Aff Block File

Observational Frontline:

* Term-limits Apply to Current Justices: The resolution refers to the justices of the US Supreme Court, which would be taking into account all the future and CURRENT justices. It intuitively follows that term-limits would be applied to current justices in the court as well. Therefore, the implementation of the resolution will be taking effect immediately, and the current justices of the court will no longer have life tenure but a new restricted term.

Definitional

* Term-limit Observation Arg: You can’t restrict the term-limits of current justices
  + Response: The resolution says that “the justices of the supreme court ought to be term-limited”. When there’s a noticable lack of a bare plural such as “all”, we automatically assume that it refers to all justices, which would include the current ones. The neg cannot disclude the current justices from this policy plan, it either affects everyone or it doesn’t affect anyone. Don’t let them have both. The aff isn’t kicking any justices out, we’re just imposing term-limits on current justices and possible future ones, as that’s what the resolution demands.
* Term-Limit should be Age
  + Response: Pref the aff’s definition of the term-limits being years because age still leaves a lot of factors to chance. Justices are getting younger and younger, and if term-limits were based on age then parties would aim for even younger candidates in order to make sure their ideologies stay in the supreme court for as long as they possibly can. This will further corruption. The aff’s definition solves for that, years are a set amount of time and will decrease the political battles altogether.

FW: Pref Dem

* Analytic: Judge, democracy will always represent the people, and the people first. The supreme court shouldn’t be an excpetion to this [purely because of checks and balances]. It follows the exact same principle as the election: presidents pass policies that affect everyone, therefore we take into account society’s opinion. SCOTUS has rulings that affects all of society as well, so it’s immoral to treat it differently and not prioritize representation.

FW: Government Legitimacy vs Checks and Balances

* Checks and Balances Analytic: The aff isn’t eroding checks and balances completely, SCOTUS will still serve as a check on the other two branches. We’re just saying that term-limits would allow for more representation which will actually uphold democratic ideals, as well as increase court credibility. Again, refer to my Taylor 23 card, without representation court credibility will be destroyed, which will kill the supreme court. The aff is the only way to save it and move forward.
* Checks and Balances Turn: **Checks and balances erode the voices of the people → renders the other branches’s representation worthless.**
* **FMPRC 21** [No Author, xx-xx-xxxx, "The State of Democracy in the United States," No Publication, <https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202112/t20211205_10462535.html>]
* Democracy is a term that derives from the ancient Greek language. It means “rule by the people” or “sovereignty of the people”. As a form of government, democracy has been practiced for over 2,500 years, though in different forms, such as direct democracy of the ancient Athenian citizens and representative government in modern times. Democracy is a manifestation of the political advancement of humanity. Democracy is not an adornment or publicity stunt; rather, it is meant to be used to solve problems faced by the people. To judge whether a country is democratic, it is important to see whether its people run their own country. In addition to voting rights, it is important to see whether people have the rights to extensive participation. It is important to see what promises are made in an election campaign and, more importantly, how many of those promises are honored afterwards. It is important to see what political procedures and rules are instituted by a country’s systems and laws and, more importantly, whether these systems and laws are truly executed. It is important to see whether the rules and procedures governing the exercise of power are democratic and, more importantly, whether power is truly put under the oversight and checks of the people. A functional democracy must have a full set of institutional procedures; more importantly, it should have full participation of the people. It must ensure democracy in terms of both process and outcomes. It must encompass both procedural and substantive democracy, both direct and indirect democracy. It must ensure both people’s democracy and the will of the State. If the people of a country are only called upon to vote and then are forgotten once they have cast their votes; if the people only hear high-sounding promises during an election campaign but have no say whatsoever afterwards; or if they are wooed when their votes are wanted but are ignored once the election is over, then such a democracy is not a true democracy. Whether a country is democratic should be judged and determined by its own people, not by a minority of self-righteous outsiders. There is no perfect system of democracy in the world, nor is there a political system that fits all countries. Democracy is established and developed based on a country’s own history and adapted to its national context, and each country’s democracy has its unique value. Members of the international community should engage in exchanges and dialogues on democracy on the basis of equality and mutual respect, and work together to contribute to the progress of humanity. From a historical perspective, the development of democracy in the US was a step forward. The political party system, the representative system, one person one vote, and the separation of powers negated and reformed the feudal autocracy in Europe. The well-known French writer Alexis de Tocqueville recognized this in his book *Democracy in America*. The *Declaration of Independence,* the Bill of Rights, abolitionist movement, civil rights movement and affirmative action were highlights in the advancement of American democracy. The principle of “government of the people, by the people and for the people” articulated by Abraham Lincoln is recognized worldwide. However, over the years, democracy in the US has become alienated and degenerated, and it has increasingly deviated from the essence of democracy and its original design. Problems like money politics, identity politics, wrangling between political parties, political polarization, social division, racial tension and wealth gap have become more acute. All this has weakened the functioning of democracy in the US. The US has often used democracy as a pretext to meddle in other countries’ internal affairs, causing political chaos and social unrest in these countries, and undermining world peace and stability and social tranquility in other countries. This makes many people in the US and other countries wonder if the US is still a democracy. The world needs to take a closer look at the current state of democracy in the US, and the US itself should also conduct some soul-searching.The US calls itself “city upon a hill” and a “beacon of democracy”; and it claims that its political system was designed to defend democracy and freedom at the time of its founding. Yet, the vision of democracy has lost its shine in the US today. The self-styled American democracy is now gravely ill with money politics, elite rule, political polarization and a dysfunctional system. The American-style democracy is a rich men’s game based on capital, and is fundamentally different from democracy of the people. Over a hundred years ago, Republican Senator from Ohio Mark Hanna said of American politics: “There are two things that are important in politics. The first is money, and I can’t remember the second.” More than one hundred years have passed, and money has not only remained “the currency” in US politics, but also become even more indispensable. For example, the 2020 presidential election and Congressional elections cost some US$14 billion, two times that of 2016 and three times that of 2008; indeed, they are known as the most expensive elections in American history. The cost of the presidential election reached another record high of US$6.6 billion, and the Congressional elections cost over US$7 billion. The fact that the American people have to face is that money politics has penetrated the entire process of election, legislation and administration. People in fact only have a restricted right to political participation. The inequality in economic status has been turned into inequality in political status. Only people with enough capital can enjoy their democratic rights provided by the Constitution. Money politics have increasingly become an “irremovable tumor” in American society and a mockery of democracy in the US. A US Senator had a sharp observation, “Congress does not regulate Wall Street. Wall Street regulates Congress.” According to statistics, winners of 91% of US Congressional elections are the candidates with greater financial support. Big companies, a small group of rich people, and interest groups are generous with their support and have become the main source of electoral funding. And those so-called representatives of the people, once elected, often serve the interests of their financial backers. They speak for vested interests rather than the ordinary people. In March 2020, Robert Reich, Professor of Public Policy at University of California, Berkeley and former Secretary of Labor, published a book entitled The System, Who Rigged It, How We Fix It. According to him, the American political system has been hijacked by a tiny minority over the past four decades. Political donations are almost seen as “legitimate bribery”. They enable the rich to have more political clout. During the 2018 midterm elections, the huge political donations, mostly coming from the top 0.01% ultra-rich of the American population, accounted for over 40% of campaign finance. Money politics and lobby groups are restricting channels for ordinary Americans to speak out, whose voices expressing genuine concerns are overshadowed by a handful of interest groups. The oligarchs would enrich themselves with the power they have got while totally ignoring the interests of ordinary Americans. On 23 September 2020, in an interview with Harvard Law Today, Harvard Law School Professor Matthew Stephenson said that the US is by no means the world leader in clean government, and certain practices related to lobbying and campaign finance that other countries would consider corrupt are not only permitted but constitutionally protected in the US. The US is a typical country dominated by an elite class. Political pluralism is only a facade. A small number of elites dominate the political, economic and military affairs. They control the state apparatus and policy-making process, manipulate public opinion, dominate the business community and enjoy all kinds of privileges. Since the 1960s in particular, the Democrats and Republicans have taken turns to exercise power, making the “multiparty system” dead in all but name. For ordinary voters, casting their votes to a third party or an independent candidate is nothing more than wasting the ballot. In effect, they can only choose either the Democratic candidate or the Republican one. In the context of Democratic-Republican rivalry, the general public’s participation in politics is restricted to a very narrow scope. For ordinary voters, they are only called upon to vote and are forgotten once they have cast their ballots. Most people are just “walk-ons” in the theater of election. This makes “government by the people” hardly possible in US political practice. Noam Chomsky, a political commentator and social activist from the Massachusetts Institute of Technology, points out that the US is a “really existing capitalist democracy”, where there is a positive correlation between people’s wealth and their influence on policy-making. For the lower 70% on the wealth/income scale, they have no influence on policy whatsoever. They are effectively disenfranchised. Ray La Raja, Professor at the University of Massachusetts, notes in an article for The Atlantic that America’s current system is democratic only in form, not in substance. The nominating process is vulnerable to manipulation by plutocrats, celebrities, media figures and activists. Many presidential primary voters mistakenly back candidates who do not reflect their views. American political scientist Francis Fukuyama points out in his book *Political Order and Political Decay* that there is an entrenched political paralysis in the US. **The US political system has far too many checks and balances, raising the cost of collective action and in some cases making it impossible altogether. Fukuyama calls the system a “vetocracy”.** Since the 1980s, the “vetocracy” of the US has become a formula for gridlock. **The US democratic process is fragmented and lengthy, with a lot of veto points where individual veto players can block action by the whole body. The function of “checks and balances”, which was purportedly designed to prevent abuse of power, has been distorted in American political practice. Political polarization continues to grow as the two parties drift further apart in political agenda and their areas of consensus have reduced significantly.** An extreme case is the fact that “the most liberal Republican now remains significantly to the right of the most conservative Democrat”. Antagonism and mutual inhibition have become commonplace, “vetocracy” has defined American political culture, and a vindictive “if I can’t, you can’t either” mentality has grown prevalent. Politicians in Washington, D.C. are preoccupied with securing their own partisan interests and don’t care at all about national development. Vetoing makes one identify more strongly with their peers in the same camp, who may in turn give them greater and quicker support. **Consequently the two parties are caught in a vicious circle, addicted to vetoing. Worse still, the government efficacy is inevitably weakened, law and justice trampled upon, development and progress stalled, and social division widened.** In the US today, people are increasingly identifying themselves as a Republican or a Democrat instead of as an American. The negative impacts of identity politics and tribal politics have also spilled over into other sectors of American society, further exacerbating “vetocracy”. According to a Pew Research Center report in October 2021 based on a survey of 17 advanced economies (including the US, Germany and the Republic of Korea), the US is more politically divided than the other economies surveyed. Nine in ten US respondents believe there are conflicts between people who support different political parties, and nearly 60% of Americans surveyed think their fellow citizens no longer disagree simply over policies, but also over basic facts. Jungkun Seo, Professor of Political Science at Kyung Hee University, observes that as political polarization intensifies in the US, the self-cleaning process of American democracy, which aims to drive reform through elections, will no longer be able to function properly. With the Senate trapped in a filibuster, the US Congress no longer serves as a representative body for addressing changes in American society through legislation.

