# 1AC

Same as r1

# 2AC

## Adv 1

## Adv 2

### 2AC – AT: Walt

#### Walt goes aff

Walt 20. [Stephen, Robert and Renée Belfer professor of international relations at Harvard University and a columnist for Foreign Policy. Will a Global Depression Trigger Another World War?. Foreign Policy. 5-13-2020. <https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/>]

If one takes a longer-term perspective, however, a sustained economic depression could make war more likely by strengthening fascist or xenophobic political movements, fueling protectionism and hypernationalism, and making it more difficult for countries to reach mutually acceptable bargains with each other. The history of the 1930s shows where such trends can lead, although the economic effects of the Depression are hardly the only reason world politics took such a deadly turn in the 1930s. Nationalism, xenophobia, and authoritarian rule were making a comeback well before COVID-19 struck, but the economic misery now occurring in every corner of the world could intensify these trends and leave us in a more war-prone condition when fear of the virus has diminished.

[THEIR CARD STARTS]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term

## Adv 3

# OFF

## T – Core

### 2AC – T Subsets

#### ‘Core antitrust laws’ the Big Three and court interps and apply to many different industries.

OECD ’8 [Organization for Economic Co-operation and Development; November 20; Directorate for Financial and Enterprise Affairs Competition Committee, “Annual Report on Competition Policy Developments in the United States of America,” https://www.ftc.gov/system/files/documents/reports/2008-report/08annualrptoecd.pdf]

8. In April 2007, following three years of hearings and deliberations, the Antitrust Modernization Commission (AMC) issued its Report and Recommendations. Among the principal conclusions of the AMC’s Report were the following:

* Free-market competition should remain the touchstone of United States economic policy.
* The core antitrust laws—Sherman Act sections 1 and 2, Clayton Act section 7, and FTC Act section 5—and their application by the courts and federal enforcement agencies are sound and appropriately safeguard the competitiveness of the U.S. economy.
* New or different rules are not needed for industries in which innovation, intellectual property, and technological change are central features. Unlike some other areas of the law, the core antitrust laws are general in nature and have been applied to many different industries to protect free-market competition successfully over a long period of time despite changes in the economy and the increasing pace of technological advancement. One of the great benefits of the Sherman and Clayton Acts is their adaptability to new economic conditions without sacrificing their ability to protect competition.

#### The includes particulars

Random House 6 (Unabridged Dictionary, <http://dictionary.reference.com/browse/the>)

(used, esp. before a noun, with a specifying or particularizing effect, as opposed to the indefinite or generalizing force of the indefinite article *a* or *an*): the book you gave me; Come into the house

#### Scope of antitrust law is bounded by exemptions and immunities – we are T

Layne E. Kruse 19, Co-Chair, Melissa H. Maxman, Co-Chair, Vittorio Cottafavi, Vice Chair, Stephen M. Medlock, Vice Chair; David Shaw, Vice Chair; Travis Wheeler, Vice Chair; Lisa Peterson, Young Lawyer Representative; all on the Exemptions and Immunities Committee of the ABA Antitrust Section, “Long Range Plan, 2018-19,” American Bar Association, 3/18/2019, https://www.americanbar.org/content/dam/aba/administrative/antitrust\_law/lrps/2019/exemptions-immunities.pdf

D. Top 3 Accomplishments Since Last Long Range Plan in 2015

(1) Publications. In addition to our Annual ALD Updates, we are set to publish an update to the Noerr-Pennington Handbook, which should be out in 2019. We also published a new version of the State Action Handbook in 2016. The Handbook on the Scope of the Antitrust Laws was published in 2015.

(2) Commentary on Legislative and Regulatory Proposals. The Committee has been very active in supporting Section commentary on proposed legislation, regulations, and other policy issues.

For instance, in March 2018, the E&I Committee assisted former E&I Chair John Roberti in composing his article, “The Role and Relevance of Exemptions and Immunities in U.S. Antitrust Law”, presented to the DOJ Antitrust Division Roundtable on behalf of the ABA Antitrust Section.

In January 2018, in response to a request from the Section Chair, we submitted Section comments along with the Legislative and State AG Committees, addressing the proposed Restoring Board Immunity Act legislation that would impact the post-NC Dental exemptions and immunity climate. Previously, we commented on the Professional Responsibility Act.

(3) Spring Meeting Programs. We have sponsored or co-sponsored a program at every Spring Meeting since our last long range plan. In 2019 we will chair Sham Litigation after FTC v. AbbVie The FTC v. AbbVie decision – calling for the disgorgement of $448 million on the basis of sham patent litigation. In addition, we will co-sponsor in 2019 with the Trade, Sports & Professional Associations Committee, a program on “Antitrust Law's Anomalous Treatment of Sports,” addressing how US courts have shown broad deference to the "rules of the game," including near-immunity status for concepts such as "amateurism."

II. Major Competition/Consumer Protection Policy or Substantive Issues Within Committee’s Jurisdiction Anticipated to Arise Over Next Three Years

A. Issue #1: Will Certain Exemptions Be Eliminated or Expanded?

A goal of the current DOJ Antitrust Division is to streamline antitrust laws, and in particular, take a hard look at exemptions and immunities. This is in the wheelhouse of our Committee’s fundamental policy issue: How much of the economy has opted out of our antitrust system? Is that a problem or are ad hoc exemptions acceptable ways to fine tune the application of the antitrust laws?

We anticipate, therefore, that efforts to enact or to repeal existing statutory exemptions and immunities will continue. In recent years, there have been efforts to repeal the exemptions for railroads and (at least in part) the McCarran-Ferguson insurance exemption. The Section and the Committee has generally supported efforts to repeal statutory exemptions. Given that repeal issues are very political it is unlikely that we will see many exemptions actually repealed.

On the other hand, proposals for new exemptions and immunities will continue to be introduced in Congress. The Committee will improve on a template for use in assisting the Section in drafting comments to Congress on newly proposed exemptions and immunities.

One development that may continue in the health care area are issues over a "COPA" or "Certificate of Public Advantage" at the state level. A COPA is a state statutory mechanism that provides certain collaborations in the health care community with immunity from private or government actions under the antitrust laws by invoking the state action doctrine. The FTC has generally opposed such efforts at the state level, but several states have used them to immunize health care mergers. This is a major development that should be monitored.

Through programs, newsletters, and Connect entries, the Committee intends to educate its members about Congressional and other efforts to repeal, or introduce new, exemptions and immunities, as well as the application of existing statutory exemptions and immunities in the courts. The Committee’s Handbook on the Scope of Antitrust Law, published in 2015, addresses developments in the statutory immunities area. It built on the prior publication, Federal Statutory Exemptions from Antitrust Law Handbook in 2007. Our Scope book will need to be updated within the next three years.

B. Issue #2: Will There Be Legislative Solutions to State Action Issues at State and Federal Levels?

The FTC’s case against the North Carolina Board of Dental Examiners put the "active supervision" prong of the state action test front and center. North Carolina State Board of Dental Examiners v. Federal Trade Commission, 135 S.Ct. 1101 (2015). The Court agreed with the FTC’s position that state occupational licensing boards comprised of market participants must satisfy the active supervision requirement. This spurred additional suits against other types of state boards involving regulated professionals. Moreover, every State had to reassess its boards to determine if there is "active supervision." Courts and state legislatures are addressing those issues. We also expect the proper framing of the clear articulation prong of the state action doctrine will be addressed. The Supreme Court spoke to the clear articulation test in FTC v. Phoebe Putney Health System, Inc., 133 S.Ct. 1003 (2013), narrowing the foreseeability test to cover only situations in which the anticompetitive conduct is the “inherent, logical, or ordinary result of the exercise of authority delegated by the state legislature.” How this test has played out in the lower courts will be of particular interest to the Committee and its membership. The COPA issues, at the state level, as previously mentioned, will impact this area.

The Committee expects to address these issues through updates to Connect, newsletters, Spring Meeting programs, committee programs, its contributions to the Annual Review of Antitrust Law Developments. The State Action Practice Manual addresses these issues, as well as the Committee’s Handbook on the Scope of Antitrust Law.

C. Issue #3: Will Noerr Be Restricted or Expanded?

The Noerr-Pennington doctrine is an exemption issue that is frequently litigated. In particular, the most likely area of further development is in the pharma industry. Alleged misrepresentations to government agencies has caught the attention of some courts. In addition, there may be more development on the pattern exception, which raises the issue of whether each act of petitioning in a pattern must satisfy the objectively and subjectively baseless requirements for sham petitioning. The Committee’s new Handbook on Noerr (forthcoming) and its earlier Handbook on the Scope of Antitrust Law addresses developments in the Noerr law.

III. Specific Long Term Plans to Strengthen Committee

The Committee provides important services to the membership of the Section through publications, drafting ABA Antitrust Section comments to proposed regulation and international competition proposed immunities, and programming. The goals of the Committee include: (1) to provide policy comments on key questions about the scope of the antitrust laws for legislation and policy-making; (2) produce a mix of publications and programming that provides relevant and useful information to our members; (3) to ensure that the Committee remains valuable to our members’ practices; and (4) to make the most productive use of electronic communications to deliver the Committee’s work product.

