-Brief-FINAL.pdf>

Multiple polls over the years have shown that the idea of **term limits for the Supreme Court is popular among Americans**. For example: • **According to a 2021 poll by Reuters, 63 percent of adults supported term or age limits for Supreme Court justices.** (About 22 percent said they opposed limits.) 23 • According to a 2020 poll by Rasmussen Reports, 52 percent of likely U.S. voters believe that Supreme Court justices should be subject to term limits. (About 36 percent said they oppose term limits.) 24 Importantly, term limits are one of the few policy ideas in all of public discourse that enjoy bipartisan support. Roughly **66 percent of Democrats and 74 percent of Republicans support the idea of term limits for justices.** 25 These data suggest that ordinary voters want balance on the court, and do not want to leave the composition of the court up to the chance occurrences of retirements, deaths, and political elections. Out of respect for democracy, we should take into consideration what regular citizens say they want on this issue.

18-yr term limits are backed by wide bipartisan support, from leaders and the public alike

President's **Commission on the Supreme Court** of the United States. "Important Note on These Discussion Materials - White House." President's Commission on the Supreme Court of the United States, Oct. 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/11/Chapter-3-11.18.21-draft.pdf>. 🌸 BZ

Among the proposals for reforming the Supreme Court, **non-renewable limited terms—or "term limits"—for Supreme Court Justices have enjoyed considerable, bipartisan support. Advocacy groups, nonprofits, and membership organizations have expressed their support for term limits.** In testimony before the Commission, **a bipartisan group of experienced Supreme Court practitioners concluded that an eighteen-year non-renewable term "warrants serious consideration."** 1 Major think tanks and their **leaders have also endorsed the concept,** 2 **as have both liberal and conservative constitutional scholars.** 3 When the National Constitution Center organized **separate groups of "conservative" scholars and "progressive" scholars to draft their own proposals for improving the Constitution,** **both groups concluded that Supreme Court Justices should be limited to eighteen-year terms.** 4 Yet other scholars and commentators have questioned the idea of altering the system of life tenure, 5 which has been in place since the Constitution established the Supreme Court and the judicial power.

AT Political Tricks, Delays, and Polarization

1] The predictability of term limits would reduce polarization, as everyone would recognize the regular and expected Justice re-appointments

Black & Bryan 17, political science professors.

Prof. Black: Associate Professor, Department of Political Science, Michigan State University. Prof. Bryan: Assistant Professor, Department of Political Science, Loyola University Chicago. Black, Ryan C., and Amanda Clare Bryan. "The Policy Consequences of Term Limits on the U.S. Supreme Court." SSRN, 11 Feb. 2017, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2915011. 🌸 BZ

Proponents of term limits advance several normative arguments in its favor.²² First, as Calabresi and Lindgren discuss at length, confirmation hearings for Supreme Court justices have become remarkably polarized in recent years.²³ Term limits, the argument goes, would reduce the need for confirmation hearings to become heavily politicized because the Court's turnover would be regular and predictable.²⁴ As Calabresi and Lindgren explained: Under the current system, vacancies on the Supreme Court arise very irregularly, which means that when one does arise, the President and Senate both act without knowing when the next vacancy might be . . . As a result, the political pressures on the President and the Senate are overwhelming. There is simply so much at stake . . . that the President and the Senate . . . inevitably become engaged in a bitter political contest . . .²⁵ [but] Having predictable and equal numbers of appointments for each president would help to alleviate this problem.²⁶ Moreover, proponents argue that the predictability of term limits would [also] reduce the desire for justices to strategically retire[ing] based on who is serving in the White House and who [they] he or she believes the next president will be.²⁷

2] All previous retired justices can temporary fill in for the court

Congressman Johnson continues:

Johnson, Hank. "Rep. Johnson Introduces Supreme Court Justice Term Limit Measure to Restore Balance, Legitimacy for Scotus." Congressman Hank Johnson, 26 July 2022, <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-introduces-supreme-court-justice-term-limit-measure-restore>. 🌸 BZ

The Supreme Court TERM Act would: • Establish terms of 18 years in regular active service for Supreme Court justices, after which justices who retain the office will assume senior status; • Establish regular appointments of Supreme Court justices in the first and third years following a presidential election as the sole means of Supreme Court appointments; • Require current justices to assume senior status in order of length of service on the Court as regularly appointed justices receive their commissions; • Preserve life tenure by ensuring that senior justices retired from regular active service continue to hold the office of Supreme Court justice, including official duties and compensation; and • Require the Supreme Court justice who most recently assumed senior status [would] to fill in on the Court if the number of justices in regular active service falls below nine. America is alone among modern constitutional democracies in allowing its high-court justices to serve for decades without term or age limits, resulting in some Presidents appointing no justices and others appointing as much as a third of the Court. Regularizing appointments every two years will ensure a Supreme Court that is more representative of the nation, reflecting the choices of recently elected Presidents and Senators. Term limits for Supreme Court justices are an essential tool to restoring a constitutional balance to the three branches of the federal government.

Rule of Law / compliance

Legitimacy turns rule of law and compliance with decisions

Schapiro 8-5-'13, Robert A. Schapiro, dean and Asa Griggs Candler professor of law at Emory University School of Law., Op-ed contributor, Christian Science Monitor, Objection! Americans' opinion of Supreme Court can't keep dropping, Lexis

Public confidence in the judiciary provides a critical foundation for a society committed to the rule of law. As America's unelected justices confront controversial questions, the legitimacy of their decisions depends on public support for the institution. The court must rely on other government officials, including elected leaders and law enforcement officers, to implement its rulings. Examples around the world suggest that obedience to judicial decisions may well depend on the level of respect that the courts enjoy.