**The aff solves for this → more supreme court representation will counteract this effect and make it better.**

FW: Government Legitimacy vs. Util

* Analytic: Pref my framework because government legitimacy is a prerequisite to util, and is the biggest impact under it. Without a government we will not be able to do things like stop war, stop climate change, etc. Having government legitimacy is a prerequisite to saving lives, therefore my framework should not only be done first but it also encompasses util.
* Analytic: Pref my framework because it’s not the SCOTUS’s responsibility to take care of the people. The two responsibilities that SCOTUS has is to interpret the constitution and also stay in touch with public society, but they have no obligation to save the most amount of lives. That is the job of the government itself, and our framework of government legitimacy will ensure that the government is able to do that.
* Analytic: Pref my framework because util can never represent the entire population, as they will never be able to represent the minorities. Util is primarily based on the majority population, meaning that they will never be able to fully account for the needs of the minorities. For example, the government taxes people differently to distribute money to minority sectors that need it. Under util, the government wouldn’t have an obligation to do this, but under government legitimacy, the government can continue to represent everyone.

FW: Government Legitimacy vs. Political Realism

* Analytic: This framework is just purely illogical, just because there are term-limits does not mean that justices will have no idea what they’re doing. Supreme Court justices are always 40 years or older and have an extreme amount of experience already, and they’re very well prepared for the job. Rest assured they will be able to make the harder decision regardless of term-limits existing or not.

Frontline Societal Representation:

* **A majority of the population is pro-choice.**

**Hartig 22** [Hannah Hartig, 6-13-2022, "About six-in-ten Americans say abortion should be legal in all or most cases," Pew Research Center, <https://www.pewresearch.org/fact-tank/2022/06/13/about-six-in-ten-americans-say-abortion-should-be-legal-in-all-or-most-cases-2/>]

**Today, a 61% majority of U.S. adults say abortion should be legal in all or most cases, while 37% think abortion should be *illegal* in all or most cases. These views are relatively unchanged in the past few years.** The [latest Pew Research Center survey](https://www.pewresearch.org/religion/2022/05/06/americas-abortion-quandary/), conducted March 7 to 13, finds deep disagreement between – and within – the parties over abortion. In fact, the partisan divide on abortion is far wider than it was two decades ago.

* **A majority of the population is pro-gun safety.**

**UChicago 22** [Aug 23,, xx-xx-xxxx, "Poll: Most Americans see gun violence as a major problem, want stricter gun laws," University of Chicago News, <https://news.uchicago.edu/story/poll-most-americans-see-gun-violence-major-problem-want-stricter-gun-laws>]

Twenty-one percent of Americans say either themselves, a family member or a close friend has had an experience with gun violence in the past five years—and twice as many believe it is likely they will be a victim of gun violence in the next five years, according to [a new study](https://harris.uchicago.edu/files/uchicago_harris_ap_norc_poll_report_final.pdf) from the University of Chicago Harris School of Public Policy and [The Associated Press-NORC Center for Public Affairs Research.](https://apnorc.org/projects/americans-experiences-concerns-and-views-related-to-gun-violence/) There are significant racial and ethnic disparities in experiences with gun violence. Black Americans and Hispanic Americans are more than twice as likely as white Americans to say either themselves or someone they know has experienced gun violence (54% and 27% vs. 13%). Looking ahead to the next five years, about 4 in 10 Americans think it is at least somewhat likely that they will personally be a victim of gun violence, including nearly 1 in 10 who believe it is extremely or very likely. 71% of Americans say gun laws should be stricter. “The poll highlights that gun violence has touched the lives of many Americans, especially Black and Hispanic Americans, and there is significant public concern about this,” said Jens Ludwig, a professor at the Harris School of Public Policy. “Despite the polarizing climate surrounding these issues, the poll also reveals strong public support for policies to prevent gun violence, which may help to foster increased consensus among policymakers to further act.” Three-fourths of Americans view gun violence as a major problem, and 8 in 10 say gun violence is on the rise in the United States. Fewer believe it is increasing in their state (66%) or local community (39%). Those living in urban areas (51%) are more likely to believe that gun violence is on the rise in their communities than those living in suburbs (39%) and rural communities (27%). **Many Americans want to both prevent gun violence and protect gun rights. Fifty-two percent say it is both very important to prevent mass shootings and very important to ensure people are able to own guns for personal protection. There is broad public support for a variety of gun control policies, and 71% of Americans say gun laws should be stricter. Majorities favor both policies to restrict who can buy guns and policies banning certain guns, but the most popular regulations are those that limit who can purchase guns. For example, 85% support a federal law preventing mentally ill people from purchasing guns, compared to 59% who support a nationwide ban on semi-automatic weapons.** “The American public is more supportive of policies limiting who can purchase guns than policies banning the sale of certain types of guns,” said David Sterrett, senior research scientist with The AP-NORC Center. “The findings also highlight that about half of Americans have intersecting priorities with gun policies, and they don’t see a direct conflict between protecting gun ownership and implementing policies to prevent gun violence.”