A. Potential Modifications to Charter: What is the Role of this Committee?

The Committee’s current charter accurately characterizes its purview—that is, addressing the scope of the antitrust laws. That scope, of course, is defined primarily in terms of exemptions and immunities (both statutory and non-statutory). The Committee, however, has dealt with other doctrines, such as preemption and primary jurisdiction. These areas may not necessarily be viewed as traditional exemptions or immunities, but they nonetheless directly affect the application and extent of the antitrust laws. In addition, the Committee expends significant efforts to address international issues, including statutory exclusions from the U.S. antitrust laws, including the FTAIA; the related doctrines of act of state, sovereign immunity, and foreign sovereign compulsion; and industry-specific exemptions and exclusions from non-U.S. antitrust laws, including blocking exemptions.

## T Prohibit

### 2AC – Prohibit Filed Rate

#### Prohibit means hinder or preclude – prefer court interps

Prelogar 20 [Elizabeth, Acting Solicitor General of United States. “ZIMMIAN TABB, PETITIONER v. UNITED STATES OF AMERICA”. https://www.supremecourt.gov/DocketPDF/20/20-579/169149/20210216195252075\_20-579%20Tabb.pdf]

Application Note 1’s interpretation of the career offender guideline as including drug conspiracies is firmly grounded in the guideline’s text. The key term is “prohibits.” Unlike an adjacent provision stating that a “crime of violence \* \* \* is murder” or a list of other specified offenses, Sentencing Guidelines § 4B1.2(a)(2) (emphasis added), the definition of “controlled substance offense” extends to any felony offense that “prohibits the manufacture, import, export, distribution, or dispensing of a controlled substance,” id. § 4B1.2(b) (emphasis added). Although the term “prohibit” can mean “forbid by authority or command,” it can also mean “prevent from doing or accomplishing something.” Webster’s Third New International Dictionary of the English Language Unabridged 1813 (1986). In that sense, the term is synonymous with “hinder” or “preclude.” See, e.g., Black’s Law Dictionary 1465 (11th ed. 2019) (defining “prohibit” to mean “forbid by xlaw” or “prevent, preclude, or severely hinder”). Application Note 1 confirms that Section 4B1.2(b) uses the term “prohibit” in the latter sense. As the Eleventh Circuit recognized in United States v. Lange, 11 862 F.3d 1290, cert. denied, 138 S. Ct. 488 (2017), after reviewing the two accepted senses of “prohibit” noted above, see id. at 1295, Application Note 1 indicates that “‘[c]ontrolled substance offense’ cannot mean only offenses that forbid conduct outright, but must also include related inchoate offenses that aim toward that conduct.” Ibid. The court observed that “a ban on conspiring to manufacture drugs hinders manufacture even though it will ban conduct that is not itself manufacturing.” Ibid.; cf. United States v. Vea-Gonzales, 999 F.2d 1326, 1330 (9th Cir. 1993) (“The guideline refers to violations of laws prohibiting the manufacture, import, export, distribution, or dispensing of drugs. Aiding and abetting, conspiracy, and attempt are all violations of those laws.”).

#### Wm expand the scope – floor means we auto meet the ceiling

#### Business practices are actions to complete business objectives

JGD ND [Just Great Database, “Business Practice”. https://jgdb.com/dictionary/business-practice]

Definition: is a specific method, action, regulation, operation or rule introduced or followed by an organization in order to meet or surpass its business objectives. Additionally, this term can refer to a group of related methods or processes. The introduction of basic business practices is essential for the company’s maintenance of a correct accountability structure. The most popular business practice types include a) developing business plans and strategies, b) defining the boundaries of accountability for each employee, c) determining company-wide and individual performance objectives, d) implementing open-ended communication channels, and e) providing the company’s employees with regular and relevant training.

## T Courts

### T Courts – 2AC

#### Courts can expand ‘the scope of antitrust law.’

Bradford ’18 [Anu, Adam Chilton, Christopher Megaw, and Nathaniel Sokol; August 17; Law Professor at Columbia Law School; Law Professor at the University of Chicago; JD at Columbia Law School; Law Clerk at the United States Bankruptcy Court (Southern District of New York), JD at Columbia Law School; Journal of Empirical Legal Studies, “Competition Law Gone Global: Introducing the Comparative Competition Law and Enforcement Datasets,” Vol. 16, p. 8-9]

An additional potential limitation of our dataset is that we only coded competition statutes and not case law. For those most familiar with American antitrust law, this may seem like an important omission. However, a recent expert survey we conducted suggests there are few countries outside the United States—primarily common law jurisdictions— where courts play a significant role in creating new competition law. 16 One of the questions in the survey asked: “In practice, do the courts generate new law by changing the scope of the antitrust statutes in [insert country]? Please answer on a scale from 1 (no role) to 5 (extensive role).” Of the 86 countries from which we received survey responses, in only 11 jurisdictions did the respondents say that “courts play an extensive role” i.e., “courts have the power to change the scope of antitrust law and frequently do so.” In a further 4 jurisdictions, the experts described the role of courts as “large” i.e., “courts have the power to change the scope of antitrust statues and sometimes do so.” Thus, while limited to competition statutes, this dataset captures the vast majority of competition laws in the world and serves as an accurate proxy of the state of competition law in each country.

#### ‘Antitrust laws’ include court decisions.

Wallace ’92 [John Clifford; December 7; Chief Judge of the Ninth Circuit’s Court of Appeals; Westlaw, “Nugget Hydroelectric, L.P. v. Pac. Gas & Elec. Co.,” 981 F.2d 429]

2 Nugget first argues that the state action doctrine has been preempted as to utilities by the Public Utility Regulatory Policies Act of 1978 (Act), Pub.L. No. 95–617, 92 Stat. 3117 (codified as amended in scattered sections of 15, 16, 30, 42, and 43 U.S.C.). The specific section of the Act on which Nugget relies provides that “[n]othing in this Act or in any amendment made by this Act affects ... the applicability of the antitrust laws to any electric utility or gas utility (as defined in section 3202 of Title 15).” 16 U.S.C. § 2603(1). Nugget contends that the phrase “antitrust laws” refers only to statutory law and does not encompass the common law state action doctrine.

3 The Act's definition of “antitrust laws” “includes the Sherman Antitrust Act, the Clayton Act, the Federal Trade Commission Act, the Wilson Tariff Act, and the Act of June 19, 1936, chapter 592.” 16 U.S.C. § 2602(1) (citations omitted). The definition's use of the word “includes” suggests that the phrase “antitrust laws” may encompass more than just these statutes. See Highway & City Freight Drivers v. Gordon Transps., Inc., 576 F.2d 1285, 1289 (8th Cir.), cert. denied, 439 U.S. 1002, 99 S.Ct. 612, 58 L.Ed.2d 678 (1978); American Fed'n of Television & Radio Artists v. NLRB, 462 F.2d 887, 889–90 (D.C.Cir.1972); United States v. Gertz, 249 F.2d 662, 666 (9th Cir.1957). In interpreting another statute, the Supreme Court has held that the term “laws” encompasses both statutes and court decisions. See Illinois v. City of Milwaukee, 406 U.S. 91, 99–100, 92 S.Ct. 1385, 1390–91, 31 L.Ed.2d 712 (1972). We conclude that the phrase “antitrust laws” embraces not only the text of the Sherman Antitrust Act and the other listed statutes, but also the courts' interpretations of them. The state action doctrine is an interpretation of the Sherman Antitrust Act, see Parker, 317 U.S. at 350–51, 63 S.Ct. at 313–14, of which Congress was aware, see Director, Office of Workers' Compensation Programs v. Perini North River Assocs., 459 U.S. 297, 319–20, 103 S.Ct. 634, 648–49, 74 L.Ed.2d 465 (1983), when it chose the phrase “antitrust laws.” The plain meaning of section 2603(1) thus establishes that the Act is to have no effect on the applicability of the state action doctrine to gas and electric utilities like PG & E.

