MarApr Contention Planning

Resolved: The Justice of the Supreme Court of the United States Ought to be Term-Limited

Background:

* Judicial Review
  + Final say on constitutionality/constitutional interpretation
* Federalist 78
  + Independent judiciary → the way they interpret the constitution should be based upon the constitution and intent of the founders instead of public pressure
* Tenure
  + Life tenure with exceptions for criminal offences
    - Life expectancy was super short back then bro so shouldn’t we adapt the law

Aff:

Defs:

* Ought → morality
* Term-Limits
  + SAY THAT THEY START NOW. SO YOU CAN GET RID OF ALL SUPREME COURT JUSTICES RN
  + Frame as an observation

Fw:

* Structural violence
  + Issue with this is that is it really SCOTUS’s responsibility to mitigate structural violence/
* **Value: Democratic Legitimacy** 
  + **VC: Representing people’s interests**
* **Util**
* Value: Morality
* Government Legitimacy
  + SCOTUS needs to have legitimacy and the best way to do that is to have term-limits
  + Legitimate in terms of representing the people
* VC: Minimizing Polarization
* Social Contract
  + Having SCOTUS be representative of the people

Contentions:

* **Refute/Creates Stability/Less Gridlock:** It would make the nomination process less of a hassle because it’s not as much of a huge deal every single time → the only reason they go crazy is because they don’t know when they’ll get another chance to nominate someone, but by lowering the stakes the nomination process will be less chaotic → government will no longer grind to a halt
* Polarization + Public Trust
  + The process of confirmation is politically divisive → especially leading up to elections
    - Results in SCOTUS justices with bad optics and seen as confirmed in bad faith
    - Public trust in SCOTUS declining
    - Gets controversial
      * It’s seen as illegitimate when you replace a justice right at the end of the president’s term → Congress blocked Obama but not Trump bc it benefited their agenda
        + Leads to divisiveness
  + Incentivizes race to the bottom for the presidents → try to choose the most young and ideologically extreme candidates to represent their political views and pass radical ideas that support the influence that they want to have on the court
  + Aff Solvency: Having term-limits will depoliticize the process as it allows for more frequent confirmations → make justices seem more legitimate → more effective/respected decisions
    - 18 year term-limits but staggered
      * One person gets confirmed this year, then two years later they confirm somebody else, and each time someone gets confirmed then someone’s term-limit runs out
    - Every president would have the opportunity to confirm 2 justices
* **Corruption/Lack of Accountability**
  + Just because SCOTUS should be independent doesn’t mean that they should be out of touch with the American people
  + People have been providing justices with gifts or fancy dinners in other parts of their life to make decision that benefits those influential people
    - “Permanent tenure can go beyond independence to breed a kind of arrogance and contempt for the public”
    - Some justices can abuse the fact that they have life tenure and that allows them to be corrupt and get benefits from other corporations
  + Leaves certain parties with disproportionate numbers of nominees
  + Lack of representation = uncredible court
  + As you get older you get more disengaged with the population
  + Aff Solvency: The presidents would focus more on the best candidate rather than party agendas → candidates will be more in touch with the public and won’t get corrupted since they’re not on the court for so long → more accountable since they know their position is temporary
* Social Change (maybe more stronger as an impact?)
  + SCOTUS has served as a voice for change especially when no other government institutions made changes
    - Ex: Brown v. Board, Obergefell (gay rights)
    - Climate change had a recent ruling against EPA → presumption sways against EPA regulations → unless jurisdiction is granted by Congress
  + Aff Solvency:
* **Life Expectancy**
  + Life expectancy was super short back then, so obviously we need to adapt our laws based on that
* Increases Diversity
* Gender Inequality
* Racism
* Age Limits
  + Most justices are over 70 years old → out of touch with the public
  + Also more susceptible to diseases
  + Need justices that are more in touch with American ideals
    - In 1954, Senate tried to set a retirement age of 75 for justices
    - I: Americans don’t deserve to be subject to people making landmark decisions by people that aren’t in touch with the community that those decisions affect
* Tenure Limits
  + President will be able to appoint a couple of justice, and turnover in Supreme Court would be regular
    - Doesn’t matter how old the justice is when they’re appointed; you will only be able to serve a certain year term
    - Everyone’s influence on the court is more or less the same
    - Frequent change is good
      * Has more diverse representations
      * Every president can appoint at least one justice
    - Obama applied 2 justices in an 8-year term while Trump appointed 3 in just a four-year term
      * It’s unfair for some people to be able to have more representation for their ideals based on luck
    - 3 current justices have shown interest in these tenure limits
* Popular Support
  + Nominate justices based on their views and ideals
  + More about picking the best candidate instead of politics
* Partisan Fighting
  + Just + impartial
    - Supreme Court was made to be impartial, it limits partisan fighting