Neg Arg: Corruption

* Refute: **The implementation of term-limits wouldn’t increase corruption.**
* **Buchanan 20** [Maggie Jo, 6-15-2020, "The Need for Supreme Court Term Limits," Center for American Progress, <https://www.americanprogress.org/article/need-supreme-court-term-limits/>]
* **Another concern is that term limits would give justices heightened political and financial incentives to set themselves up for their next job through their legal opinions before fully resigning from the bench. There is, of course, nothing preventing a corrupt justice from doing so now in the hopes of gaining greater fame or wealth. The likelihood of this concern coming to fruition, then, depends on whether the individuals appointed under a term-limit scheme are likely to be more corrupt than current justices.** Currently, any federal judge or justice can at any time choose to fully resign or, once they meet certain requirements, enter into senior status. Full retirement from the bench allows a judge to return to practice law and generally act without any constraint on earnings or profession; from 1970 to 2009, 80 former judges chose this path. In contrast, taking senior status—which requires some judicial service while the judge continues to be fully compensated along with certain tax advantages—comes with at least some ethics requirements in regard to limits on outside earnings.There are currently three former Supreme Court justices and 577 lower court judges currently in senior status. Despite the fact that most justices have declined to do so, it is not out of the question that a term-limited justice would choose full retirement over senior status, which would come with at least some protections against such self-dealing. Among those federal judges who have fully retired from the bench, the most commonly stated reasons for doing so collected through surveys were ‘“return to private practice,” “appointment to other office,” and “inadequate salary.”’From 1970 to 2009, just two judges resigned to run for office, although approximately 18 total left the bench for another state or federal appointment. But while it is possible that term-limited justices could choose full resignation for similar reasons, that is unlikely to be a significant reason for concern. Given that, despite all the changes the Supreme Court has undergone, the average age of appointment has held steady throughout the court’s history, it is reasonable to assume justices of a similar age would continue to be selected even if term limits were enacted. For example, a person in their early- to mid-50s—the current average age for newly appointed justices—would face the end of their term in their early 70s. For many, that may open the window for them to take on a new career after their term has ended. However, it is also a substantial amount of time spent on the country’s highest court and would invite the great many prestigious opportunities allowable under senior status while providing for the comfortable lifestyle that current retired justices enjoy. It is also worth noting that Supreme Court justices are already allowed to enjoy luxurious sponsored trips and teaching opportunities as well as own stock and have a variety of other potential conflicts of interest that could influence their rulings. For example, the court once was unable to consider a case because it could not muster the needed quorum to do so as a result of too many justices having financial conflicts. **While this brief does not aim to explore the merits of Supreme Court ethics reform proposals, the fact remains that the significant ethics concerns that already plague the court are unlikely to worsen with term limits in place. Moreover, any term-limit proposal could be coupled with reforms to address these existing problems.**
* As I’ve mentioned in my first contention, lobbying and political extremism with justices are already at an all time high, so compared to the staus quo there’s no way it could even get worse in the first place, so disregard the neg’s argument right there.

Neg Arg: Political Upheaval

* **Analytic**: There is already political upheaval in the status quo, and we saw that recently with the overturning of Roe vs. Wade. Term-limits will not make this worse, in fact we will actually be fixing it be depoliticizing the supreme court. But even if you don’t buy that, this argument is just nonunique.
* Response: **The implementation of term-limits wouldn’t cause political upheaval, it’s NU.**

**Buchanan 20** [Maggie Jo, 6-15-2020, "The Need for Supreme Court Term Limits," Center for American Progress, <https://www.americanprogress.org/article/need-supreme-court-term-limits/>]

Regular upheavals in law have long been raised as a potential negative outcome to term limits. **To a certain extent, some amount of change in doctrine is an expected and even necessary aspect of jurisprudence**. But regular, wild shifts in a wide range of legal issues could have negative consequences for the stability of American law. **Ultimately, however, a term limit of nearly two decades is unlikely to contribute significantly to such upheavals, especially given that a respect for stare decisis—or precedent—continues to inform judicial decision-making as well as the reality that important lines of jurisprudence experience major changes even without such a reform.** Recent research has examined how term limits could lead to more regular reversals of major decisions, particularly if individual justices largely ignore precedent. The recent Supreme Court term taught us, however, that precedent can still play an important role in shaping decisions. The most notable evidence of this came when Chief Justice Roberts voted to strike down the anti-choice law at issue this term in *June Medical v. Russo,* proving that judges can break with their previous votes on an issue when clear precedent is at stake. Furthermore, it is important to keep in mind the significant changes that have occurred within Supreme Court jurisprudence. For example, major cases challenging abortion rights and the promise of *Roe v. Wade* are regularly brought before the court. The holding in *Planned Parenthood v. Casey* rewrote the constitutional standard under which abortion restrictions are tested, and *Gonzales v. Carhart* eliminated access to an abortion procedure in almost all cases without an exception for a woman’s health. **These examples demonstrate that the court’s interpretation of important rights can change significantly even without term limits in place. Any new justice on the court will have an effect on how precedent is evaluated as well as how novel legal questions are decided.** However, most modern presidents have appointed between two and four justices—with the most common number being two, regardless of if the president served for one or two terms. **Term-limit proposals could increase the number of justices that some presidents appoint, but not dramatically enough to lead to significantly more doctrinal upheaval.**