## Regs CP

### 2AC – FERC CP – Top

#### Filed rate prohibits the CP – it remains limited to prospective rate setting

Spence 12 [David B. Spence, Rex G. Baker Centennial Chair in Natural Resources Law at the University of Texas School of Law, and Professor of Business Government & Society. Robert Prentice, Professor and Department Chair, Business, Government and Society, McCombs School of Business, UT Austin. The Transformation of American Energy Markets and the Problem of Market Power.” 1/1/12. https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3184&context=bclr]

The California crisis revealed that while FERC had anticipated some of the forms of unfair competition that emerged after restructuring (such as discrimination by owners of gas and electric transmission lines in favor of their affiliates), it apparently had not foreseen some of the ways in which sellers on competitive wholesale markets were able to capture and abuse market power, or to influence prices in the spot and derivatives markets. Exercising its continuing responsibility to regulate competition and ensure that wholesale rates (including market-based rates) were “just and reasonable,”149 the agency’s initial response to the crisis focused on preventing and deterring wholesale sellers from acquiring and abusing market power. FERC’s previous grants of authority to charge market prices for energy had always been conditioned on the sellers’ lack of market power; however, long-standing precedent under both the FPA and the NGA—the so-called “filed rate doctrine”150— prohibited FERC from retroactively penalizing sellers who charged market rates that had been “filed” with FERC.151 In the wake of the California crisis, courts affirmed the agency’s conclusion that the market rates charged by FERC-authorized sellers in the California spot markets were “filed rates” for purposes of the filed rate doctrine.152 Therefore, in the event a seller authorized to charge market-based rates acquires market power—the power to capture scarcity rents by influencing price—the only remedy available to FERC at the time was to revoke that seller’s authority to charge market-based rates prospectively. FERC can do this in either of two ways: (1) by reimposing cost-based rates for that seller, or (2) by imposing rate caps for that seller in the relevant market (what it calls “mitigation”).

#### FERC and state regulators are captured – guts the CP – latest evidence

Agarwal 21 [Aakshi, HARVEY M. APPLEBAUM ’59 AWARD Winning Paper in the Yale University Digital Platform for Scholarly Publishing, B.S. Yale University, Advisor: Professor Michael Fotos. “Regulatory Agency Capture: How the Federal Energy Regulatory Commission Approved the Mountain Valley Pipeline.” 4/30/21. https://elischolar.library.yale.edu/cgi/viewcontent.cgi?article=1083&context=applebaum\_award]

To illustrate, agencies are prime targets for capture by the industries they regulate. The agencies the FERC works with, like the USACE and BLM, were criticized for their permitting errors and inadequate analyses by the courts, which could suggest they have already been captured. Like these agencies, the state agencies that the FERC works with such as the West Virginia Department of Environmental Protection and Virginia Department of Environmental Quality can become captured by pro-industry ideology from the industry. These state agencies are also uniquely vulnerable to “electorally sanctioned pro-business governance,” because the revenues and jobs from big projects can cause elected state and local officials to persuade regulatory decision makers.251

Furthermore, the FERC’s agenda can stem from Congress or the Executive. The FERC is intended to be an independent agency, but the FERC derives its power and funding from Congress and an agenda from the Executive. For example, the Trump administration was reported to pressure agencies with its pro-energy stance on the Atlantic Coast Pipeline.252 John Schmidt, a former regulator with the USFWS, also described that the Trump administration did not operate like previous administrations.253 Likewise, Congress, the Executive, and the bureaucracy are also influenced by public opinion. If the public opinion in any constituency supports pipelines, the FERC can conduct “electorally sanctioned pro-business governance” where it favors the industry because the constituency desires that.25

Furthermore, Carpenter & Moss’ gold-standard for diagnosing capture emphasizes how a solid capture diagnosis must “Show action and intent by the industry (special interest) in pursuit of this policy shift sufficiently effective to have plausibly caused an appreciable part of the shift.”255 Though this study points to areas where the MVP appears to have influenced the FERC, the unwritten conversations between the MVP and the FERC are not revealed. However, a study of capture rarely finds a “eureka” piece of evidence such as a link between the regulator and the industry that can prove capture. Further analysis via FOIA requests may indicate more evidence of capture in the future to better meet this standard set by Carpenter & Moss.

Additionally, this study’s findings are confounded by the FERC’s own procedural errors and institutional justice concerns. Several parts of this study find errors in the FERC’s process such as tolling orders, which suggest capture due to how these errors favor the industry. However, it is also possible that the FERC conducts a poor public participation process on its own. For example, an investigation by the Office of the Inspector General on the FERC revealed the FERC did not post Notices of Schedule for Environmental Review for 9 years, including a period where the MVP was considered.256 During interviews, several participants raised similar concerns. A journalist brought up that several people they met did not have internet access and missed big updates that otherwise were not on the front of the news.257 Walker from the Sierra Club also explained that in her experience at the Sierra Club, “Of all agencies, FERC is the absolute worst in terms of public participation.”

Lastly, this study’s findings may not be representative of the FERC’s actions on other pipeline cases. The MVP and ACP are unique cases due to the level of pushback and how the opposition succeeded. 259 The level of permitting errors is unprecedented to this research’s knowledge and as Chairman Glick’s office confirmed, no one opposed pipelines like this before.260 Although the MVP may not entirely represent the FERC’s experiences with pipelines, it is an indication of how pipeline permitting may go with the new pipelines intended in Appalachia.

Though there are other explanations for the FERC’s pattern of decision-making and confounding variables are present in the study, this paper nevertheless posits the FERC is culturally and corrosively captured. The FERC’s nearly universal record of decision-making against the public interest is difficult to explain via other means, and there are numerous instances where the FERC should have been making decisions insulated from congressional or Executive influence but still chose to favor the MVP. Therefore, the evidence at hand points to weak cultural and corrosive capture and further studies will be needed to verify these claims.

## Taxes CP

### 2AC – Taxes Fail

#### Circumvention and delay – revenue agencies will underenforce due to special interest capture, under-detection, and tradeoffs. At best the CP takes over 3 years to even begin.

Katz ’21 [Eric, Senior Correspondent, 9-8-2021, "'Understaffed' IRS Is Letting Top 1% Avoid Taxes, Biden Administration Laments," Government Executive, https://www.govexec.com/management/2021/09/understaffed-irs-letting-top-1-avoid-taxes-biden-administration-laments/185196/]

The Biden administration on Wednesday blamed a staffing shortage at the Internal Revenue Service for enabling the wealthiest 1% of Americans to shirk $163 billion in tax bills annually, pointing to the finding to support its plan for dramatically increasing resources for the tax agency.

More than one-quarter of unpaid taxes comes from just the top 1% of earners in the United States, according to a new report from the Treasury Department, with more than 20% stemming from the top 0.5%. The IRS is picking its battles, Treasury said, creating a separate tax system for low-income Americans and the wealthy who can afford to hire professionals to help them take advantage of IRS' shortcomings.

“Currently, an under-staffed IRS, with outdated technology, is unable to collect 15% of taxes that are owed, and a lack of resources means that audit rates have fallen across the board, but they’ve decreased more in the last decade for high earners than for Earned Income Tax Credit recipients,” said Natasha Sarin, Treasury's deputy assistant secretary for economic policy and author of the report.

To fully and fairly enforce the tax code, Sarin said, the IRS needs to "hire and train revenue agents who can decipher their thousands of pages of sophisticated tax filings." President Biden has called for an $80 billion injection into the IRS over the next decade, saying it would bring in $700 billion in revenue.

The Congressional Budget Office, however, said last week that the White House was painting too rosy a picture. CBO projected the government would bring in just $200 billion in new revenues over a decade, though it said new information reporting requirements and some tax code changes could produce a higher number. The office predicted that taxpayers would find new ways of evading their tax bills and said outdated technology could hamper the productivity of IRS employees. Hiring surges would help, CBO said, but the average audit takes 30 months to complete and employees can require extensive training. IRS management has said it is targeting mid-career and highly skilled employees for its new staff, but CBO cautioned it may not be able to hire "its desired mix of candidates." CBO also suggested employee turnover could be higher than IRS is predicting.

#### Corporations don’t bear the brunt of taxes---they don’t care.

Kellen Yent 21, Senior Tax Associate at PriceWaterCooper, 9-28-21, “A Response to "A New Corporate Tax,” SSRN, https://ssrn.com/abstract=3910848

Corporate tax policy has had many, often concurrent, policy justifications over the decades, from distributive justice to market stimulation and regulation. Furthermore, there are major political justifications for this a tax, which makes the finding of this exact goal difficult.1 The US Corporate Income Tax (CIT) is not the only tax policy with indeterminate justification, but the addition of such polarized public views on the topic frustrates this endeavor greatly. Brauner rightly points out that the CIT is one of the more popular taxes, politically speaking. 2 Indeed, around 52% of Americans believe that the corporate tax rate should be increased.3 This indicates that around half of the American populace believe that corporations should be paying their fair share, whatever that may be. What qualifies as a fair share, however, is hard to quantify, especially given concerns that such a tax may not actually [be] felt by corporations. Put another way, the incidence of the CIT is not clearly known, and this statement is acknowledged by both critics and proponents of the CIT, even though both will stress this fact differently in order to make it fit their view point. 4 It has been proposed by Avi-Yonah that the corporate tax should be modified to look more like the original CIT that was adopted in 1909. This would mean a steeper progressive rate system and the grand aim of disincentivizing monopolistic behavior.5 This paper seeks to reject this particular modification of the CIT. Though the deterrence of monopolistic behavior is admirable, it may be done better through more direct means and regulatory action. Furthermore, this paper will investigate the other myriad of justifications proposed for the CIT, and then discuss which justifications coincide with the policy aim of taxing wealthy corporate ownership. Taking the view that the actual, correct policy aim of the CIT is to tax corporate shareholders (i.e. the wealthy owners of the corporation), this paper will seek to evaluate all iterations of the CIT (as is and as proposed herein) by such standard.6 Thus the modifications proposed by AviYonah in order to tax monopolies are close to this correct purpose of the CIT, but are a bit too indirect and do not capture all corporate profit. Moreover, this paper will not try to propose a new type of corporate tax; the goal of this paper is to merely discern the best aspects and justifications for the CIT in hopes that it may shed some light on current corporate tax policy and debate.