AT Unconstitutional

1] The wording of the Constitution doesn't stop term limits – no need to amend

Khanna & Sherry 22. Khanna, Ro, and Suzanna Sherry. Congressman. "Rep. Ro Khanna on How Term Limits Would Restore 'Stability and Impartiality' to the Supreme Court." Congressman Ro Khanna, 6 July 2022, <https://khanna.house.gov/media/editorials/rep-ro-khanna-how-term-limits-would-restore-stability-and-impartiality-supreme>. 🌸 BZ

Is such a move constitutional? Why take this approach compared to trying for a constitutional amendment? Yes. Congress can pass a bill right now limiting the term that the next justice confirmed to the Supreme Court would serve. Article 3 of the Constitution states that judges and justices "shall hold their Offices during good Behaviour," which has traditionally been understood as a lifetime appointment. But the lifetime appointment does not have to be to the Supreme Court, and it [justices] can return to a circuit court after someone completes their 18-year term. In fact, the idea of Supreme Court term limits is supported by legal scholars across the ideological spectrum because it would not require amending the Constitution.

2] The constitution didn't take into account more qualified lawyers able to serve Court, peoples' longer lifespans, changes in technology, and political climate. Changes are necessary after 300 years

AT Consecutive Election Wins

- 1] How many times has it actually happened? (very few)
- 2] Regular swapping of Justices makes sure public opinion is represented – that's good. If people want a certain party to win and have voted them consecutively, the Court should also reflect that
- 3] The current system of life-long terms is worse for balancing: e.g. Trump appointed 3 Justices across four years, while Obama did ONLY 2 Justices across his EIGHT years. On top of that, it remains unbalanced for as long as they're alive.

AT Young/Inexperienced Nominees [Aff]

The Neg's ageism doesn't realize that young Judges bring unique perspectives to the Court and are no lesser than older ones. As for people who don't know what they're doing, they won't even be nominated to the Court in the first place

Wilkinson 21, US judge. The writer is a judge on the U.S. Court of Appeals for the 4th Circuit. III, J. Harvie Wilkinson. "Opinion | Supreme Court Term Limits Wouldn't Solve Anything." The Washington Post, WP Company, 17 Oct. 2021, <https://www.washingtonpost.com/opinions/2021/10/18/supreme-court-term-limits-wouldnt-solve-anything/>. 🍁 BZ

One of the arguments for term limits is that the current system encourages presidents to select unduly youthful nominees, to maximize the time they will have on the bench. What in the world is wrong with youth? Youthful nominees add intellectual vitality and generational diversity to the bench. The past seven justices were 48, 53, 49, 50, 54, 55 and 50 when nominated. These 50-something "youthful nominees" have had plenty of time to acquire professional distinction, and someone hopelessly callow [anyone inexperienced] would face confirmation difficulties on that very account. As for the danger of justices with declining mental powers remaining on the court, there exist a plethora of internal and external pressures that can readily be deployed in the service of a dignified exit.

AT Recess Appointees

Very little has the Senate rejected recess appointees: they are secure and can act freely

Ballotpedia says: "Recess Appointment." Ballotpedia, https://ballotpedia.org/Recess_appointment. 🍁 BZ

A recess appointment is an appointment, by the President of the United States, of a senior federal official to fill a vacant federal court seat while the United States Senate is in recess. Recess appointments are authorized by Article II, Section 2 of the U.S. Constitution, which states: "The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session." This means that, although the U.S. Constitution requires that most senior federal officers be confirmed by the Senate before assuming office, while the U.S. Senate is in recess the President holds nomination power.

Generally, a judge who is serving on a recess appointment will be officially nominated during the Senate's next session, and continue service uninterrupted. Rarely, this nomination will be rejected by the Senate, and the judge's service will be ended after a very brief term.^{[1][2]}

AT PICs

1] The resolution is a generic and thus the Aff only needs to prove that the resolution is generally true. This means that exceptions like the one presented by the Neg do not disprove the Aff position

Prefer this rule from NSDA, the organization that gave us this resolution and in part manages this tournament

NSDA, 2013, Lincoln-Douglas Debate, <https://www.speechanddebate.org/wp-content/uploads/Lincoln-Douglas-Debate-Textbook.pdf> (accessed 12/25/22)

No question of values can be determined entirely true or false. This is why the resolution is debatable. Therefore neither debater should be held to a standard of absolute proof. No debater can realistically be expected to prove complete validity or invalidity of the resolution. The better debater is the one who, on the whole, proves his/her side of the resolution more valid as a general principle.

2] The PIC is arbitrary + non-democratic.

AT: US Heg

Heg not key to peace

- Converging global factors are more important to peace
- Africa proves – reduced U.S. involvement lead to more stability

Dombrowski 19 2/21/19 [Ellie Dombrowski, author for the Observer, citing C.J. Fettweis, Associate Professor of Political Science at Tulane University. The New Peace. 2/21/19.
<https://ndsmcobserver.com/2019/02/the-new-peace/>]