Neg Arg: Court Packing

* Analytic: The neg says that the alternative to having term-limits would be to increase the justices on the supreme court. However, this plan will throw us into a never ending battle between the leading political parties in society. If a democrat is president and packs the court with more justcies, then a later republican president will also want to place more of their own justices to balance it out. This will just continue in a never-ending cycle, there are no checks, and nothing stopping new presidents from just adding more and more justices to the court. [The neg can’t fiat a certain number because that would be a counterplan which is not allowed by the rules of GGSA!]
* **Court packing will kill SCOTUS legitimacy and efficiency.**
* **Olson 2020** [Walter Olson, 10-16-2020, "Packing the Supreme Court Would be Bad for the Law," Cato Institute, <https://www.cato.org/publications/commentary/packing-supreme-court-would-be-bad-for-law>]
* **“**[**Nine seems**](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.npr.org_2019_07_24_744633713_justice-2Dginsburg-2Di-2Dam-2Dvery-2Dmuch-2Dalive&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=zpaPIDjgBL4Ck4417tx6PT7iG8SJ0YdAliGxsfw8JzA&e=) **to be a good number. It’s been that way for a long time … I think it was a bad idea when President Franklin Roosevelt tried to pack the court.” The words of the late Justice Ruth Bader Ginsburg in an NPR interview last year point up something important. Whatever you think of the politics, packing the Supreme Court would be bad for the law itself — bad for the efficiency and quality of the court’s work, bad for its credibility and public legitimacy.** Ginsburg ardently favored a liberal turn in the law — but not at the expense of an institution whose workings she loved and knew intimately. Start with a simple truth of organizations: After a certain point, adding more members to a committee doesn’t get its deliberations to work more smoothly. Whatever you think of the politics, packing the Supreme Court would be bad for the law itself — bad for the efficiency and quality of the court’s work, bad for its credibility and public legitimacy. As then‐​Chief Justice Charles Evans Hughes put it in an [influential letter](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.smithsonianmag.com_history_when-2Dfranklin-2Droosevelt-2Dclashed-2Dwith-2Dthe-2Dsupreme-2Dcourt-2Dand-2Dlost-2D78497994_&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=WOvHGB-ypcR4qgzzN_q5z3Ss-3brZHghaXEHyFOtIoM&e=) that helped sink Franklin D. Roosevelt’s 1937 scheme to add justices, “There would be more judges to hear, more judges to confer, more judges to discuss, more judges to be convinced and to decide.” **Judges confer both in person as a group and by exchanging written drafts and comments. A single quibble of wording or other snag in communication between two of them can delay agreement until it is fixed. The chance of such a hitch rises geometrically with the count of judges. A nine‐​member court has the possibility of having 36 two‐​judge combinations to generate friction and misunderstanding. A 13‐​member court, as** [**Sen. Chuck Schumer has been talking about pushing for**](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.politico.com_news_magazine_2020_09_19_how-2Ddemocrats-2Dcould-2Dpack-2Dthe-2Dsupreme-2Dcourt-2Din-2D2021-2D418453&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=VaaCedGOhCnU2tAYOroAz1Gj__4GKwGXFJduuRSkccE&e=)**, would have more than twice as many.** Each of the 50 states’ highest courts has [between five and nine justices. (Most have seven.)](https://urldefense.proofpoint.com/v2/url?u=https-3A__ballotpedia.org_State-5Fsupreme-5Fcourts&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=WPzDD9B4ChStRMQdKTN-lZKX5Iufr_dhmSTjp6k%E2%80%94og&e=) Nine is also a common number for highest or constitutional courts in countries such as [Canada, Germany, and France](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cia.gov_library_publications_the-2Dworld-2Dfactbook_fields_314.html&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=WUiCDTeWywvH5jUhjEkSkZC614wHac7n9YWpD2Varq0&e=). Where the number is much larger, courts tend either to have a more limited docket to begin with, or to break up into panels to hear cases. You see this also with our federal courts of appeal. The median federal circuit court has 12 judicial seats, but most cases before these courts are heard by [three‐​judge panels](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.uscourts.gov_statistics-2Dreports_appellate-2Dcourts-2Dand-2Dcases-2Djournalists-2Dguide&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=vzMV4f5eVOFWZ8sfh9JUJOj5VT1E0hlAOrQclB_EZHw&e=). Only as an exception does the court convene its full roster of judges to [rehear](https://urldefense.proofpoint.com/v2/url?u=https-3A__reason.com_2020_05_21_sixth-2Dcircuit-2Dvotes-2Dto-2Drehear-2Dright-2Dto-2Dliteracy-2Dcase-2Den-2Dbanc_&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=RfzpTU2g593PYqGwyIXnIYKmCLZa3Qw4Fpn3Chb0wfY&e=) a case. At the Supreme Court, by contrast, all justices hear all cases, and hardly anyone who has served on the court thinks it should begin doing its work in panels. The luck of who gets drawn for a panel, for example, would add uncertainty. **Coherence would suffer. Once the other branches of government openly begin treating the judiciary as an extension of party politics because some of the judges have been ruling the “wrong” way, it’s hard to limit that to just the handful of hot‐​button issues that may have motivated the change. The “R” or the “D” after a judge’s name will inevitably loom larger in the kind of results expected. That imperils something vital.** A much‐​envied feature of America’s independent judiciary is that judges regularly rule against the parties and administrations that put them on the bench. It’s happened through the years with jurists appointed by both Democratic and Republican presidents. Last week a judge appointed by Donald Trump threw out a lawsuit filed by the Trump campaign [against voting drop boxes in Pennsylvania](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.npr.org_2020_10_10_922673818_judge-2Dblocks-2Dtrump-2Dcampaign-2Dattempt-2Dto-2Dlimit-2Duse-2Dof-2Ddrop-2Dboxes-2Din-2Dpennsylvania&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=QF9RV7VkiZUATQaWrrKW97pGhJ-Nkv0gXZY_7zOrzO0&e=), just as Trump’s claims of privacy on tax returns had earlier run into trouble with [justices he had appointed](https://www.cnn.com/2020/07/09/politics/supreme-court-trump-financial-records/index.html). The end of President Richard Nixon’s presidency was signaled when the full Supreme Court, including his own appointees, [rejected his claims of executive privilege](https://urldefense.proofpoint.com/v2/url?u=https-3A__constitutioncenter.org_blog_anniversary-2Dof-2Dunited-2Dstates-2Dv-2Dnixon&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=TanihICW7UKcjUxAG37PcRcB_G-bROlQleBCbfiBKcA&e=) over the release of the Watergate tapes. The landmark case in which the court curbed presidential power by [striking down President Harry Truman’s steel seizure](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.washingtonpost.com_history_2019_01_08_truman-2Ddeclared-2Dan-2Demergency-2Dwhen-2Dhe-2Dfelt-2Dthwarted-2Dtrump-2Dshould-2Dknow-2Dit-2Ddidnt-2Dend-2Dwell_&d=DwMFaQ&c=tq9bLrSQ8zIr87VusnUS9yAL0Jw_xnDiPuZjNR4EDIQ&r=fqdvyATuskufZZ6lHWLDX7rjOgtfuIwFFgyFWTSfNss&m=m8mDbP-BADYjoq_79eBnjegpnwFpixFDbRxJk0VmbRc&s=eVI1x4FPqTKq9HRBRdDrapNxS-8QsxCNjaA5XgkoB5w&e=) was decided by a majority that included two Truman appointees. President Barack Obama [was also](https://www.scotusblog.com/case-files/cases/hosanna-tabor-evangelical-lutheran-church-and-school-v-eeoc/) [checked many](https://www.scotusblog.com/case-files/cases/united-states-v-jones/) [times by his](https://www.scotusblog.com/case-files/cases/riley-v-california/) [own appointees.](https://www.scotusblog.com/case-files/cases/national-labor-relations-board-v-noel-canning/) Taking even deadlier aim at the court’s legitimacy is the theory popular in some quarters of “stolen” seats. The idea is that one, two, or even more of today’s Supreme Court seats are held illegitimately: the Justice Antonin Scalia seat because it should have been filled reasonably promptly after it opened up, Justice Ginsburg’s seat because it should not be filled so promptly, and perhaps others because presidents making the appointments were elected with less than half the popular vote. Marking out some justices’ seats as “stolen” directly attacks the legitimacy of not just the work of those justices but the full court’s work, so it’s paradoxical that the usual remedy advanced is to stack the body with additional votes while leaving the supposed “thief” jurists in place to go right on authoring opinions and deciding close cases with their votes. (Of course, politics provides the most likely explanation: Calls to oust sitting justices from the court would fall flat except among the real ultras.) **Finally, court‐​packing would foster sudden lurches in the law. Although this can happen under the current set up too, the one‐​at‐​a‐​time replacement of justices tends to favor evolutionary, “salami‐​slice” case development, which can occasion less social disruption by signaling turns in advance. Parachuting in multiple justices selected precisely for their willingness to deliver the goods on high‐​profile issues would all but guarantee big jolts. And when you consider it, if the other side began plotting its own counter‐​pack up to 15 or 19 — or whatever the number is to be after the next round — then it could lead to repeated big lurches back and forth over time. It’s important that we not start.**