I. What are the aims of the CIT?

There have been many aims, both suggested and officially stated by economists and academics, for the CIT. However, public opinion on the CIT is the single most important policy driver, as close to half of the adults in the US in 2017 agree that the corporate tax rate should be raised.7 This suggests that most people are in favor of a high (or at least higher) US corporate tax rate in order to make sure large corporations are paying their fair share to the IRS. What is so interesting about this general public insistence of increasing the CIT is the fact that most economists are not actually sure who actually bears the burden of this tax.8 This fact is important, because, as stated at the outset, this paper will evaluate all justifications, policy aims, and reforms to the CIT against the accepted aim that the CIT’s purpose is to tax wealthy stakeholders in corporations. Gravelle suggest it is not easy to understand who bears the incidence, even with sophisticated modeling; the burden of the tax may fall together on corporate shareholders, the corporate workers, and even the consumers. 9 This indeterminacy of the incidence leads to a further indeterminacy of how the CIT actually functions, let alone how the CIT should function.

Avi-Yonah proposes that the CIT should revert back to its original purpose from when it was proposed in 1909, which was the limitation and regulation of corporate behavior and, in a narrower sense, monopolistic tendencies. 10 This is in contrast with what Avi-Yonah calls the “traditional aim,” which is the indirect taxation of rich shareholders (i.e. the aim in which this paper has chosen to evaluate all other justifications and modifications of the CIT). 11 The current CIT provides a tax when income is earned through the corporation (i.e. the shareholders), and not just when those shareholders earn a dividend.12 The current CIT therefore maintains the idea that the income inside the corporation cannot just be held passively by rich shareholders and deferred until it is earned to them through a distribution of dividends, but that it will be taxed as earned to the corporation (i.e. the controllers of the corporation). Taxation on earnings realized is one of the main pillars of US taxation, and can be best exemplified through I.R.C. §1001 (gain on amounts realized). 13 Avi-Yonah, however, suggests that because of the incidence problem mentioned above, there are better ways to target those wealthy shareholders, thus mitigating the incidence issue.14 In his view, the corporate tax was instituted in the early 20th century in order to regulate monopolistic behavior and the accumulation of wealth, by incentivizing corporations to engage in antimonopolistic behavior. 15 Avi-Yonah proposes a completely new corporate tax with such antitrust incentives in mind: the new tax base will be large corporations, the shareholders will be taxed on a mark to market basis, and there will be a tax on the distribution of dividends.16 Importantly, the tax will be highly progressive so as to restrain such large, mega-corporations corporations from forming (and incentivize them to break up). Avi-Yonah states:

I would suggest that the effective tax rate on normal corporate profits…be zero. On super-normal returns, since the main concern is monopolies and quasi-monopolies, the tax should be progressive, with a very high tax rate (e.g., 80%) for profits above a very high threshold (e.g., $10 billion). In between, there should be a series of graduated tax rates, similar to the individual rate schedule before 1980.17

This rate structure would allow very little tax to be paid by the normal/small corporations, thus effectively eliminating corporate tax on that end of the profits spectrum. However, the highly progressive structure captures those massive corporations (such as Big Tech, Big Pharma, etc.) in such a high tax rate that there is little incentive to get so big (or stay so big). Furthermore, under this structure, only the corporations with “super-normal returns” (rents) will be targeted by such a policy, as it is those major corporations who have super-normal returns. This means that anything that is not a return on capital (i.e. normal return) should be taxed. Though Avi-Yonah’s modification to the CIT would still target wealthy stakeholders, it would only target those wealthy stakeholders of monopolies or near monopolies (or those large enough to generate rents). This means that a wealthy shareholder of a medium to small sized corporation with just returns on capital will go untaxed on corporate profits, thus going against this paper’s accepted justification for the CIT: to tax all wealthy shareholders.

The fact that Avi-Yonah’s new corporate will give effectively zero corporate tax on those smaller corporations, or those who only have normal returns on capital, is not inadmissible. Interestingly, some critics of the current CIT would agree with this part of his proposal, and would go further to suggest a total elimination of the CIT or a replacement with something more direct, in the hopes of curbing the aforementioned incidence problems. 18 Entin argues that the incidence of the CIT falls on labor to a large extent.19 He suggests that the classical modeling of incidence misses the allocation of burden falling onto labor, which suppresses investment, productivity, and wages. He also takes issue with how the traditional models use “super-normal” returns to apportion incidence between labor and capital, suggesting that these models include portions that should not be attributed to such “supernormal” returns and which are actually highly sensitive to tax.20 In light of this data, it may be questioned whether a tax on “super-normal” returns is proper for the CIT.

#### 3---Taxation on monopolies increases prices.

Chin Wei Yang et al. 16, Department of Economics at the Clarion University of Pennsylvania, 2016, “A Tax Can Increase Profit of a Monopolist or a Monopoly-like Firm: A Fiction or Distinct Possibility?,” Hacienda Pública Española / Review of Public Economics, Issue 216, pp. 39-59, <https://www.ief.es/docs/destacados/publicaciones/revistas/hpe/216_Art2.pdf>

7. Concluding Remarks

It is long recognized that a tax on a monopolist reduces profit whether it is a unit, ad valorem, income, or lump-sum tax. The first paradoxical finding indicates there is a positive relationship between corporate income tax rate and corporate profit (Krzyzaniak and Musgrave 1963). Katz and Rosen (1985), and Delipalla and Keen (1992) provide theoretical underpinnings for the paradox. While their model requires market structure to be in oligopoly or in the presence of product quality, our model does not depend on such assumptions. In fact, a smooth convex demand curve with a fair amount of convexity in the northwest segment is a candidate for rendering this result. This paper provides a mathematical proof and clear-cut numerical examples. Geometric proof is much simpler: as price moves from the southeast segment of a convex demand curve to the northwest direction, the tangent angle of P\*/Q\* (from the origin) becomes larger as does the slope on that point (P\* and Q\*). But the latter increases at greater rate as the degree of the convexity deepens. The price elasticity, being the former divided by the latter, will decrease as a mathematical consequence.

The tobacco industry of the Czech Republic in which Philip Morris sought to influence the legislation to preclude competition has effectively established a product monopoly. Philip Morris takes advantage of small and gradual increasing excise tax via tax overshifting. That is, the increases in cigarette price exceed that in excise tax, and thus profits may very well increase. The incremental increases in tax have relatively little impact on consumption but can induce overshifting (Shirane et al., 2012). This result is also supported by the cigarette market in US. The state cigarette tax increased twelve times in New York and Massachusetts, and nine times in Utah in the past few decades (Orzechowski and Walker 2013). The frequency with which price has increased speaks volumes about inelastic demand for cigarette. A tax hike is likely to give rise to the overshifting phenomenon, which generally benefits tobacco companies.

#### Taxes as antitrust destroy legal certainty and confidence in tax laws. Turns the net benefit and means they can’t solve the case.

Nina Hrushko 17, Senior Staff, Brooklyn Journal of International Law (2017-2018); Fellow, Dennis J. Block Center for the Study of International Business Law (2016-2018), “Tax In The World Of Antitrust Enforcement: European Commission's State Aid Investigations Into Eu Member States' Tax Rulings,” 43 Brooklyn J. Int'l L. 327, 2017, lexis.