We are a part of the generation of the “Long Peace,” a time of unprecedented lack of global conflict since World War II. The term was coined by John Gaddis in his novel “The Long Peace” (1989), and the period is well known because of the Cold War (1945 – 1991), which was marked by a lack of direct military conflict between major powers, the United States and the USSR. Few Americans during this time saw combat, at least relative to the two World Wars that preceded it. Now, the Cold War is over, but the Long Peace persists. The USSR is no longer a political entity, and Russia lacks the global, political and economic presence of its predecessor — but proxy wars continue. “Low intensity conflict” continues, but the “sides” are less clear. This is the New Peace moment of the Long Peace. If the term fits, we need to be clear about what that means. It doesn’t mean a lack of conflict, it can’t — the youth of today have never lived a day without war. The U.S. has been at war in the Middle East since Aug. 2, 1990, a total of 29 years of fighting in and around Iraq. Still, this is not a “total war” in the sense known by past generations. There were more military deaths in World War II than all of the wars since combined, and they took place in a much shorter period of time. In that sense, the New Peace is real for Americans, even while it remains devastating for those directly involved. Why are we in a New Peace? What is making it stick? Political scientist Christopher Fettweis believes that “whether these trends represent a fundamental change in the rules that govern state behavior or a temporary respite between cataclysms is not yet clear, but there is no doubt that—thus far at least—the post-Cold War era has been more stable and peaceful than any that preceded it.” Many things could have caused this stability: a post-Cold War deterrence effect of massively unequal militaries, incentives toward global cooperation caused by high levels of economic growth, global reduction of poverty, women’s empowerment or the global increase of democracies. However, it is unlikely that any of these is sufficient on their own, and counter examples of peace without any of these elements are easy to find. Some historians credited the New Peace to U.S. hegemony, but it appears unlikely: stability has occurred even where U.S. influence and investment was minor. Africa, for example, has experienced a reduced number of armed conflicts, despite reduced U.S. involvement. And Africa is hardly the only region where states are free to go to war with one another without fear of U.S. intervention. But they do not, at least not at former rates. From this, we can conclude that “the New Peace can in all likelihood continue without U.S. dominance and should persist long after [this] unipolarity comes to an end.” While some may be surprised by the idea that stability will continue without U.S. prompting, the number and size of conflicts has continued to decline with the U.S. share of global wealth. This helps explain why the U.S. continues to spend so much of its income on military hardware and still leads the world in arms sales. Historians of the last 30 years might suggest that such trends run counter to the increasing interest of the states today, even where they are seen to be only rational and self-serving — to pursue global peace, instead of running the risk of damaging their economies with war. So, where do we go from here? The good news is that the effect of changes in U.S. policies and strategies — often driven by inward-looking concerns — are less likely to have an effect on this trend. “The New Peace will [likely] persist for quite some time, no matter how dominant the United States is, or what policies President Trump follows, or how much resentment its actions cause in the periphery,” Fettweis states. For those of us living in these tumultuous political times, it is reassuring to think that global peace is not dependent on the United States. Of course, many Americans would see this as a loss of control, but cooperation (even where forced upon us by a lack of hegemony) has increased equality, women’s opportunities and global health. That fact that none of our generation has known a world without these things means that we are the living representatives of that global cooperation. In a sense, we are the New Peace.

TURN: If you buy that heg does have an impact, it's only going to be negative - heg causes interventions that create more instability, prolif, and terror.

Ashford, PhD, 19 (Emma, PoliSci@UVA, Fellow@CATO, Power and Pragmatism: Reforming American Foreign Policy for the 21st Century, in *New Voices in Grand Strategy*, 6, CNAS)

Military intervention abroad **is not a bug, but rather a feature of American primacy**. Certainly, some would argue that disasters like the Iraq war are a momentary aberration in a broader pattern of benevolent foreign policy behavior. Yet supporters of primacy are often schizophrenic about this issue. Hal Brands, for example, has argued both that democracy promotion is a core liberal project, and that the norms of nonaggression and sovereignty are paramount to the U.S.-led order.¹⁰ Others describe humanitarian or pro-democracy intervention as a necessary – even core – component of maintaining international order.¹¹ In reality, the broad, sweeping goals of liberal internationalism almost inevitably lead to intervention, at least in an era of unipolarity. The rationale may vary from case to case, but illiberal behavior – military conquest – typically is excused as justifiable in the service of liberal goals,¹² from nonproliferation in Iraq, to human rights in Libya or Kosovo, to counterterrorism in Niger and Cameroon. Since the end of the Cold War and the end of bipolarity, such interventions have become substantially more numerous; by one estimate, the United States engaged in four times as many military interventions since 1992 as during the whole of the Cold War.¹³ American endorsement of problematic norms like the Responsibility to Protect have only added to the problem. The results of the intervention trap have been dire. The few moderate successes have been largely outweighed by an impressive number of failures. The war in Iraq upset the balance of power in the Middle East and helped to contribute to the rise of ISIS. The U.S.-installed government of Afghanistan continues to slowly lose ground against a resurgent Taliban. The intervention in Libya produced an ongoing civil conflict. And American actions in these cases may be driving dictators elsewhere – like North Korea's Kim Jong Un – to pursue the protection that only nuclear weapons can bring. Even interventions like Kosovo, typically viewed as more benign, can be problematic. As James Goldgeier notes, “Because it ended with NATO victorious and Serbian President Slobodan Milosevic irreversibly weakened, it does not get the same level of attention as the 2003 Iraq War or the 2011 intervention in Libya. But it should.”¹⁴ Confrontations with both Russia and China during the Kosovo intervention helped to worsen relations, and the intervention itself later served as a precedent for the Bush administration's unilateral invasion of Iraq. On a broader level, the exponential growth of U.S. counterterrorism commitments overseas – from drone strikes to special ops forces and the deployment of troops to engage in “train-and-equip” missions – has driven groups with predominantly local grievances into the arms of global terror groups, and has increased radicalization in various areas.¹⁵ Counterterrorism missions are frequently invisible to the American people, and policymakers rarely debate their missions or cost, continuing to rely on the dated 2001 Authorization to use Military Force. Constant interventions squander blood and treasure, all while chipping away at U.S. military readiness.¹⁶ As Michael Spirtas of Rand describes, “Almost two decades of fighting in Afghanistan and Iraq have resulted in a generation of American service members with little experience in thinking about or preparing for major power conflict.”¹⁷ These outcomes are not the consequence of a few poor decisions, but rather of the core motivating concepts of primacy and its expansive aims. If we continue to adhere to a strategy that views America as the world's policeman and savior, we will remain stuck in the intervention trap.

Progressive Arguments

Answers to Topic-Specific Counterplans

AT Age Limits CP

1] Perm do both: no reason to specifically negate: make sure justices can't be too old and can't serve forever

2] CP links to their DAs...

3] Turn: Many justices are appointed into their 50's. Serving 18 years doesn't make a difference (they'll be late 60 when term ends) and in fact solves the CP better: retiring earlier than under their age limit (e.g. 72 yrs)

4] Turn - Neg is arbitrary in their criteria: independently spurs backlash for ageism, since the Prez and Congress don't have these limits so it would be weird for the court to do it

5] Delink: Older Judges have much life experience – they're not uniquely bad.