Neg:

Defs:

* Ought → morality
* Term-Limits → tailor to aff plans

Fw:

* Value: Democracy
  + Have much more experience than someone with term-limits
* Value: Morality
* **Government Legitimacy** 
  + **Checks and Balances**
  + **SCOTUS needs to be legitimate in terms of constitution**
* Political Realism
  + VC: what influences real politics
  + Justices have to make decisions on gray areas and realism will help protect that, they will not be able to make these decisions with term-limits since people have no idea what the hell is going on
* **Util**

Contentions:

* Experience
* **Polarization**
  + Defense: Doesn’t address root cause → means polarization is exacerbated
  + Offense: Decreased term length → incentivizes more extreme measures → selection of more extreme justices
  + Justices need to worry about term-limits → want to appease people and politicians → will just be an **extension of political parties** → can’t reach a consensus just like in the status quo there’s no middle ground between dems and republicans
    - There have been lots of times where conservative justices have voted for liberal policies and vice versa cuz they don’t have to worry about the political parties and what’s correct
  + I: polarization → internal link to distrust, democratic failure, and increased violence
* Term-limits don’t solve → Solvency deficit (Appointment Chaos)
  + Refute: NU → long-term life tenure judges isn’t solving pressing issues right now anyway
    - Response: Plan doesn’t solve
  + Every other democratic nation has term limits
    - Use precedent to prove that these nations have lower polarization and are doing better
  + Avoid losing time to take action on more important issues
    - Existing issues need more attention, replacing other justices will disrupt decisions
    - It’s immoral for certain issues to be placed on the backburner if they’ve existed longer just because of what current justices prioritize
  + Certain laws can be reevaluated and overturned
    - Possible refute: Already happened in the status-quo with Roe. vs Wade
    - Won’t see immediate effects until decades later; doesn’t solve problems now
  + The problems won’t even be able to be solved even if you keep replacing those judges
* Court Ideologies
  + Term-Limits won’t be able to be implemented, current justices aren’t going to step down until they retire
    - You won’t be able to just enforce a term-limit on them
    - It takes too long for this plan to even make a difference, logistically ineffective
    - Decades before the whole court is shifted → won’t solve pressing issues
    - Creates power imbalance between life judges and temporary ones
  + **Govnerment inefficiency: polarization + repeated confirmation processes → major time and political capital spent on confirming SCOTUS justices every two years** 
    - Creates a lot of controversy → will take up a lot of time from the government + human capital → should be spending that time on pressing issues like climate change or gun violence
  + Unfair for representation
    - If the remaining justices can serve for as long as they want and new justices can’t, its bad for representation and has an unbalanced pool of people serving for life and people that need to switch out
  + Rests on the idea that they can’t impose term-limits on current justices as well → clarify that at the beginning of the round
* **Philosophically**
  + Contradicts US founding principles
    - Checks and balances applies to the supreme court → it’s meant as a check on the other two branches → they must be independent from the process of policymaking and must solely be focused on the interpretation of the law
      * If they’re being lobbied or influenced by the people then the decisions they make may be biased or going toward the majority instead
      * The entire idea of the supreme court is to make sure that the majority doesn’t overwhelm the rights and laws in the constitution → a check on presidential power and not an extension of it
    - SCOTUS decisions would be based on the party in power as they would be able to shift the court → constitutional whiplash
    - People are stupid → will of the people isn’t always good → Qanon!
    - I: threatens the checks and balances that allow for SCOTUS legitimacy + enables executive overreach → radicalization of the court
* CP: Allowance of more judges
  + Need to increase the number of justices to represent the population well
  + More representation + diversity
    - More proportional repreesntation
    - Can have more representation from different political parties
    - Gender inequality!!!1
  + Historical examples
    - Roosevelt’s court packing event in 1934
  + I: Unfair to leave decisions to people that dictates everyone’s life to a handful of people that only represent about 1% of America
    - Need people with more backgrounds
    - Pushback: If there’s a democrat in power then they expand the supreme court, then justices would get skewed → then republicans would come in and say we can expand it too