Neg Arg: Polarization

* Turn: First, you can refer to the first contention of my case, which talks about how term-limits would increase representation in the court and of the people, which will actually increase court credibility, as well as how the current system is the one that’s making the court increasinly political.
* Analytic: First, the neg has zero solvency for this issue either. All their cards talk about how polarization literally exists in the status quo, and voting neg isn’t going to make that any better. Second, there’s no possible way that the situation can get worse in the first place. Refer to my Cohn 22 card that talks about the extensive lobbying for SCOTUS justices, which is harming the court. The only way to preserve the supreme court in this debate is to vote aff, as the neg is resulting in a dramatically spiraling world that will never get better.
* Turn: **Term-limits decrease polarization in the Supreme Court.**
* **Heintz andTerm-limits decrease polarization in the Supreme Court.**
* **Heintz and Peterson 20** [Stephen B., 10-5-2020, "Make the Supreme Court Less Political. Put Term Limits on Justices.," American Academy of Arts & Sciences, <https://www.amacad.org/news/make-supreme-court-less-political>]
* It does not have to be this way. **Congress should enact term limits for Supreme Court justices. Term limits, coupled with a regular appointment schedule, would depoliticize the appointment process, move the Court toward a less partisan future, and help restore public faith in our democratic institutions**. The Constitution is vague about justices’ length of service on the Supreme Court. Justices retain their offices “during good behavior,” which has long been interpreted as a life term. However, the Constitution does not explicitly establish the type of judicial work done during a life term, nor does it prevent Congress from enacting term limits. Under a term limits system, justices could retire or transfer at the end of their term to a lower court with undiminished salary for the remainder of their careers. [Forty-nine](https://ballotpedia.org/State_supreme_courts) state supreme courts have term limits or mandatory retirement ages for justices (Rhode Island is the lone exception). **It is fair to surmise that our founders never envisioned Supreme Court terms of 30 years or more. Lifespans are much longer now than they were in the 1790s.** Additionally, the average age of justices upon their confirmation has gradually decreased over the last century, so the average length of tenure has gotten [much longer](https://www.nytimes.com/2018/08/31/upshot/supreme-court-longevity-lifetime-appointments.html), from 13 years for justices appointed between 1900 and 1924 to 26 years for justices appointed between 1975 and 1999. **Additionally, term limits would address the politicization of the Court that has occurred in recent years.** While there has not been an increase in cases decided by a [5-4 majority](https://www.politifact.com/factchecks/2018/oct/12/stephen-carter/no-5-4-supreme-court-rulings-are-not-rise/), as some commentators have claimed, public opinion about the Court has become split. As recently as 2010, roughly equal percentages of Republicans and Democrats said they had a favorable view of the Supreme Court. Today, approval among Republicans is [26 points higher](https://www.pewresearch.org/fact-tank/2019/08/07/partisan-gap-widens-in-views-of-the-supreme-court/) than among Democrats. If Congress enacted term limits, 18-year terms paired with regular appointments would help to depoliticize the appointment process, the exact structure proposed in a [bill](https://khanna.house.gov/sites/khanna.house.gov/files/KHANNA_070_xml.pdf) three Democratic representatives introduced last week. **With 18-year terms, one Supreme Court justice would be nominated during each term of Congress. Each president would be responsible for two nominations, rather than our current, randomized system where one president may nominate multiple justices while another does not get to nominate any. Justices would no longer be incentivized to time their retirement to ensure an ideologically similar judge fills their seat Peterson 20** [Stephen B., 10-5-2020, "Make the Supreme Court Less Political. Put Term Limits on Justices.," American Academy of Arts & Sciences, <https://www.amacad.org/news/make-supreme-court-less-political>]
* It does not have to be this way. **Congress should enact term limits for Supreme Court justices. Term limits, coupled with a regular appointment schedule, would depoliticize the appointment process, move the Court toward a less partisan future, and help restore public faith in our democratic institutions**. The Constitution is vague about justices’ length of service on the Supreme Court. Justices retain their offices “during good behavior,” which has long been interpreted as a life term. However, the Constitution does not explicitly establish the type of judicial work done during a life term, nor does it prevent Congress from enacting term limits. Under a term limits system, justices could retire or transfer at the end of their term to a lower court with undiminished salary for the remainder of their careers. [Forty-nine](https://ballotpedia.org/State_supreme_courts) state supreme courts have term limits or mandatory retirement ages for justices (Rhode Island is the lone exception). **It is fair to surmise that our founders never envisioned Supreme Court terms of 30 years or more. Lifespans are much longer now than they were in the 1790s.** Additionally, the average age of justices upon their confirmation has gradually decreased over the last century, so the average length of tenure has gotten [much longer](https://www.nytimes.com/2018/08/31/upshot/supreme-court-longevity-lifetime-appointments.html), from 13 years for justices appointed between 1900 and 1924 to 26 years for justices appointed between 1975 and 1999. **Additionally, term limits would address the politicization of the Court that has occurred in recent years.** While there has not been an increase in cases decided by a [5-4 majority](https://www.politifact.com/factchecks/2018/oct/12/stephen-carter/no-5-4-supreme-court-rulings-are-not-rise/), as some commentators have claimed, public opinion about the Court has become split. As recently as 2010, roughly equal percentages of Republicans and Democrats said they had a favorable view of the Supreme Court. Today, approval among Republicans is [26 points higher](https://www.pewresearch.org/fact-tank/2019/08/07/partisan-gap-widens-in-views-of-the-supreme-court/) than among Democrats. If Congress enacted term limits, 18-year terms paired with regular appointments would help to depoliticize the appointment process, the exact structure proposed in a [bill](https://khanna.house.gov/sites/khanna.house.gov/files/KHANNA_070_xml.pdf) three Democratic representatives introduced last week. **With 18-year terms, one Supreme Court justice would be nominated during each term of Congress. Each president would be responsible for two nominations, rather than our current, randomized system where one president may nominate multiple justices while another does not get to nominate any. Justices would no longer be incentivized to time their retirement to ensure an ideologically similar judge fills their seat.**
* **Arg → senate can j say no to people for one president and then the next president can elect 4 people, what is stopping that**
  + Analytic: First, the aff system is already better than what my opponent proposes as the entire randomized system creates a lot more upheaval in Congress and during the confirmation process. Aff depoliticizes it and makes the current situation a lot better than it is right now. You can refer to my Elliot 18 card about how the current randomized system is solely based on chance by relying on deaths and vacancies when electing new justices. The aff solves for this and makes it more fair and regular.