6] Delink: Mental health doesn't only affect the elderly – anybody may experience it so non-unique

AT Appellate Justice Panel / Rotating

1] Perm: that's Aff ground. There's still 9 SCOTUS members, the only thing you did was specify the candidate pool which basically agrees that the court should be term-limited. There's still only 9 called "SCOTUS Justices", contrasted to your 94 judges

2] Turn: No benefit to why choosing by region is better. They're still probably all gonna be white males. 18-yr Terms SPECIFICALLY result in better diversity

Marcum 18 Anthony Marcum December 2018 "Arguments against 18-year Term Limits for the Supreme

Court" <https://www.rstreet.org/wp-content/uploads/2018/12/161.pdf> (a former resident fellow at the R Street Institute, where he focused on the federal judiciary and separation of powers disputes. He has written for both scholarly and journalistic publications, including The Washington Post, Politico, USA Today, and NBC Think. He also regularly appears on a variety of television and radio outlets. Prior to R Street, Anthony worked at a boutique litigation law firm in Michigan and clerked in federal district courts in West Virginia and New Hampshire. He is an adjunct professor at George Washington University's Graduate School of Political Management and an Associate Editor of the American Bar Association's Litigation Journal. Anthony holds a bachelor's degree from Ohio State University, a JD from Rutgers Law School and a master of laws from Georgetown University Law Center.)/Elmer

Nevertheless, 18-year term limits would offer one positive reform: It would broaden the potential pool of justices and allows presidents the opportunity to name more diverse candidates to the Court. In recent years, in addition to only looking to nominees in their late 40s or early 50s, recent presidents have only seriously considered nominees with very specific backgrounds. The current makeup of the Court exemplifies this. Today, every Supreme Court justice attended either Harvard or Yale law school.⁵⁷ After law school, a majority of the current justices secured prestigious clerkships at the Supreme Court, and later spent time working as federal government lawyers.⁵⁸ And eight of the nine justices were circuit judges before their nomination.⁵⁹ This was not always the case. Past justices have been politicians, military veterans and criminal defense lawyers.⁶⁰ None are today. But having justices with a diverse array of personal and professional backgrounds could be beneficial for the Court, as it could mitigate the perils of groupthink and allow justices to be more creative and effective.⁶¹ Term limits offer a greater opportunity for such diversity. It is simple math: More justices rotating over a shorter period will create greater opportunities to name more diverse jurists. Yet, for the reasons indicated above, an increased turnover of justices—with the speculative hope for a more diverse judiciary—is not enough to mitigate the perils of 18-year term limits. Moreover, the swift, repeated turnover of Supreme Court justices uniquely leads to another problem: general uncertainty about the state of American law.

Diversity is a critical Internal Link to Trust.

Bannon and Keith 22 Alicia Bannon and Douglas Keith 2-1-2022 "What Research Shows About the Importance of Supreme Court Diversity" <https://www.brennancenter.org/our-work/analysis-opinion/what-research-shows-about-importance-supreme-court-diversity> (Director, Judiciary Program at the Brennan Center)/Elmer

Justice Stephen Breyer announced his retirement on January 27. Soon after, President Biden reiterated his commitment to nominate the first Black woman to ever serve on the Supreme Court. This would be a milestone for the judiciary — and for the nation.

Ample evidence demonstrates why building a diverse bench is a crucial value in choosing judges. First, a diverse judiciary helps instill trust in the justice system among underrepresented communities. As federal district court Judge Edward Chen observed, "It is the business of the courts, after all, to dispense justice fairly and administer the laws equally. . . . How can the public have confidence and trust in such an institution if it is segregated — if the communities it is supposed to protect are excluded from its ranks?" One study found, for example, that greater representation of Black judges on the bench led to heightened perceptions

among Black Americans **that the courts were legitimate**. A bench that reflects a broad range of life experiences and personal and professional backgrounds also **promotes a richer jurisprudence**. This is borne out in judges' own reflections. Judge Harry T. Edwards of the DC Circuit Court of Appeals has observed that diversity on the bench "provides for **constant input** from judges who have seen different kinds of problems in their pre-judicial careers, and have sometimes **seen the same problems from different angles**." Federal district court Judge Carlton W. Reeves has noted, "Where people come from, what they have lived through, what they do with the time they have, and who they spent that time with — it all matters." Justice Sandra Day O'Connor has recounted how she learned from Justice Thurgood Marshall, the first Black justice and a legendary civil rights lawyer. "Occasionally, at Conference meetings, I still catch myself looking expectantly for his raised brow and his twinkling eye, hoping to hear, just once more, another story that would, by and by, perhaps change the way I see the world." Research similarly has shown that "judges from different backgrounds often do rule differently from one another" on certain issues, as political scientist Maya Sen described last year in testimony to the Senate Judiciary Committee. One recent study, for example, found that white federal district court judges placed more conditions on pre-trial release than Black judges. Another recent study found that former corporate lawyers and prosecutors, who make up 70 percent of active federal judges, were more likely to rule against alleged victims in employment discrimination suits. Outside of formal court rulings, research has documented that female judges are more likely to identify incidents of gender bias in the courtroom and intervene. Together, this research suggests that, not surprisingly, life experience shapes how judges see the law. Diversity of life experience and perspectives also enriches deliberations among judges. For example, studies of three-judge appellate panels found that when a female judge or a person of color sits on a panel, their male or white colleagues were more likely to side with plaintiffs in civil rights cases.

AT Direct Elections of Justices

1] Perm do both: we can elect term-limited Justices, Neg doesn't get offense cuz it's non-UQ

2] Turn. Justices elected for life sets bad tone for democracy and public engagement: no one would have faith in a system that elects people at random times, especially if it only happens once every blue moon when a Justice retires/dies.

3] No guarantees that Justices will be pro-climate change policy (they don't have ev). We specifically prove how democrats have a unique opening in presidency and the Senate, so appointments GUARANTEE that a climate court is in place – may not be true if justices are to be elected

AT Abolish Court K/CP

The ROB and ROTJ is To Vote for the debater who proves the desirability or undesirability of the hypothetical implementation of the aff - anything else is arbitrary and self serving which is a voter for fairness because its impossible to predict.