[\*327] INTRODUCTION

On August 30, 2016, the European Commission (the "Commission") ordered Apple Inc. ("Apple") to pay up to [euro] 13 billion in retroactive taxes, as it ruled that the company had received illegal State aid in the form of tax breaks from the government of Ireland. 2 This decision has prompted a heated debate around the world about the validity of the Commission's determination, as well as its authority to interfere with the individual Member States' fiscal matters and to assess back taxes 3 ten years into the past. 4

[\*328] The EU Member States have a sovereign right to determine their own fiscal policies and tax regulations. 5 The EU State aid law, 6 however, prohibits them from providing aid, including tax benefits, to companies in a way that distorts competition. 7 In its investigation against Ireland, the Commission found that the tax rulings the country granted to Apple in 1991 and 2007 allowed the company to attribute profits earned by two Irish-incorporated subsidiaries, Apple Sales International and Apple Operations Europe, to a virtual "head office," 8 which existed only on paper, had "no physical location or staff," and "was not based in any country." 9 Such attributed profits remained untaxed, significantly lowering Apple's effective tax rate. 10 As a result, Apple paid substantially less tax than other businesses at a corporate tax rate of no more than 1 percent, while the standard corporate tax rate in Ireland was 12.5 percent. 11 The Commission said that Ireland granted such tax deal exclusively to Apple, while similar benefits were not available to other companies. 12

Notably, Ireland has joined Apple in opposing the Commission's decision 13 and is strongly "determined not to accept the tax windfall." 14 On November 9, 2016, the country initiated an appeal of the decision in the General Court of the European Union. 15

Ireland's leadership is concerned that the Commission's [\*329] determination will damage the country's reputation as a business-friendly, low-tax haven among large multinational corporations. 16 For example, Irish Finance Minister at the time, Michael Noonan, 17 issued a strong statement criticizing the decision and accusing the Commission of halting international progress in the area of tax avoidance and tax evasion reforms and introducing uncertainty for companies doing business in Europe. 18 Minister Noonan has also expressed concerns about the future of foreign direct investment in the European Union if the Commission can overturn valid arrangements between the investor and the Member State "a generation later" and find that the investor owes back taxes. 19

Apple has been equally outraged by the decision, blaming the Commission for striking "a devastating blow to the sovereignty of EU member states over their own tax matters, and to the principle of certainty of law in Europe." 20 On December 19, 2016, Apple followed Ireland's example and filed an appeal of the Commission's decision at the EU's General Court. 21 The company's CEO, Tim Cook, noted that Apple found itself in an odd situation of being compelled to pay additional back taxes to a government [\*330] that said the company did not owe them more than it had already paid. 22 The U.S. Department of the Treasury has also issued a statement criticizing the decision as "unfair" and "contrary to well-established legal principles." 23 It warned the Commission of turning into a "supranational tax authority" interfering into fiscal matters of individual Member States. 24

The Commission's State aid decision against Ireland and Apple serves as an example of a greater problem existing within the European Community. EU Member States are competing with each other for foreign direct investment by lowering their tax rates. 25 It has been argued that a decrease in tax revenues leads to a decline in the "quality of public services" and deterioration of the Member States' "welfare system." 26 The Commission, therefore, is trying to contain the harmful consequences of tax competition and improve fiscal transparency via its State aid investigations. 27 If the decision against Ireland and Apple is enforced, however, it will result in EU Member States losing authority over their sovereign tax matters, which have been historically in the province of individual governments. 28 EU courts, faced with the pending State aid appeals, have to review an important issue--whether to give room to more antitrust enforcement at the expense of Member States potentially losing their tax independence. 29

[\*331] This Note will argue that the Commission's decisions in the Apple case and other recent State aid cases 30 concerning tax rulings of the Member States are not the most effective mechanism for improving fiscal transparency. These decisions encroach on the sovereignty of the Member States' tax systems and erode taxpayers' confidence in the tax laws. 31 Instead of making efforts to integrate and reconcile EU tax regulations for the future, the Commission attempts "to apply rules after the fact," which "amounts to harmonization through the back door, and is dangerous for Europe." 32 The EU tax reform has to be carried out via legislative process by adopting tax laws to apply prospectively, not by creatively utilizing State aid rules so that they can bypass national legislation. 33

## K

### 2AC – Cap NEW

#### No transition

* Constant pro-growth messages in media and politics make it the most effective frame—alt must fiat mindset shift to solve, which should be rejected
* The alt’s strategy fails—creates resistance and unifies the pro growth camp
* Prefer—sociological studies demonstrate difficulties creating a unified, successful anticap movement

Drews 16 [Stefan Drews, Institute of Environmental Science and Technology, Universitat Autònoma de Barcelona, Miklós Antal, Institute of Social Relations, Eötvös Loránd University, "Degrowth: A “missile word” that backfires?", June 2016, https://www.sciencedirect.com/science/article/pii/S0921800915305516?casa\_token=MdngnyoLsRYAAAAA:rfo3ysm8jZPC3m992fZng2HQB7iKrhE69yQO3WOSVoAwtO2aUeguS-9p0w-irLYI7jF\_54UBqcQ#!]

When thinking about economic growth, most people will make connections to positive ideas such as prosperity, employment, development, economic and social improvement, higher wages, and well-being (Mohai et al., 2010), which makes it a very effective frame in politics (GSG, 2015). How much these positive connections are justified by evidence is debatable, but most ordinary people will see economic growth as something good. Very few people would think about environmental unsustainability, resource/energy limits, or social limits to growth (Mohai et al., 2010). Again, the mass media plays an important role in shaping these associations simply by the constant repetition of explicit pro-growth messages.

Degrowth, on the other hand, may evoke thoughts about crisis, recession, spending cuts, lower salaries, and job losses. The reason for this is straightforward. In economic parlance, growth generally means GDP growth, which is a main policy goal. People who are not familiar with the term degrowth—i.e. the vast majority—may simply, and often unconsciously, negate that meaning and understand degrowth as economic contraction or an intentional reduction of the GDP. As past and current periods of GDP decline have been socially and psychologically painful (De Neve et al., 2015), the first spontaneous conscious reactions to the idea of degrowth will be generally negative. The retrieval of such negative conscious associations is facilitated by the initial affective judgment of degrowth. Clearly, losses loom larger than gains in the degrowth frame (see also Davey, 2014).

Therefore, attacking growth head on is a strategy that will inevitably create a lot of resistance and—if it ever becomes more influential—may even activate and unify the growth camp. Winning the battle seems unlikely as long as in most countries economic growth really is correlated with important short-term goals such as lower unemployment, better public finances, and higher social stability (Antal and van den Bergh, 2013). Furthermore, changing initially negative opinions about degrowth will be difficult because people are generally more reluctant to change their prior beliefs than to develop new and positive opinions about an issue (Lord et al., 1979). In addition, an abstract slogan like degrowth communicated by the far left is problematic because convincing an audience whose political positions differ from the speaker's is more effective with concrete messages (Menegatti and Rubini, 2013). If repoliticizing environmental issues is the way to go, then it should be done in a way that creates a more favorable starting position in the debate.

#### Innovation reduces costs of climate action --- that creates a feedback loop where each innovation spurs political will

**Azevedo et. al 20** [INÊS AZEVEDO is Associate Professor of Energy Resources Engineering at Stanford University, “The Paths to Net Zero, How Technology Can Save the Planet”, https://www.foreignaffairs.com/articles/2020-04-13/paths-net-zero]

These political hurdles are formidable. The good news is that technological progress can make it much easier to clear them by driving down the costs of action. In the decades to come, innovation could make severe cuts in emissions, also known as “deep decarbonization,” achievable at reasonable costs. That will mean reshaping about ten sectors in the global economy—including electric power, transportation, and parts of agriculture—by reinforcing positive change where it is already happening and investing heavily wherever it isn’t.

In a few sectors, especially electric power, a major transformation is already underway, and low-emission technologies are quickly becoming more widespread, at least in China, India, and most Western countries. The right policy interventions in wind, solar, and nuclear power, among other technologies, could soon make countries’ power grids far less dependent on conventional fossil fuels and radically reduce emissions in the process.

Technological progress in clean electricity has already set off a virtuous circle, with each new innovation creating more political will to do even more. Replicating this symbiosis of technology and politics in other sectors is essential. In most other high-emission industries, however, deep decarbonization has been much slower to arrive. In sectors such as transportation, steel, cement, and plastics, companies will continue to resist profound change unless they are convinced that decarbonization represents not only costs and risks for investors but also an opportunity to increase value and revenue. Only a handful have grasped the need for action and begun to test zero-emission technologies at the appropriate scale. Unless governments and businesses come together now to change that—not simply with bold-sounding international agreements and marginal tweaks such as mild carbon taxes but also with a comprehensive industrial policy—there will be little hope of reaching net-zero emissions before it’s too late

#### Transition wars zero solvency

Crownshaw et al 18 [Timothy Crownshaw, Economics for the Anthropocene (E4A) 2Department of Natural Resource Sciences, McGill University, Canada, Caitlin Morgan, Food Systems Graduate Program at the University of Vermont, Alison Adams, Rubenstein School of the Environment, University of Vermont, Martin Sers, Faculty of Environmental Studies, York University, Natalia Britto dos Santos, Alice Damiano, Laura Gilbert, Gabriel Yahya Haage, Daniel Horen Greenford, "Over the horizon: Exploring the conditions of a post-growth world", 2018, https://journals.sagepub.com/doi/pdf/10.1177/2053019618820350?casa\_token=\_O1GadWsXLwAAAAA:YjDaSmPLmQU5qV6fMt0lozJqG465r9ipDqM2Z9DqmXnjNTNfixx\_OFr4mEuXoCEiiLBfnRp6YZHX6Q]

Conflict in various forms is likely to increase significantly in frequency and severity in a post-growth world, driven by various factors such as migration, poverty, and population pressures, rising unemployment (particularly among young men), ecological degradation, climate change impacts, scarcity of natural resources (particularly food and energy), and geopolitical tensions (Ahmed, 2017; Brzoska and Fröhlich, 2016; Homer-Dixon, 1991, 2001; Myers, 2005; Omer and Dan, 2014; Rees, 2015). This conflict may occur at all levels – between states, communities, and individuals – although the incidence of conflict in specific locales will be highly unpredictable and subject to many emergent factors. Clearly, major wars between nations or blocs have the potential to disrupt adaptation to the end of growth and may significantly worsen and accelerate many post-growth challenges. Under these circumstances, attempts at conflict resolution will likely see mixed success and will depend critically on levels of inter- and intra-state economic inequality, political responses to violence, and the presence of existing social, religious, or ethnic tensions (Acemoglu et al., 2010; Horowitz, 1993; Karl, 2000).