Neg Arg: Checks and Balances

* Turn: **Checks and balances erode the voices of the people → renders the other branches’s representation worthless.**
* **FMPRC 21** [No Author, xx-xx-xxxx, "The State of Democracy in the United States," No Publication, <https://www.fmprc.gov.cn/mfa_eng/zxxx_662805/202112/t20211205_10462535.html>]
* Democracy is a term that derives from the ancient Greek language. It means “rule by the people” or “sovereignty of the people”. As a form of government, democracy has been practiced for over 2,500 years, though in different forms, such as direct democracy of the ancient Athenian citizens and representative government in modern times. Democracy is a manifestation of the political advancement of humanity. Democracy is not an adornment or publicity stunt; rather, it is meant to be used to solve problems faced by the people. To judge whether a country is democratic, it is important to see whether its people run their own country. In addition to voting rights, it is important to see whether people have the rights to extensive participation. It is important to see what promises are made in an election campaign and, more importantly, how many of those promises are honored afterwards. It is important to see what political procedures and rules are instituted by a country’s systems and laws and, more importantly, whether these systems and laws are truly executed. It is important to see whether the rules and procedures governing the exercise of power are democratic and, more importantly, whether power is truly put under the oversight and checks of the people. A functional democracy must have a full set of institutional procedures; more importantly, it should have full participation of the people. It must ensure democracy in terms of both process and outcomes. It must encompass both procedural and substantive democracy, both direct and indirect democracy. It must ensure both people’s democracy and the will of the State. If the people of a country are only called upon to vote and then are forgotten once they have cast their votes; if the people only hear high-sounding promises during an election campaign but have no say whatsoever afterwards; or if they are wooed when their votes are wanted but are ignored once the election is over, then such a democracy is not a true democracy. Whether a country is democratic should be judged and determined by its own people, not by a minority of self-righteous outsiders. There is no perfect system of democracy in the world, nor is there a political system that fits all countries. Democracy is established and developed based on a country’s own history and adapted to its national context, and each country’s democracy has its unique value. Members of the international community should engage in exchanges and dialogues on democracy on the basis of equality and mutual respect, and work together to contribute to the progress of humanity. From a historical perspective, the development of democracy in the US was a step forward. The political party system, the representative system, one person one vote, and the separation of powers negated and reformed the feudal autocracy in Europe. The well-known French writer Alexis de Tocqueville recognized this in his book *Democracy in America*. The *Declaration of Independence,* the Bill of Rights, abolitionist movement, civil rights movement and affirmative action were highlights in the advancement of American democracy. The principle of “government of the people, by the people and for the people” articulated by Abraham Lincoln is recognized worldwide. However, over the years, democracy in the US has become alienated and degenerated, and it has increasingly deviated from the essence of democracy and its original design. Problems like money politics, identity politics, wrangling between political parties, political polarization, social division, racial tension and wealth gap have become more acute. All this has weakened the functioning of democracy in the US. The US has often used democracy as a pretext to meddle in other countries’ internal affairs, causing political chaos and social unrest in these countries, and undermining world peace and stability and social tranquility in other countries. This makes many people in the US and other countries wonder if the US is still a democracy. The world needs to take a closer look at the current state of democracy in the US, and the US itself should also conduct some soul-searching.The US calls itself “city upon a hill” and a “beacon of democracy”; and it claims that its political system was designed to defend democracy and freedom at the time of its founding. Yet, the vision of democracy has lost its shine in the US today. The self-styled American democracy is now gravely ill with money politics, elite rule, political polarization and a dysfunctional system. The American-style democracy is a rich men’s game based on capital, and is fundamentally different from democracy of the people. Over a hundred years ago, Republican Senator from Ohio Mark Hanna said of American politics: “There are two things that are important in politics. The first is money, and I can’t remember the second.” More than one hundred years have passed, and money has not only remained “the currency” in US politics, but also become even more indispensable. For example, the 2020 presidential election and Congressional elections cost some US$14 billion, two times that of 2016 and three times that of 2008; indeed, they are known as the most expensive elections in American history. The cost of the presidential election reached another record high of US$6.6 billion, and the Congressional elections cost over US$7 billion. The fact that the American people have to face is that money politics has penetrated the entire process of election, legislation and administration. People in fact only have a restricted right to political participation. The inequality in economic status has been turned into inequality in political status. Only people with enough capital can enjoy their democratic rights provided by the Constitution. Money politics have increasingly become an “irremovable tumor” in American society and a mockery of democracy in the US. A US Senator had a sharp observation, “Congress does not regulate Wall Street. Wall Street regulates Congress.” According to statistics, winners of 91% of US Congressional elections are the candidates with greater financial support. Big companies, a small group of rich people, and interest groups are generous with their support and have become the main source of electoral funding. And those so-called representatives of the people, once elected, often serve the interests of their financial backers. They speak for vested interests rather than the ordinary people. In March 2020, Robert Reich, Professor of Public Policy at University of California, Berkeley and former Secretary of Labor, published a book entitled The System, Who Rigged It, How We Fix It. According to him, the American political system has been hijacked by a tiny minority over the past four decades. Political donations are almost seen as “legitimate bribery”. They enable the rich to have more political clout. During the 2018 midterm elections, the huge political donations, mostly coming from the top 0.01% ultra-rich of the American population, accounted for over 40% of campaign finance. Money politics and lobby groups are restricting channels for ordinary Americans to speak out, whose voices expressing genuine concerns are overshadowed by a handful of interest groups. The oligarchs would enrich themselves with the power they have got while totally ignoring the interests of ordinary Americans. On 23 September 2020, in an interview with Harvard Law Today, Harvard Law School Professor Matthew Stephenson said that the US is by no means the world leader in clean government, and certain practices related to lobbying and campaign finance that other countries would consider corrupt are not only permitted but constitutionally protected in the US. The US is a typical country dominated by an elite class. Political pluralism is only a facade. A small number of elites dominate the political, economic and military affairs. They control the state apparatus and policy-making process, manipulate public opinion, dominate the business community and enjoy all kinds of privileges. Since the 1960s in particular, the Democrats and Republicans have taken turns to exercise power, making the “multiparty system” dead in all but name. For ordinary voters, casting their votes to a third party or an independent candidate is nothing more than wasting the ballot. In effect, they can only choose either the Democratic candidate or the Republican one. In the context of Democratic-Republican rivalry, the general public’s participation in politics is restricted to a very narrow scope. For ordinary voters, they are only called upon to vote and are forgotten once they have cast their ballots. Most people are just “walk-ons” in the theater of election. This makes “government by the people” hardly possible in US political practice. Noam Chomsky, a political commentator and social activist from the Massachusetts Institute of Technology, points out that the US is a “really existing capitalist democracy”, where there is a positive correlation between people’s wealth and their influence on policy-making. For the lower 70% on the wealth/income scale, they have no influence on policy whatsoever. They are effectively disenfranchised. Ray La Raja, Professor at the University of Massachusetts, notes in an article for The Atlantic that America’s current system is democratic only in form, not in substance. The nominating process is vulnerable to manipulation by plutocrats, celebrities, media figures and activists. Many presidential primary voters mistakenly back candidates who do not reflect their views. American political scientist Francis Fukuyama points out in his book *Political Order and Political Decay* that there is an entrenched political paralysis in the US. **The US political system has far too many checks and balances, raising the cost of collective action and in some cases making it impossible altogether. Fukuyama calls the system a “vetocracy”.** Since the 1980s, the “vetocracy” of the US has become a formula for gridlock. **The US democratic process is fragmented and lengthy, with a lot of veto points where individual veto players can block action by the whole body. The function of “checks and balances”, which was purportedly designed to prevent abuse of power, has been distorted in American political practice. Political polarization continues to grow as the two parties drift further apart in political agenda and their areas of consensus have reduced significantly.** An extreme case is the fact that “the most liberal Republican now remains significantly to the right of the most conservative Democrat”. Antagonism and mutual inhibition have become commonplace, “vetocracy” has defined American political culture, and a vindictive “if I can’t, you can’t either” mentality has grown prevalent. Politicians in Washington, D.C. are preoccupied with securing their own partisan interests and don’t care at all about national development. Vetoing makes one identify more strongly with their peers in the same camp, who may in turn give them greater and quicker support. **Consequently the two parties are caught in a vicious circle, addicted to vetoing. Worse still, the government efficacy is inevitably weakened, law and justice trampled upon, development and progress stalled, and social division widened.** In the US today, people are increasingly identifying themselves as a Republican or a Democrat instead of as an American. The negative impacts of identity politics and tribal politics have also spilled over into other sectors of American society, further exacerbating “vetocracy”. According to a Pew Research Center report in October 2021 based on a survey of 17 advanced economies (including the US, Germany and the Republic of Korea), the US is more politically divided than the other economies surveyed. Nine in ten US respondents believe there are conflicts between people who support different political parties, and nearly 60% of Americans surveyed think their fellow citizens no longer disagree simply over policies, but also over basic facts. Jungkun Seo, Professor of Political Science at Kyung Hee University, observes that as political polarization intensifies in the US, the self-cleaning process of American democracy, which aims to drive reform through elections, will no longer be able to function properly. With the Senate trapped in a filibuster, the US Congress no longer serves as a representative body for addressing changes in American society through legislation.

**The aff solves for this → more supreme court representation will counteract this effect by increasing representation of the people and it will make the status quo better.**

* Analytic: To have stable checks and balances then you must have a stable government first. The aff is the only way to ensure that as we depoliticize the government and solve for government gridlock, under our framework of government legitimacy. A stable government is a prerequisite to checks and balances, and the aff is the only way to achieve that.
* Analytic: You can refer to my Taylor 23 card. SCOTUS overturned two longstanding precedents that the entire society was obviously in support of, and in doing so caused a lot of harm to a lot of people. If they are able to have this effect on society, then they must be tuned in to society’s needs in order to avoid this sort of damage.

Neg Arg: Social Change

* Turn: First, refer to my Gerhardt 13 card in my second contention, which specifically talks about how term-limits will reduce governmental gridlock and promote social change. This means that voting aff will actually increase social change instead of decreasing it, so you can bring this contention over to my side.
* Analytic: Second, the neg does nothing to promote social change in the first place. You can see this in today’s current society, where Roe vs. Wade just got overturned, banning abortion rights for women everywhere, which was a huge step back for society. This happened in the status quo judge, the neg has no solvency in this debate, in fact they’re only getting worse. The aff is the only way to escape this descending spiral since we can actually better this by removing gridlock.
* Response: **However, if you still don’t buy that, then precedent still plays an important role and prevents the overturning of laws.**
* **Buchanan 20** [Maggie Jo, 6-15-2020, "The Need for Supreme Court Term Limits," Center for American Progress, <https://www.americanprogress.org/article/need-supreme-court-term-limits/>]
* Regular upheavals in law have long been raised as a potential negative outcome to term limits. To a certain extent, some amount of change in doctrine is an expected and even necessary aspect of jurisprudence. But regular, wild shifts in a wide range of legal issues could have negative consequences for the stability of American law. Ultimately, however, a term limit of nearly two decades is unlikely to contribute significantly to such upheavals, especially given that a respect for stare decisis—or precedent—continues to inform judicial decision-making as well as the reality that important lines of jurisprudence experience major changes even without such a reform. **Recent research has examined how term limits could lead to more regular reversals of major decisions, particularly if individual justices largely ignore precedent. The recent Supreme Court term taught us, however, that precedent can still play an important role in shaping decisions. The most notable evidence of this came when Chief Justice Roberts voted to strike down the anti-choice law at issue this term in *June Medical v. Russo,* proving that judges can break with their previous votes on an issue when clear precedent is at stake.** Furthermore, it is important to keep in mind the significant changes that have occurred within Supreme Court jurisprudence. For example, major cases challenging abortion rights and the promise of *Roe v. Wade* are regularly brought before the court. The holding in *Planned Parenthood v. Casey* rewrote the constitutional standard under which abortion restrictions are tested, and *Gonzales v. Carhart* eliminated access to an abortion procedure in almost all cases without an exception for a woman’s health. These examples demonstrate that the court’s interpretation of important rights can change significantly even without term limits in place. Any new justice on the court will have an effect on how precedent is evaluated as well as how novel legal questions are decided. However, most modern presidents have appointed between two and four justices—with the most common number being two, regardless of if the president served for one or two terms. Term-limit proposals could increase the number of justices that some presidents appoint, but not dramatically enough to lead to significantly more doctrinal upheaval.