1] The Neg isn't fulfilling their burden of upholding the status quo, nor advocating for life tenure, so there's no reason to vote for them when they won't engage with the topic, let alone fairly

2] Perm: you can do term limits first then abolish the court, so affirm

3] Despite ups and downs, the Supreme Court is necessary to check government and resolving major disputes

Mikulis 18. Rick Mikulis is a senior management and government and politics major. Mikulis, Rick. "We Shouldn't Abolish the Supreme Court." The Diamondback, 31 Dec. 2018, <https://dbknews.com/0999/12/31/arc-oandsq37zn3xnwsk4hi2epuk4/>. 🍌 BZ

As the United States Senate debates the confirmation of Judge Brett Kavanaugh to fill Justice Anthony Kennedy's seat on the Supreme Court, we have the opportunity to debate about the merits and drawbacks of the procedures of our government. Perhaps Justices shouldn't be appointed for life [but], or maybe our method of appointing Justices as a whole is flawed. Or maybe, as an op-ed recently posted in the Diamondback asserts, "we should abolish the Supreme Court." This op-ed categorically ignores the majority of work done by the Supreme Court and the disastrous results of such an ill-conceived idea, while misunderstanding the purpose of the small amount of responsibilities that the author chooses to mention. The Supreme Court, while it may have flaws, should absolutely not be abolished. Allow me to first begin by explaining a few fundamentals about our highest court, as established in Article III of the Constitution. Without the Supreme Court, we lose a crucial third of our federal system of checks and balances. Without the Supreme Court, there is no one to hear appeals from each of the 13 Circuit Courts. Without the Supreme Court, suits between states can not be heard. The United States is a common law country: The majority of our [U.S.] law is unwritten, based on the results of court cases, rather than from civil law passed by our legislature. When there is a debate about conflicting common law between states that affect issues on a national level, it is essential that we [need] have a body prepared to hear the arguments and deliver a verdict. Without the Supreme Court, we lose the ability to operate an effective government. Now, to address some of the vagueries presented in the aforementioned op-ed. The author believes that the Supreme Court simply decides what should and shouldn't be law, apparently as part of some grand plan by these "lawyer-king imbeciles," as he describes them. At best, this is some sort of perversion of legal positivism (law is based in legislators' beliefs, regardless of ethical justification) and at worst it is a cynical and inaccurate understanding of legal theory. The biggest point the author offers is about the Supreme Court's supposed inconsistency, as if overturning a 74-year-old ruling about Japanese internment camps represents being indecisive. What he misses is that the Court does not dictate law for the nation for everyone to follow. Rather, the truth is closer to legal realism, wherein laws and rulings from the Supreme Court come from social and public interests. The Court overturned its previous rulings because the country changed perspective over a long period of time, not because the Court couldn't decide what it wanted the law to be. The author of the piece also misunderstands the idea of judicial review. The Supreme Court uses judicial review to determine the constitutionality of legislative and executive action, not to "overturn particularly unpopular laws." Consider, for example, United States v. Lopez, through which the Supreme Court declared the Gun-Free School Zones Act of 1990 to be unconstitutional. None of the justices in the majority opinion believed that guns should be in schools; they correctly defined the extent of the federal government according to the Constitution, and where the states' responsibilities began. There is always

room for improvement with our process. And it's fine to be unhappy with rulings the Supreme Court has made, or the appointment of certain justices. But suggesting to get rid of one of our three branches of government on the national level is irrational and lacks basis in a cogent argument.

4] Abolished Court spills over to greater issues, as there are still court responsibilities delegated in both policies and the constitution, resulting in nowhere to send various legal issues and chaos taking over the country as nobody can resolve intense national legal issues

5] Term limits democratize the court, resulting in greater citizen participation as they are regularly appointed by the popularly elected President.

Prefer regulation and reform – best way to facilitate transition to ethical institutions.

Mills et Al 7 Pateman, Carole, Charles Wade Mills, and Charles Wright Mills. Contract and domination. Polity, 2007. (Distinguished Professor of Philosophy at The Graduate Center)//Elmer

CM Like Macpherson, we both have obvious sympathies with the left (or, as the joke has it, what's left of the left). So if you think of yourself as a political progressive today, what do you do? Well, one reaction is to aim at more realizable goals, given the prevailing climate. Though I don't use the phrase in The Racial Contract, I've been arguing in more recent work for a "non-white-supremacist capitalism." In other words, if capitalism limits our horizons, then at least let's have a capitalism that lives up to its "society open to talents" advertising. Obviously I'm making several assumptions here. One is that white supremacy can be conceptually and (more importantly) causally separated from capitalism. Another is that non-white-supremacist capitalism would be morally preferable to, more just than, white-supremacist capitalism. On the first, it's often pointed out to me by people on the left in campus or conference audiences where I'm speaking - or often claimed, I should say - that capitalism caused racism and white supremacy in the first place. And my response is that even if that's historically true (and I'm certainly sympathetic to the claim), it doesn't follow that in the present period sufficiently powerful material forces can't be marshalled to struggle for a nonracial capitalist order now. On the second, it's sometimes been argued to me that there'd be no difference. And I think that's just false - I think that racist capitalism has peculiar features, peculiar oppressions of its own, and that eliminating them would represent real moral progress. Note that these objectors' position implies that the black civil rights struggles of the 1950s and 1960s would not have been worth supporting by the white left, since for the most part they weren't anticapitalist in character but antisegregation, anti-Jim Crow, antiwhite-supremacy. They were struggles for equal inclusion in the polity and the capitalist economy. So you'll recognize the position - it's basically the racial equivalent of the liberal feminist argument. That would be my first response to you, that while I agree completely that commodification has spread everywhere, to areas Marx would never have dreamed possible, isn't it still better in a market, property-dominated society to have property not distributed in such a racially inequitable way? CP I agree that it is better to have a racially equitable distribution of property, just as it would be better for women to have an equitable share of global property, wealth, and income. But why must we let (a certain form of) capitalism limit our horizons? In practice, a neoliberal form of capitalism has gained great power but I do not see why we should merely accept that power when we are doing political theory and thinking about "the good society." This is why I have been challenging the widespread assumption that the institution of employment, which, like David Ellerman, I have come to see as the lynchpin of capitalism, is a necessary part of democracy. Even in practice, prevailing economic doctrines are being challenged, especially in Latin America, and also by many grass-roots movements around the world. I agree that we should argue for a racially- and sexually- equitable property distribution but I disagree that this precludes keeping much broader goals in mind at the same time. There are different ways of working toward a change in the distribution of resources and some ways of going about it may be conducive to more than one political aim, as I have argued elsewhere, for example about a basic income for all citizens. CM You're right, of course, that one can be an activist, or a theorist (what "activism" comes to for most academics), on more than one front. In a classic left framework, that would have been negotiating the relationship between reform and revolution. So struggling for reforms within the system wouldn't necessarily rule out struggling against the system itself. But I guess for me the global defeat of the socialist project (in the Marxist sense) has been so overwhelming that I'm just pretty dubious about the current possibilities for antisystemic change of that kind. What's been happening in Latin America has indeed been inspiring, and I'm all for it. But that's social democracy, left-liberalism, not socialism in the classic sense of working-class ownership of the means of production. If that's what you mean by "socialism," then fine, I'm happy