#### No runaway AI.

Edward Moore Geist 15, MacArthur Nuclear Security Fellow at Stanford University's Center for International Security and Cooperation, Former Stanton Nuclear Security Fellow at the RAND Corporation, Doctorate in History from the University of North Carolina, “Is Artificial Intelligence Really An Existential Threat to Humanity?”, Bulletin of the Atomic Scientists, 8-9, https://thebulletin.org/2015/08/is-artificial-intelligence-really-an-existential-threat-to-humanity/

Superintelligence: Paths, Dangers, Strategies is an astonishing book with an alarming thesis: Intelligent machines are “quite possibly the most important and most daunting challenge humanity has ever faced.” In it, Oxford University philosopher Nick Bostrom, who has built his reputation on the study of “existential risk,” argues forcefully that artificial intelligence might be the most apocalyptic technology of all. With intellectual powers beyond human comprehension, he prognosticates, self-improving artificial intelligences could effortlessly enslave or destroy Homo sapiens if they so wished. While he expresses skepticism that such machines can be controlled, Bostrom claims that if we program the right “human-friendly” values into them, they will continue to uphold these virtues, no matter how powerful the machines become.

These views have found an eager audience. In August 2014, PayPal cofounder and electric car magnate Elon Musk tweeted “Worth reading Superintelligence by Bostrom. We need to be super careful with AI. Potentially more dangerous than nukes.” Bill Gates declared, “I agree with Elon Musk and some others on this and don’t understand why some people are not concerned.” More ominously, legendary astrophysicist Stephen Hawking concurred: “I think the development of full artificial intelligence could spell the end of the human race.” Proving his concern went beyond mere rhetoric, Musk donated $10 million to the Future of Life Institute “to support research aimed at keeping AI beneficial for humanity.”

Superintelligence is propounding a solution that will not work to a problem that probably does not exist, but Bostrom and Musk are right that now is the time to take the ethical and policy implications of artificial intelligence seriously. The extraordinary claim that machines can become so intelligent as to gain demonic powers requires extraordinary evidence, particularly since artificial intelligence (AI) researchers have struggled to create machines that show much evidence of intelligence at all. While these investigators’ ultimate goals have varied since the emergence of the discipline in the mid-1950s, the fundamental aim of AI has always been to create machines that demonstrate intelligent behavior, whether to better understand human cognition or to solve practical problems. Some AI researchers even tried to create the self-improving reasoning machines Bostrom fears. Through decades of bitter experience, however, they learned not only that creating intelligence is more difficult than they initially expected, but also that it grows increasingly harder the smarter one tries to become. Bostrom’s concept of “superintelligence,” which he defines as “any intellect that greatly exceeds the cognitive performance of humans in virtually all domains of interest,” builds upon similar discredited assumptions about the nature of thought that the pioneers of AI held decades ago. A summary of Bostrom’s arguments, contextualized in the history of artificial intelligence, demonstrates how this is so.

In the 1950s, the founders of the field of artificial intelligence assumed that the discovery of a few fundamental insights would make machines smarter than people within a few decades. By the 1980s, however, they discovered fundamental limitations that show that there will always be diminishing returns to additional processing power and data. Although these technical hurdles pose no barrier to the creation of human-level AI, they will likely forestall the sudden emergence of an unstoppable “superintelligence.”

The risks of self-improving intelligent machines are grossly exaggerated and ought not serve as a distraction from the existential risks we already face, especially given that the limited AI technology we already have is poised to make threats like those posed by nuclear weapons even more pressing than they currently are. Disturbingly, little or no technical progress beyond that demonstrated by self-driving cars is necessary for artificial intelligence to have potentially devastating, cascading economic, strategic, and political effects. While policymakers ought not lose sleep over the technically implausible menace of “superintelligence,” they have every reason to be worried about emerging AI applications such as the Defense Advanced Research Projects Agency’s submarine-hunting drones, which threaten to upend longstanding geostrategic assumptions in the near future. Unfortunately, Superintelligence offers little insight into how to confront these pressing challenges.

## FTC

### 2AC – FTC Tradeoff

#### The FTC is stretched thin and has losses coming

McLaughlin 1/19 [David McLaughlin, Bloomberg. “FTC’s Khan Vows to Act With ‘Fierce Urgency’ on Antitrust Front.” 1/19/22. https://www.bloomberg.com/news/articles/2022-01-19/ftc-s-khan-vows-to-act-with-fierce-urgency-on-antitrust-front]

Khan said the FTC is “severely under-resourced” and the record deal-making by companies is straining the agency’s ability to review and potentially challenge transactions. That is posing “very difficult choices” about which deals to investigate, she said.

Still, the FTC can’t hold back from bringing risky cases that the agency might lose. Under Khan’s tenure, the FTC sued to block chipmaker Nvidia Corp.’s proposed $40 billion takeover of Arm Ltd. and salvaged a lawsuit that seeks to break up Meta Platforms Inc.

**No spillover between parts of the FTC**

Spencer Weber **Waller 5**, Professor of Law and Director of the Institute for Consumer Antitrust Studies at the Loyola University Chicago School of Law, “In Search of Economic Justice: Considering Competition and Consumer Protection Law”, Loyola University Chicago Law Journal, 36 Loy. U. Chi. L.J. 631, Winter 2005, Lexis

Despite this more comprehensive mission, the FTC is organized in a way that **tends to emphasize the separation of these fields,** rather than the common elements of the agency's mission. The FTC has a Bureau of Competition and a separate Bureau of Consumer Protection, with a Bureau of Economics to support the work of both endeavors. The Bureau of Competition ("BC") primarily engages in the investigation and enforcement of mergers and complex civil antitrust cases with a recent emphasis on intellectual property and health care issues. The Bureau of Consumer Protection ("BCP") primarily investigates and challenges outright fraudulent conduct. 9 The FTC website details recent BCP activity involving Internet sales, telemarketing, false health and fitness claims, identity theft and similar issues. 10 These are **all very different issues** from the day-to-day focus of the competition staff. This basic split is further mirrored in the Bureau of Economics ("BE"), where the staff tends to specialize in either competition or consumer protection. **Any crossover** of staff and cooperation **occurs primarily in competition advocacy** before legislatures or regulatory agencies, and not **in case selection and investigation.**

#### Focused on mergers

Tabas 3/3 [Sonia Kuester Pfaffenroth , Matthew Tabas and Kevin Chen, Arnold & Palmer, "United States: FTC Hospital Merger Challenge Signals Future Labor Market Enforcement Actions", 3/3/22, https://www.mondaq.com/unitedstates/antitrust-eu-competition-/1167736/ftc-hospital-merger-challenge-signals-future-labor-market-enforcement-actions]

On February 17, 2022, the US Federal Trade Commission (FTC) unanimously authorized an administrative complaint and a lawsuit in US District Court for the District of Rhode Island to block the proposed merger of Lifespan Corporation (Lifespan) and Care New England. The FTC's complaint asserts that the transaction would combine two of Rhode Island's largest healthcare providers and allegedly would lead to higher prices and a lower quality of care for patients in violation of Section 7 of the Clayton Act.1

The FTC's challenge to a transaction that, according to the agency, would result in one entity controlling "at least 70 percent of the Rhode Island market for inpatient general acute care hospital services and at least 70 percent of the market for inpatient behavioral health services"2 represents a traditional Section 7 theory in a hospital merger case, albeit with the FTC alleging a transaction harmed competition in the "inpatient behavioral health services" market for the first time. In this case, however, the two Democratic Commissioners also would have brought a Section 7 claim based on a substantial lessening of competition in a relevant labor market. That claim was not supported by the two Republicans on the Commission, and thus was not included in the FTC's complaint. Nonetheless, the Democrats statement is an important reminder of the current Administration's focus on antitrust enforcement in labor markets.

#### Labor’s the core focus—especially for biden

Tabas 3/3 [Sonia Kuester Pfaffenroth , Matthew Tabas and Kevin Chen, Arnold & Palmer, "United States: FTC Hospital Merger Challenge Signals Future Labor Market Enforcement Actions", 3/3/22, https://www.mondaq.com/unitedstates/antitrust-eu-competition-/1167736/ftc-hospital-merger-challenge-signals-future-labor-market-enforcement-actions]

A Renewed Focus on Competition for Labor

Chair Khan and Commissioner Slaughter's statement in the Lifespan-Care New England matter is just the latest evidence of the Biden Administration's continuing focus on antitrust enforcement in labor markets.