Neg Arg: Overturned Laws

* Turn: Neg makes the chance of laws being overturned worse. Under life tenure, a single replacement can cause a huge change in the balance of power on the supreme court very quickly, while under aff the constant switching out of judges will keep the power more balanced and more regular. In the aff world, laws will be more stable, while in the neg world they will constantly be under threat for long periods of time each time a new justice is added.
* Turn: Overturned laws are actually far more likely with justices with life tenure, as you have the same pool of justices for a longer period of time. If that certain pool is always overturning or reconsidering laws then it’s actually far more dangerous since they’ll be able to do so until they retire, get impeached, or die. With term-limits, the cycling of views will decrease the likelihood of overturned laws as the supreme court will be a lot more balanced overall.
* **Term limits solve for the issue of overturned laws by creating a balanced court.**

**Eisen and Matsuki 22** [Norman Eisen and Sasha Matsuki, 9-26-2022, "Term limits—a way to tackle the Supreme Court’s crisis of legitimacy," Brookings, <https://www.brookings.edu/blog/fixgov/2022/09/26/term-limits-a-way-to-tackle-the-supreme-courts-crisis-of-legitimacy/>]

**Tenure limits are a more robust alternative. They would ensure a cyclical and predictable turnover, something that Justices Kagan, Breyer, and Roberts have** [**reflected on**](https://fixthecourt.com/2019/07/termlimits/) **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.

* **However, if you still don’t buy that, then precedent still plays an important role and prevents the overturning of laws.**

**Buchanan 20** [Maggie Jo, 6-15-2020, "The Need for Supreme Court Term Limits," Center for American Progress, <https://www.americanprogress.org/article/need-supreme-court-term-limits/>]

Regular upheavals in law have long been raised as a potential negative outcome to term limits. To a certain extent, some amount of change in doctrine is an expected and even necessary aspect of jurisprudence. But regular, wild shifts in a wide range of legal issues could have negative consequences for the stability of American law. Ultimately, however, a term limit of nearly two decades is unlikely to contribute significantly to such upheavals, especially given that a respect for stare decisis—or precedent—continues to inform judicial decision-making as well as the reality that important lines of jurisprudence experience major changes even without such a reform. **Recent research has examined how term limits could lead to more regular reversals of major decisions, particularly if individual justices largely ignore precedent. The recent Supreme Court term taught us, however, that precedent can still play an important role in shaping decisions. The most notable evidence of this came when Chief Justice Roberts voted to strike down the anti-choice law at issue this term in *June Medical v. Russo,* proving that judges can break with their previous votes on an issue when clear precedent is at stake.** Furthermore, it is important to keep in mind the significant changes that have occurred within Supreme Court jurisprudence. For example, major cases challenging abortion rights and the promise of *Roe v. Wade* are regularly brought before the court. The holding in *Planned Parenthood v. Casey* rewrote the constitutional standard under which abortion restrictions are tested, and *Gonzales v. Carhart* eliminated access to an abortion procedure in almost all cases without an exception for a woman’s health. These examples demonstrate that the court’s interpretation of important rights can change significantly even without term limits in place. Any new justice on the court will have an effect on how precedent is evaluated as well as how novel legal questions are decided. However, most modern presidents have appointed between two and four justices—with the most common number being two, regardless of if the president served for one or two terms. Term-limit proposals could increase the number of justices that some presidents appoint, but not dramatically enough to lead to significantly more doctrinal upheaval.

Neg Arg: War

* Analytic: Without a government we will not be able to do things like stop war, stop climate change, etc. Having government legitimacy is a prerequisite to saving lives, and the aff is the only way to achieve that legitimacy.
* Analytic: Judge you can outweigh this impact on probability. There is an extremely low probability that polarization will actually lead to war. The neg agrees that there is currently polarization in the status quo, yet we haven’t plunged into a war. If it was going to happen, it clearly would’ve happened by now. Furthermore, the aff solves for polarization by depoliticizing the court, so you can just disregard this argument right now.
* **Gridlock → war**

Neg Arg: Econ Collapse

* Analytic: Term-limits will not cause economic collapse judge, my opponent has no specific card that says that term-limits specifically will cause economic collapse, so you have no reason to buy that the aff causes this situation. That means that this is just a general argument, and if that was the case then there has been so much political upheaval in the supreme court yet we have not had an economic collapse. There is no link, and its an issue of probability, so you can just disregard the argument right now.
* Analytic: Economic collapse is not going to go nuclear judge, again it is a simple issue of probability. Look back to the COVID-19 pandemic. We were in an economic crisis worse than the literal Great Depression, and this included THE ENTIRE WORLD, yet we still did not plunge into war. Even if the US were to go into an economic collapse, it’s literally only one country and would never cause a war, again we’ve been through this before and it has not happened.

Neg Arg: Judicial Independence

* **Life tenure worsens judicial independence — term limits solve.**

**Bouie 22** [Jamelle Bouie, 11-22-2022, "Opinion," No Publication, <https://www.nytimes.com/2022/11/22/opinion/alito-supreme-court-term-limits.html>]

**The framers of the Constitution wanted an independent judiciary — strong enough to resist corruption as well as the influence of public opinion. As such, federal judges enjoy tenure during “good behavior.” Barring impeachment and conviction, they cannot be removed. But what if lifetime tenure, rather than leading judges away from temptation, makes it easier to tempt them? In an era in which the Supreme Court is as powerful as it has ever been — and which, not coincidentally, the wealthiest Americans have an almost unbreakable grip on our politics — what if lifetime tenure, rather than raising the barriers to corruption, makes it easier to influence the court by giving interested parties the time and space to operate? And beyond the question of undue influence, what if lifetime tenure works too well to sever the court from the public, rendering it both unaccountable and dangerous to the popular foundations of American government?** Lifetime tenure for federal judges was a real innovation in American government. Most states were much less keen to give judges near-total independence from the public at large. In some states, judges were appointed to fixed terms; in others, they were on annual contracts to be renewed at the discretion of the legislature. And still other states gave their legislature the power to remove judges from the bench for any reason. Much of this flowed from the conventional wisdom, among Anglo-Americans in the earliest years of the Republic, that all public officials should be as responsive to the people as was possible.The American Revolution had convinced many ordinary citizens, the historian Terry Bouton notes in an essay for the volume “[Revolutionary Founders](https://www.penguinrandomhouse.com/books/195079/revolutionary-founders-by-edited-by-alfred-f-young-gary-nash-and-ray-raphael/): Rebels, Radicals, and Reformers in the Making of the Nation,” that they had “a right to monitor government, to shape policy, and to regulate government if they believed their leaders were not responding to the popular will.” In terms of institutions, and the structure of political representation, this meant short terms of office (delegates to the Confederation Congress served for one year), binding instructions for lawmakers (so that they could not act too independently of their communities) and mandatory “rotation,” or term limits. Mandatory rotation was especially critical. “Elections, especially of representatives and counsellors, should be annual, there not being in the whole circle of the sciences a maxim more infallible than this, ‘where annual elections end, there slavery begins,’” John Adams [wrote](https://www.google.com/books/edition/The_Politics_and_Law_of_Term_Limits/yuBiQvDWnSoC?hl=en&gbpv=1&dq=constitution+%22mandatory+rotation%22&pg=PA62&printsec=frontcover) in 1776, as British North America erupted into open conflict. “These great men, in this respect, should be one a year—‘Like bubbles on the sea of matter borne, They rise, they break, and to that sea return.’ ” Most state constitutions of the era made some provision for mandatory rotation. The Pennsylvania Constitution of 1776, for example, [deemed](https://www.google.com/books/edition/The_Framers_Coup/I-DeDAAAQBAJ?hl=en&gbpv=1&printsec=frontcover&bsq=%E2%80%9Can%20inconvenient%20aristocracy%20of%20entrenched%20officials.%E2%80%9D) it essential to preventing “an inconvenient aristocracy of entrenched officials.” The Maryland Declaration of Rights, written that same year, required mandatory rotation of the executive, stating that “a long continuance in the first executive departments of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.” And under the Articles of Confederation, no person could serve as a delegate to Congress “for more than three years in any term of six years.” Despite this consensus — so strong that even the more aristocratically inclined Alexander Hamilton endorsed it in a 1782 congressional committee report — there is no provision for anything like mandatory rotation in the federal Constitution. What happened? Some of it was practical. James Madison had also endorsed mandatory rotation in that 1782 report, but between then and 1787 he had a change of heart on the question, as a result of instability in the fragile Confederation government. According to the legal scholar Michael J. Klarman, Madison was worried that mandatory rotation was producing “a change in the federal councils not favorable to those catholic arrangements on which the harmony and stability of the union must greatly depend.” Madison also observed that “experience constantly teaches that new members of a public body do not feel the necessary respect or responsibility for the acts of their predecessors, and that a change of members and of circumstances often proves fatal to consistency and stability of public measures.” Some of it was ideological. The Constitution was written to *restrain* democratic energy and popular unrest in the American republic. The *point* was to put substantial distance between federal officers and elected officials and the people they were supposed to serve. And some of it, among those delegates who backed rotation in theory, was probably a miscalculation. Mandatory rotation was still the norm in most states. The Philadelphia delegates might have assumed that this would also be the norm in the new national government, even without explicit mention in the Constitution. They were wrong. The United States has mostly moved away from the expectation of mandatory rotation, with many lawmakers and judges serving long terms in office. **There is much to be said for the stability and continuity — and in the modern era, the expertise and skill — that comes with serving in office or on the bench for long periods of time. And yet the Revolutionary generation had a point worth considering. Long tenure — and in the case of judges, permanent tenure — can go beyond independence to breed a kind of arrogance and contempt for the public. Set aside the issue of Supreme Court leaks and we see this with Justice Alito himself, who has** [**repeatedly gone to public forums**](https://www.msnbc.com/rachel-maddow-show/alito-drops-pretense-impartiality-delivers-political-remarks-n1247700) **to chastise, even mock, his liberal critics, as if he owes nothing to them or the people they represent.**