to support such redistributivist programs, and to endorse basic income arguments. **We certainly have a lot of models for that**, for example in Western European social democracy. **What we don't have are**

models for an economically functioning and politically attractive postcapitalist socioeconomic order. As

you know, there are many people formerly on the orthodox left who concluded that the collapse of state socialism did indeed vindicate the original criticisms of the Austrian school, i.e. that market mechanisms are crucial for informational reasons. Hence the work in recent years on trying to work out viable models of market socialism. But apart from the intrinsic problems of modeling such an alternative, there are also the extrinsic problems of trying to win over a population thoroughly socialized (at least in this country) to associate anything even slightly left with totalitarianism, the antichrist, etc. After all, "liberal" was successfully transformed by the right into a term of invective decades ago. So if people run scared of liberalism - milquetoast, boring, (once) respectable liberalism - how are you going to convince them to be socialists?

AT Pack the Court – Advantage CP

1] Court-packing is horrible for democracy – the majority of Americans don't want it

Shackelford 21. Professor of Law at the University of Texas Law School. Shackelford, Kelly. "Americans Agree: Court Packing Is Dangerous." The Hill, The Hill, 25 Apr. 2021, <https://thehill.com/opinion/judiciary/549966-americans-agree-court-packing-is-dangerous/>. 🌸 BZ

There's no need to wonder why Americans feel this way. A plurality of voters worry that court packing would undermine the Supreme Court's independence — a crucial feature of our constitutional structure of separation of powers. By a more than 2-to-1 margin, voters also worry that court packing would weaken protection of fundamental freedoms enshrined in the Constitution. Nearly **two-thirds [of voters] see court packing as a partisan attempt to increase political power**, while nearly 60 percent believe that **Biden is using court packing to threaten the Supreme Court into submission**. The people are right. A packed Supreme Court most likely would permanently politicize the Supreme Court, removing the separation of powers. The court would simply be an adjunct under the president's and Congress' political party in charge. **Its legitimacy would wither, eroding public confidence** in its rulings. And the rulings themselves would surely deserve it. Whatever rights you cherish most — religious liberty, the right to keep and bear arms, **free speech, private property rights, freedom of the press** — could be **in jeopardy**. Other countries have done this to disastrous results.

2] Proven historically by President Roosevelt's court-packing plan:

Dunford 22. Senate Attorney. Oliver clerked at the Ohio Supreme Court and the Ohio Court of Appeals, and spent more than a decade in private practice working on complex commercial litigation. Dunford, Oliver. "Court-Packing Is a Terrible Idea. FDR Proved It." Pacific Legal Foundation, 7 July 2022, <https://pacificlegal.org/court-packing-is-a-terrible-idea-fdr-proved-it/>. 🌸 BZ

In **pushing to expand the Supreme Court, FDR treated the Court as just another political chamber he could manipulate to enact his agenda**. Although Congress and the public resisted Roosevelt's machinations, **their view of Supreme Court Justices was altered: Justices could now be seen as making political, not legal, decisions**. In his fireside chat, Roosevelt said Justices should decide "social and economic problems" with the benefit of their "personal experience and contact with modern facts and circumstances"—promoting an image of Supreme Court Justices as political minds who looked outside the legal scope of a case when making decisions. **The Court-packing bill officially died a slow, summer death in the Senate**. By then FDR had moved on: In May, Justice Willis Van Devanter—one of the Four Horsemen—announced his resignation. For a moment, FDR was in a pickle: He had long ago promised the first vacant seat on the Court to Senate Majority Leader Joseph Robinson, who was 65 years old. Putting a 65-year-old on the Court immediately after waxing poetic about "younger blood" would have made FDR look like a fool. But again FDR caught a break: Robinson, who'd been working overtime to gather votes for the Court-packing bill, had a heart attack and died. FDR, seeking "a thumping, evangelical New Dealer," nominated 51-year-old Senator Hugo Black from Alabama instead. Black was a Klansman, but the Senate confirmed him anyway. He served on the Supreme Court until 1971.

3] Worst case Perm do both: the neg is non-unique through a test of competition

AT Delay CP

Democrats have a unique opening to appoint Justices – until 2024.

Millhiser 22 [Ian is a senior correspondent at Vox, where he focuses on the Supreme Court, the Constitution, and the decline of liberal democracy in the United States, 12/21/22, Sotomayor and Kagan need to think about retiring, Vox, <https://www.vox.com/policy-and-politics/23507944/supreme-court-sonia-sotomayor-elena-kagan-ruth-bader-ginsburg-retire>]

Barring extraordinary events, **Democrats will control the White House and the Senate for the next two years.** They are unlikely to control it for longer than that. The 2024 Senate map is so brutal for Democrats that they would likely need to win a landslide in the national popular vote just to break even. **Unless they stanch the damage then, some forecasts suggest that Democrats won't have a realistic shot at a Senate majority until 2030 or 2032.** And even those forecasts **may be too optimistic for Democrats.** If Sotomayor and Kagan do not retire within the next two years, in other words, **they could doom the entire country to live under a 7–2 or even an 8–1 Court controlled by an increasingly radicalized Republican Party's appointees.**

AND – Justices serving 18+ years **NEED TO retire ASAP – including the anti-Climate ones**