In President Biden's July 2021 Executive Order on Promoting Competition in the American Economy, he specifically affirmed that "it is the policy of my Administration to enforce the antitrust laws to combat the excessive concentration of industry, the abuses of market power, and the harmful effects of monopoly and monopsony — especially as these issues arise in labor markets. . . ."11

Since then, Chair Khan has written several times about the steps that the FTC is taking to "root out unfair methods of competition and unfair or deceptive practices in the economy, a mission that protects all Americans, including workers."12 In her comments to the House of Representative's Subcommittee on Antitrust, Commercial, and Administrative Law, she highlighted that the FTC "must scrutinize mergers that may substantially lessen competition in labor markets" and that it "will work with the Department of Justice to update the agencies' merger guidelines, looking to provide guidance on how to analyze a merger's impact on labor markets."13

In January 2022, the Department of Justice, Antitrust Division (DOJ) and FTC announced a public inquiry seeking information as they update their merger guidelines, in which they featured labor market issues prominently. In her remarks at the announcement, Chair Khan spotlighted the issue of merger analysis and labor markets. She posed several questions, including whether "the guidelines adequately assess whether mergers may lessen competition in labor markets, thereby harming workers?14 Are there factors beyond wages, salaries, and financial compensation that the guidelines should consider when determining anticompetitive effects?15 And when a merger is expected to generate cost savings through layoffs or reduction of capacity, should the guidelines treat this elimination of jobs or capacity as cognizable "efficiencies?"16 The agencies' request for information specifically seeks input on how to address the issue of buyer power in labor markets.17

Even before the antitrust agencies officially update their merger guidelines, the FTC has taken some concrete steps to explore labor market issues in their merger reviews. In September 2021, the FTC announced that it was taking steps to ensure its "merger reviews are more comprehensive and analytically rigorous." Specifically, the FTC's "second requests may factor in additional facets of market competition that may be impacted[,]" including "how a proposed merger will affect labor markets . . . ."18 Second Requests now frequently require parties to produce documents discussing the parties' efforts to hire, recruit, compete for employees, including related to compensation, work schedule flexibility, or other terms of employment.

#### FTC can’t solve privacy, but there isn’t a trade off in the staff

Jessica Rich, Aug 12, 2019 [Privacy consultant and former director of the Federal Trade Commission’s Bureau of Consumer Protection. <https://www.nytimes.com/2019/08/12/opinion/ftc-privacy-congress.html>]

You might think that after the Federal Trade Commission levied a $5 billion fine against Facebook for privacy violations relating to Cambridge Analytica, the agency has great power to protect our privacy on the internet.

But in fact the F.T.C. lacks both the legal authority and resources to be fully effective in this area. The reason? Congress has repeatedly declined to enact a broad-based federal privacy and data security law setting strong privacy standards, codifying penalties for wrongdoers and allocating the staff and funds necessary to enforce the law nationwide.

It’s not as if no one has thought about this issue. Since the late 1990s, consumer advocates, industry leaders and the F.T.C., among others, have at various times urged Congress to pass such a law, but to no avail. With a few exceptions, the F.T.C.’s legal authority over privacy is the same as it was before the internet was invented.

I’m all too familiar with this problem. I served as the F.T.C.’s top career privacy staff member for almost 15 years, and its director of the Bureau of Consumer Protection from 2013 to 2017. During that time, I was one of the people who repeatedly represented the F.T.C. before Congress on privacy issues.

We reviewed multiple draft privacy bills, testified on some of them, and responded to countless inquiries from individual members of Congress and their staffs. There was lots of activity, but Congress never acted.

There are many reasons for congressional inaction. Privacy cuts across multiple congressional committees, which makes it logistically difficult to draft and enact a privacy law. Most businesses, until recently, vigorously fought off new legal requirements, even while complaining that the current rules governing privacy aren’t clear. Consumer advocates haven’t always been as effective as they could be, adopting out-of-reach positions and declining to budge. And the F.T.C.’s requests for more authority have varied with each new administration, and have at times been overly cautious.

Recent events, including the Facebook debacle, passage of demanding privacy laws in Europe and California, and growing concern among the public, have altered these dynamics, giving hope to privacy proponents that we have finally reached the moment when a federal privacy law could pass.

But, despite these signs, congressional efforts appear to have stalled. Further, some of the focus has shifted to concerns about the alleged political bias of social media platforms, an entirely separate matter that has little to do with consumer privacy.

The F.T.C. has nevertheless built a strong privacy program based largely on the Federal Trade Commission Act, which was passed more than 100 years ago, long before personal computers, the internet, social media or mobile phones were invented. This general-purpose law is supplemented by a few sector-specific privacy laws, like the Children’s Online Protection Act, which give the F.T.C. stronger authority to act in specific areas of the marketplace.

The F.T.C. Act gives the agency a lot to work with. The agency can investigate fraud, deception and clearly harmful practices by a wide array of companies. It can bring enforcement actions stopping such conduct and getting back money that consumers have lost. It can study trends in the marketplace and issue studies. And it can use the bully pulpit to call out troubling practices and educate the public, just as any government agency can.

Using this authority, the F.T.C. has challenged the privacy practices of some of the biggest companies (and prominent users of consumer data) in the world, including Facebook, Google, Twitter, Equifax, Microsoft, Uber, Wyndham and many others.

But the F.T.C. Act is not enough to protect privacy. Each action against these tech companies, for example, required painstaking investigation before the agency could obtain even the most basic privacy relief for consumers. Some also prompted controversy and litigation over the parameters of the F.T.C.’s privacy authority. At times, facing the reality of the limits on its powers, the agency has had to pull its punches.

Under the F.T.C. Act, the agency can’t set normative privacy standards that all companies must follow, such as requiring them to post a privacy policy

, limit the consumer data they collect and retain, refrain from certain uses of that data or give consumers choices about how their data is used. Sure, the agency might be able to get this type of relief against a particular company following proof of specific and harmful misconduct, but it can’t set these standards on an industry-wide basis.

Also, the F.T.C. can’t generally impose penalties on privacy wrongdoers, unless they’re already under an order for previous wrongdoing — as in the case of Facebook. Yes, it can get back money that consumers have lost, or order companies to “disgorge” its profits from illegal activities. But all of this can be very difficult to calculate in privacy, and even more difficult to prove in court, as many plaintiffs have learned in privacy class actions and similar litigation. That’s why the ability to obtain penalties is so important.

The F.T.C. has limited jurisdiction over key industry sectors, like telecommunications companies, and no jurisdiction over banks or nonprofit entities. And absent clearer authority to order conduct relief and obtain penalties for privacy violations, the F.T.C. constantly faces obstacles in court, leading it to rely, more often than many would like, on the greater certainty of negotiated settlements. A strong privacy mandate from Congress could set clear limits on how consumer data can be used, and give the F.T.C. greater power to enforce these limits in litigation.

Finally, in addition to these many legal constraints, the F.T.C. is woefully understaffed in privacy, with some 40 full-time staff members (as of the spring) dedicated to protecting the privacy of more than 320 million Americans. This compares to hundreds of staff members in Britain, and almost 150 each in Ireland and Canada — all countries with far smaller populations than the United States.

## Oil DA

### 2AC - Oil

#### Oil majors are transitioning to solar now because of external pressure—low costs are key

Rosenbaum 21 [Eric Rosenbaum, "What Big Oil’s solar energy projects reveal about its climate strategy", 8/15/21, https://www.cnbc.com/2021/08/15/how-solar-power-can-become-a-small-part-of-big-oils-future.html]

Solar isn’t a new thing for oil and gas. Chevron had a project powering operations in the Kern oil field of California as far back as 2003, and BP even got into solar panel manufacturing for decades under Sir John Browne’s “Beyond Petroleum” mission (before solar manufacturing became mostly China’s game and most everyone else went bankrupt).

“This isn’t a brand new journey,” said Amy Chronis, leader of Deloitte’s US Oil, Gas & Chemicals team in Houston. “But it’s still early days to see broad-based carbon reductions.”

Now several of the European and U.S. majors are making major investments in renewable again, including BP and Royal Dutch Shell, and all the big oil and gas companies have at least a few solar power projects, whether they developed them on their own or signed what are known as power purchase agreements with project developers, including ExxonMobil, which has added to its renewable energy portfolio in recent years.

It bought 500 megawatts of wind and solar in 2018 from Danish renewable energy company Orsted, the largest renewable deal ever signed by a U.S. major. Chevron signed its own 500 MW project last summer, with the energy generation to be split between the Permian, Argentina and Kazakhstan.

A lot of the renewable energy history within solar has been more fits and starts — and lower down the priority list —than consistent application to the business. Though, the pressure is mounting.

Benjamin Shattuck, research director for Americas upstream oil and gas at energy consulting firm Wood Mackenzie, said most of the companies he follows in the U.S. are still fairly early on in their journey to a carbon reduction model, but as environmental performance and ESG become more mainstream — he said ESG is top of agenda when he talks to oil CEOs lately —and more companies talk about net-zero targets and tie executive compensation to the goals, the situation is rapidly changing.