Neg Arg: Final Period

* Analytic: The aff doesn’t make this situation worse as it already exists in the status quo. Imposing term-limits would do nothing to worsen the final period problem as justices have always been able to leave to do other jobs.
* **The final period problem will not be worsened by term-limits.**

**Roth 19** [Gabe Roth, 11-25-2019, "Myths and Facts about SCOTUS Term Limits," Fix the Court, <https://fixthecourt.com/2019/11/myth-facts-scotus-term-limits/>]

Both Judge David Stras of the Eighth Circuit and the Judicial Crisis Network’s Carrie Severino expressed concern over the so-called “final period problem.” **They believe that in the last years of an 18-year term, Supreme Court justices would make decisions with an eye to their professional future. In pursuit of a well-paid job outside the judiciary, or a future political appointment, they might stray from the impartial application of the law. This argument falls flat because a term limits plan would not, in fact, exacerbate this problem. Justices and judges are already free to leave the judiciary for other jobs, which many have done. Further, our term limits proposal would allow justices to maintain their salary for life as senior justices and serve on lower courts by designation. They could certainly pursue other opportunities, but it would not be necessary for their professional or financial security. Taking a step back, it is important to remember that Supreme Court justices have reached the pinnacle of the legal careers. It’s difficult to believe that many former justices would seek to return to private practice afterwards**, and even if there’s a temptation, a law inducing a “cooling-off period” post-SCOTUS tenure could be passed.

Neg Arg: Constitutionality

* Analytic: The constitution has been amended before and it can be done again. In a situation where a world without term-limits is increasing politicizing our government, harming society and causing huge political upheaval, and destroying governmental and democratic legitimacy, it would be worth it to amend the constitution so that we can save the democracy of the US and provide a better future for everyone.
* **Term-limits are constitutional.**

**Roth 19** [Gabe Roth, 11-25-2019, "Myths and Facts about SCOTUS Term Limits," Fix the Court, <https://fixthecourt.com/2019/11/myth-facts-scotus-term-limits/>]

Perhaps the most serious concern raised was that of constitutionality. Some panelists asserted that term limits would have to be instituted via constitutional amendment and that statutory proposals such as ours are unconstitutional. Stras cited two concerns: he argued that the “good behavior” clause, which stipulates that justices hold their office “during good behavior,” is rightly understood from English common law as an appointment for life. He also argued that the offices of chief justice, justice and judge are each different, requiring a different appointment, which would complicate a statute rotating justices off the Supreme Court to lower courts. Stras’ concerns simply do not apply to our proposal. **Fix the Court advocates limiting justices to 18 years of service as active justices, after which they become senior justices. As senior justices, they would maintain the same office (i.e., “justice”) and compensation, but they would not hear cases unless called upon. They could choose to serve on a lower court by designation, which any of them could do now with approval from the chief justices, but regardless, they would not lose the office. Thus our proposal does not violate the “good behavior” clause, as justices can keep the office for life, nor does it require rotating of the sort Stras believes is unconstitutional.**

Neg Arg: Court Credibility

* Analytic: The aff reduces politicization of the court by regularizing the confirmation process and increasing the court’s representation of the public. This will directly increase court credibility as they’re ideologies will be uncorrupted and representative of the population.
* **Term-limits increase court credibility.**

**Booker et al. 22** [No Author, 8-2-2022, "Booker, Whitehouse Blumenthal, Schatz, Hirono Introduce Term Limit Measure to Restore Balance, Fairness to Supreme Court," No Publication, <https://www.booker.senate.gov/news/press/booker-whitehouse-blumenthal-schatz-hirono-introduce-term-limit-measure-to-restore-balance-fairness-to-supreme-court>]

**“The Supreme Court is facing a crisis of legitimacy. This crisis is the result of radical rulings that discard years of legal precedent and that are at odds with the views of the American people, ethical lapses, and the politicization of the Supreme Court confirmation process by Senate Republicans intent on using raw political power to transform the Court,” said Sen. Booker. “The American people have lost confidence in our nation’s Highest Court and, in turn, our democracy. Fundamental changes are urgently needed to restore trust in the institution. Setting term limits would create predictability and lower the stakes of future confirmation proceedings, de-politicizing the Court.** I’m proud to partner with Senators Whitehouse, Blumenthal, Schatz, and Hirono to introduce this bill.” “Term limits need to be one part of the conversation about reforming the Supreme Court, which has been captured by big special interests,” said Sen. Whitehouse, Chairman of Senate Judiciary Courts Subcommittee. “Our legislation is a starting point for a national conversation about how best to fix a captive institution and make it more accountable to the people it is supposed to serve.” **“Term limits will help restore credibility and trust to our nation’s highest court,” said Sen. Blumenthal. “Detached from the public and more politicized than ever, the Supreme Court will continue to face a crisis of legitimacy without fundamental reform.”**

Neg Arg: Supreme Court Lottery

* First, this alternative is going to completely disrupt governmental stability, as the population and big quasi political organizations are obviously going to have their own political views. Judge, in the status quo with the randomized system, there is already so much backlash simply over ONE nomination process for A FEW justices. Imagine if we were constantly picking out nine new justices for every single new case. The political backlash would be insane. The government would literally roll to a standstill, the population, parties, corporations, would be enraged. This much political upheaval is going to kill the government and kill representation. Therefore you flow this through.
* Second, their counterplan in no way solves for lobbying. Having alleged balance on the court will not stop corportaions from lobbying to get justices to vote in certain ways, and they have absolutely 0 solvency for this, therefore ENTIRE my second contention flows through.
* Third, with the 6-3 supermajority, there is no way we get any social progress at all. With a nine member court, there are 36 two-judge combinations to generate friction, and if members of each party need to get other parties on their side, this much clash on EVERY SINGLE CASE SINCE YOU’RE SWITCHIING JUDGES OUT is going to cause delays and prevent all social progress, which literally goes against util.
* Fourth, having 5 members from each party will cause even greater ideological shifts, the ideologies will LITERALLY BE SHFITING WITH EVERY SINGLE CASE. Judge, you will notice that my opponent’s entire alternative goes against their own framework and their own points.
* Fifth, the lottery would push all of the problems that the supreme court has down to the federal appeals court, and instead nominations to the federal appeals court will be heavily political and extreme so those justices can have more power in the supreme court. This will just increase polarization in a different location.
* Sixth, there are many justices that are conservative or liberal that can author decisions supporting the opposing political party, such as Chief Justice Rovers, who is a conservative but authors many liberal decisions. This supreme court lottery requires that we pick the most ideologically extreme justices to have balance, which will further polarize the court and worsen ideological shifts.