Orts 22, Legal Professor. Professor of Legal Studies and Business Ethics at the Wharton School of the University of Pennsylvania. Orts, Eric W. "Supreme Illegitimacy." The Regulatory Review, 19 Oct. 2022, <https://www.theregreview.org/2022/10/10/orts-supreme-illegitimacy/>. 🌹 BZ

2. Establish **18-year term limits for justices.** Federal judges have a constitutional right to lifetime appointment, but this does not mean that Congress cannot set term limits **specifically for the Supreme Court.** As the Commission on the Supreme Court recognizes, rotation systems are possible. Retroactively **imposing an 18-year term limit would require Justice Thomas to retire immediately,** Chief Justice John **Roberts in 2023, and Justice Alito in 2024.**

Extra

Term Limit Definition

“Term limit” defined by

Selleck 18, professional attorney

Attorney Stacey L. Selleck graduated from Wayne State University in 2004 with a bachelor's degree in communications. After graduation, she attended Thomas M. Cooley Law School and received her Juris Doctor in 2008. Selleck, Stacey. “What Are Term Limits?” U.S. Term Limits, 1 May 2018, <https://www.termlimits.com/can-states-impose-term-limits-on-the-u-s-congress/>. 🌸 BZ

Term limits set a legal restriction on the length of time an elected official may hold office. Term Limits laws affect how many terms and how many years an individual may hold a specific office. Term limits laws may bar a termed out official from holding office for life or may set a time frame for which someone may sit out before running for the same office again.

Extra cards

If Americans can't even depend on their own court, people eventually ignore laws

Levi et al. 22, Professor of Law. David F. "Losing Faith: Why Public Trust in the Judiciary Matters." *Judicature*, 4 Oct. 2022, <https://judicature.duke.edu/articles/losing-faith-why-public-trust-in-the-judiciary-matters/>. Interview with three judges of the United States Courts of Appeals — Judge Raymond J. Lohier Jr. (Second Circuit), Chief Judge Jeffrey S. Sutton (Sixth Circuit), and Judge Diane P. Wood (Seventh Circuit). 🌸 BZ

In June, Gallup released its annual survey on public confidence in the United States Supreme Court. The Court's rating hit a historic low, with just 25 percent of Americans reporting "quite a lot" or "a great deal" of confidence in the Court, down from 36 percent in 2021. Data show that the Court is not the only institution in which the American people are losing confidence. Faith in institutions across the board — from organized religion and public schools to news media and big business — sank in 2022. And the Court remains the most trusted of the three branches of government. But this year marked the largest one-year drop in the Court's rating since the poll began in 1973 and the third decrease in a row. Of note: The poll was conducted before the Court issued its major rulings for the 2022 term. Polls are just one imperfect measure of public sentiment. And judges must administer justice impartially, without favor or bias or concern for which way the winds of public opinion may blow. But the rule of law largely depends on the willingness of ordinary people, as well as political actors, to abide by court rulings. How does declining faith in the courts affect respect for the judiciary as a whole? And what can judges do to help reverse the trend? David F. Levi, director of the Bolch Judicial Institute and president of The American Law Institute, asked three judges of the United States Courts of Appeals — Judge Raymond J. Lohier Jr. (Second Circuit), Chief Judge Jeffrey S. Sutton (Sixth Circuit), and Judge Diane P. Wood (Seventh Circuit) — to consider these questions. Excerpts of their conversation, recorded in August 2022, follow. A podcast of the full discussion is available on The American Law Institute website at ali.org. David F. Levi: I've known all of you for many years, some of us going way back in time. I asked you to have a conversation today about judging and the perception of the Supreme Court, because of the troubling poll numbers from the most recent Gallup poll about the loss of confidence by the American people in the Supreme Court. I think it's fair to say that the Court is in the middle of things right now. It's received a lot of criticism from all sides of the political spectrum. From my point of view, the Court's been under fairly continuous attack from conservatives at least since the 1970s, and it's now under fairly continuous attack from progressives as well. Even well before the decisions of the last term, which were so consequential, there have been serious calls for court-packing, for jurisdiction stripping, for other kinds of devices that would either limit[ing] the Court or change its direction. From whatever vantage point these critical assessments are launched, the basic point that the critics seem to make is that the Court is a political — perhaps even partisan — institution, and that it is making decisions on a host of pressing issues facing the country that ought to be left to the political branches. And this characterization is intended as a challenge to the Court's essential legitimacy: Why should nine people have that kind of authority to make political decisions? They presumably have that authority to make legal decisions, but the critics would say that many of these decisions aren't legal. So why don't we start with why this is of concern. The reality is that there's been a loss of confidence, as revealed by the Gallup polls. Should that concern us? Jeffrey S. Sutton: Perhaps a few caveats are in order about the poll numbers. I'm skeptical about looking at one set of data points. I think to the extent that the Court should be concerned about public support, public credibility, one year doesn't seem like a very good way to do it. In fact, one year of poll numbers seems much more likely to be used by the opponents of the Court's decisions, as opposed to people trying to assess whether the Court is performing like a court. Then we have another complication. The Court sometimes rightly does exactly what the public does not want. You could imagine a horrible murder in which the U.S. Supreme Court correctly reverses a conviction on legitimate constitutional grounds. In that setting, the public understandably would be agitated that the crime went unpunished. But I suspect the four of us would agree that that is a setting in which public disapproval would not legitimately undermine the Court's credibility and reputation for principled decision-making. That's why we have a Bill of Rights. Sometimes the federal courts are supposed to act in a counter-majoritarian way, which, no surprise, sometimes leaves the people frustrated by case outcomes. If someone had told me 10 years ago the Court was going to overrule *Roe* and *Casey*, I would have expected a significant response — not because one side is right, but because Americans have long had strong feelings about the issue in both directions. No matter how you look at it, that decision is quite consequential and is likely to generate strong views. Levi: Ray, what's your thought on this? I think Jeff is saying we should take these numbers with a note of caution. I don't hear him to say that we shouldn't be concerned about a loss of confidence in the Supreme Court. Raymond J. Lohier: I don't dispute at all the caveats that Jeff mentioned, about, for example, the counter-majoritarian role of the courts, and also about polls generally. But I do worry. One reason that I think we should all worry about a loss of confidence and support in the courts, or even a reported loss in confidence and support, is that — this is almost cliché — but we really have nothing other than public confidence to protect the branch. I do think that we should pay attention when there's any indication of flagging confidence or support in the judiciary. What's important in my view is that there has to be at least the perception of some connection — and a judicial appreciation that there must be a connection — between the public and the Court, between what the public expects, broadly speaking, and how the Supreme Court and courts of appeals and the district courts rule, and how we justify or explain our rulings. Any loss in confidence in what we do, or what [makes] the Supreme Court does, makes the rule of law somewhat more vulnerable and detracts from the legitimacy of what we do. What I mean by that, at least in part, is that a lack of confidence [This] increases the risk that actors — it could be public actors, legislatures, certainly ordinary people — are just over time going to ignore our orders and mandates. And they're going to do so as they perceive a lack of confidence or diminution or decrease in confidence and support in courts. They're going to do so thinking that there will be no practical consequences. And that's always the worry. It also increases the chances that the public — not only here but also abroad, which I think is an important point — is going to start to regard our judicial decisions not as a product of impartial deliberation based on the facts and the law in each particular case, but as in favor of or against a particular party, or a particular position, and as essentially pre-ordained, based entirely on the composition of the decision-making panel. A few years ago, I had the good fortune of meeting a chief justice of what I would describe as a troubled democracy. He spoke to a few federal judges here in New York City and described this phenomenon in a very powerful and very sobering way. What he described is a series of repeated and unrebutted attacks [on the court] from different sectors within the government in that country, especially the media and government actors in that country. Over time, this caused a significant reduction in public confidence in the supreme court of that country in particular, marginalized legal principles, and also marginalized the people within the country — at many levels, but certainly at the highest level — who believed in and were trying to foster a belief in the rule of law. That's a problem. And as we, the federal judges, were listening to this chief justice, we were thinking about the fact that it's not an impossible future in the United States. And part of the problem is that when you have that loss of confidence in the court system, people resort to other means to resolve those matters that are properly or historically within the realm of the judiciary.

Justices serving 18+ years assume senior status and retire ASAP

Johnson 22: Johnson, Hank. "Rep. Johnson Introduces Supreme Court Justice Term Limit Measure to Restore Balance, Legitimacy for Scotus." Congressman Hank Johnson, 26 July 2022, <https://hankjohnson.house.gov/media-center/press-releases/rep-johnson-introduces-supreme-court-justice-term-limit-measure-restore>. 🌸 BZ

The Supreme Court **TERM [limits] Act would:** • Establish terms of 18 years in regular active service for Supreme Court justices, after which justices who retain the office will assume senior status; • Establish regular appointments of Supreme Court justices in the first and third years following a presidential election as the sole means of Supreme Court appointments; • **Require current justices to assume senior status in order of length of service[,] on the Court as regularly appointed justices receive their commissions;** • Preserve life tenure by ensuring that senior justices retired from regular active service continue to hold the office of Supreme Court justice, including official duties and compensation; and • Require the Supreme Court justice who most recently assumed senior status [would] to fill in on the Court if the number of justices in regular active service falls below nine. America is alone among modern constitutional democracies in allowing its high-court justices to serve for decades without term or age limits, resulting in some Presidents appointing no justices and others appointing as much as a third of the Court. Regularizing appointments every two years will ensure a Supreme Court that is more representative of the nation, reflecting the choices of recently elected Presidents and Senators. Term limits for Supreme Court justices are an essential tool to restoring a constitutional balance to the three branches of the federal government.

Term limits ensure that public views on climate change are expressed, as justices are appointed regularly by the president

Tolu-Honary 21, political science. Beloit College Political Science and International Relations. Tolu-Honary, Farah. "Term Limits: A Solution to a Politicized Supreme Court." Common Cause Illinois, 30 July 2021, <https://www.commoncause.org/illinois/democracy-wire/term-limits-a-solution-to-a-politicized-supreme-court/>. 🌸 BZ

Regularly scheduled Supreme Court **appointments** could help decrease the tension that comes with a Supreme Court nomination because it would be understood that the president is in charge of appointing two justices each term. This has the potential to help depoliticize the Supreme Court because it could help prevent future Mitch McConnells from blocking nomination hearings; everyone would know and expect the president to appoint two justices. Additionally, **regular Supreme Court appointments would help ensure that the Supreme Court is more representative of the population's ideological lean.** Excluding the instances in which a presidential candidate loses the popular vote but still wins an election, **an American president's victory can symbolize[s] the population's political lean.** Therefore, **if a president was guaranteed two Supreme Court appointments,** the Supreme Court would likely be more representative of the public's will.

[Climate stuff, insert tagline]

Lavelle 22. Marianne Lavelle is a reporter for Inside Climate News. She has covered environment, science, law, and business in Washington, D.C. for more than two decades. Marianne Lavelle. "Want to Elect Climate Champions? Here's How to Tell Who's Really Serious about Climate Change." Inside Climate News, 21 Apr. 2022, <https://insideclimatenews.org/news/21042022/voting-climate-change/>. 🌸 BZ

For U.S. voters who care deeply about climate change, **the 2022 elections are about more than control of Congress and leadership of most states.** The results will, in a real sense, **determine whether the U.S. can fulfill its pledge to be a leader in the drive to stave off the most catastrophic consequences of global warming.** **Candidates** elected this year will **steer the direction of U.S. policy in the lead-up to 2025**—a significant deadline set out in this month's report by the Intergovernmental Panel on Climate Change (IPCC). That's when the IPCC said **greenhouse gas emissions need to peak** if the world hopes to meet the Paris climate accord goal of holding the post-industrial temperature increase close to 1.5 degrees Celsius (2.7 degrees Fahrenheit). President Joe Biden's first year in office has made clear that **the world's No. 1 oil and gas producer won't be able to curb its reliance on fossil fuels without more climate leadership in Congress and at every level of government.** Despite the ambitious

climate goals Biden has embraced, much of his climate agenda is stalled in the closely divided Senate. And he faces mounting pressure to maintain and expand fossil fuel production, both to rein in inflation and to address energy security concerns amid Russia's war on Ukraine.