“Oxy is one of the companies helping to lead the conversation, between the Goldsmith solar plant [the 16 MW plant Hollub referenced] and longer-term carbon capture and storage, they are thinking about it from a bold standpoint, which is good to see. Everything points to it picking up and accelerating,” Shattuck said.

The Permian is well-suited to renewables

Places like the Permian Basin in Texas and New Mexico are well-suited to renewable energy, with lots of land and a regulatory framework favorable to project development, whether oil and gas or renewables, but the economics have to make sense. And increasingly, they do.

#### Russian military spending and modernization depends on economic growth

Kollias et al 18 [Christos Kollias, rofessor of Applied Economics, Editor of Defence and Peace Economics and a member of the Editorial Boards of Peace Economics, Peace Science and Public Policy and The Economics of Peace and Security Journal and a member of the governing body of the Network of European Peace Scientists, Paleologou Suzanna - Maria, Professor, Applied Economics, Panayiotis Tzeremes, Nickolaos Tzeremes, University of Thessaly, "The demand for defense spending in Russia: Economic and strategic determinants", 10/9/18, https://pdfs.semanticscholar.org/2540/e6cbb5a709ab48f46f01d4078c5c79b8481f.pdf]

Defense spending is the cost for producing military power since it represents expenditure on the inputs used in the production of military capabilities and strength. This type of public expenditure is primarily of strategic nature given that “[t]he first duty of the sovereign, that of protecting the society from the violence and invasion of other independent societies, can be performed only by means of a military force”.1 The evolution and fluctuation over time of military spending globally, largely reflects the changes in the international system and the global security environment (Sandler and George, 2016). Spending on defense and the production of military capabilities is a pivotal tool of internal balancing for deterrence and/or coercive use. States use their military strength in order to either protect or advance their national interests in the given international environment with the challenges, opportunities and threats it encompasses (Fordham 2004; Kadera and Sorokin 2004; Smith and Fontanel 2008). Ceteris paribus, the higher the level of such expenditures, the greater the quantity of military power and capabilities produced and possessed by a state. Countries with larger defense budgets produce and have at their disposal more military capabilities and military assets vis-à-vis countries with lower defense spending.2

Estimated at just under $70 billion in 2016,3 the Russian defense budget is the third highest globally following the United States and China. It has steadily increased over the past decade and a half, on the one hand reflecting Russia’s increasing geopolitical ambitions and active engagementsin a number of regions of the world as it asserted its strategic role internationally and on the other, the rapid growth of the Russian economy which has provided the finances required to support a massive military modernization program (Cooper, 2016; Yakovlev, 2016). In particular, following the economically dismal decade of the 1990s when annual average GDP growth was –4.9%, the Russian economy rapidly recovered in the 2000s. It reversed the economic decline of the first post-bipolar decade and moved into a vigorous growth path. During 2000–2009, the average annual growth rate of GDP was 5.5%.4 The vibrant growth rates, recorded during this period, were substantially driven by resource extraction and exports, predominantly of hydrocarbons (Voskoboynikov, 2017; Benedictow et al. 2013; Tuzova and Qayum, 2016; Cooper, 2013). Oil and natural gas earnings significantly contributed to the Russian economic recovery and growth performance and financed public expenditure including defense spending (Cooper, 2016; Sabitova and Shavaleyeva, 2015; Oxenstierna, 2016; Christie, 2017). This vibrant economic performance seems to have faltered in recent years (Berezinskaya, 2017; Medvedev, 2016; Kudrin and Gurvich, 2015). The growth rate in 2010–2016 declined to an annual average of 1.6%, a rather feeble performance compared to the previous decade (2000–2009). As Christie (2017) and Cooper (2016) note, the slowdown of the Russian economy can affect the military budget and Russia’s ambitious ongoing military modernization program. Oxenstierna (2016) argues that the economic preconditions for further increases of such public outlays seem to have changed significantly in recent years given the faltering Russian economic performance. In a similar vein, Fal’tsman (2017) observes that fiscal constraints will affect the procurement of new weapons systems from the domestic arms industry and thus adversely affect this sector of the economy that has greatly benefited from the ambitious military modernization program that included the development and procurement of many technologically advanced weapons. Building on this, the present paper estimates a demand function for Russian military expenditure during 1992–2015 in order to identify its determinants and drivers and to quantitatively assess the association with the economy from where the resources allocated to defense are drawn. The next section offers a brief overview on modeling issues of the demand for military expenditure and discusses the determinants of such spending. The methodology employed and the findings are presented and discussed in section three, while section four concludes the paper.

# 1AR

### case

#### Warming outweighs nuclear war

McDonald ‘19 (Samuel Miller McDonald is a writer and geography PhD student at University of Oxford studying the intersection of grassroots movements and energy transition; 1/4/19; “Deathly Salvation”; *The Trouble*; https://www.the-trouble.com/content/2019/1/4/deathly-salvation)

A devastating fact of climate collapse is that there may be a silver lining to the mushroom cloud. First, it should be noted that a nuclear exchange does not inevitably result in apocalyptic loss of life. Nuclear winter—the idea that firestorms would make the earth uninhabitable—is based on shaky science. There’s no reliable model that can determine how many megatons would decimate agriculture or make humans extinct. Nations have already detonated 2,476 nuclear devices. An exchange that shuts down the global economy but stops short of human extinction may be the only blade realistically likely to cut the carbon knot we’re trapped within. It would decimate existing infrastructures, providing an opportunity to build new energy infrastructure and intervene in the current investments and subsidies keeping fossil fuels alive. In the near term, emissions would almost certainly rise as militaries are some of the world’s largest emitters. Given what we know of human history, though, conflict may be the only way to build the mass social cohesion necessary for undertaking the kind of huge, collective action needed for global sequestration and energy transition. Like the 20th century’s world wars, a nuclear exchange could serve as an economic leveler. It could provide justification for nationalizing energy industries with the interest of shuttering fossil fuel plants and transitioning to renewables and, uh, nuclear energy. It could shock us into reimagining a less ~~suicidal~~ civilization, one that dethrones the death-cult zealots who are currently in power. And it may toss particulates into the atmosphere sufficient to block out some of the solar heat helping to drive global warming. Or it may have the opposite effects. Who knows? What we do know is that humans can survive and recover from war, probably even a nuclear one. Humans cannot recover from runaway climate change. Nuclear war is not an inevitable extinction event; six degrees of warming is.

### CP

#### Prohibitions” means restrictions on practices.

Emerson 90 – Assistant Professor of Business Law and Legal Studies, Graduate School of Business, University of Florida

Robert W. Emerson, “Franchising and the Collective Rights of Franchisees,” Vanderbilt Law Review & En Banc, Vol. 43, October 1990, LexisNexis

\*P The term "prohibitions" includes restrictions on practices. For explanations and examples of prohibitions or restrictions, see supra notes 27-28 and accompanying text.

#### Even if ‘prohibitions’ ban, that doesn’t mean entirely.

Clopton ’85 [David; December 1, 1885; Justice on the Supreme Court of Alabama; Westlaw, “Miller v. Jones,” 80 Ala. 89]

The title of the act is, “An act to regulate the sale, giving away, or otherwise disposing of spirituous, vinous or malt liquors, or intoxicating bitters, or patent medicines having alcohol as a base, in Talladega County.” But one subject is expressed in the title--the regulation of the sale, giving away or otherwise disposing of liquors--and the enquiry is, does the title express the subject contained in the enactment: in other words, are regulation and prohibition the same or distinct subjects? Regulate and prohibit have different and distinct meanings, whether understood in their ordinary and common signification, or as defined by the courts in construing statutes. Power granted to a municipal corporation to grant licenses to retailers of liquors, and to regulate them, does not confer power to prohibit, either directly or by a prohibitory charge for a license. Town of Marion v. Chandler, 6 Ala. 899; Ex parte Burnett, 30 Ala. 461; In Joseph v. Randolph, 71 Ala. 499, it is said: “A constitutional right, though subject to regulation, can not be impaired or destroyed, under the devise or guise of being regulated.” To regulate the sale of liquor implies, ex vi ter \*97 mini, that the business may be engaged in or carried on, subject to established rules or methods. Prohibition is to prevent the business being engaged in or carried on, entirely or partially. The two purposes are incongruous. A title which expresses a purpose to regulate, gives no indication of a purpose to absolutely prohibit. We are constrained to hold the act unconstitutional.

### K

#### The alt exacerbates warming – resource misallocation & subsidized energy prices

Regan 19 [Shawn Regan, research fellow and vice president of research at PERC. He is the executive editor of PERC Reports. “Socialism Is Bad for the Environment.” 5/17/19. https://www.perc.org/2019/05/17/socialism-is-bad-for-the-environment/]

How can this be? “Environmental deterioration was not supposed to occur under socialism,” Cuban-American researchers Sergio Díaz-Briquets and Jorge Pérez-López wrote in a detailed study of Cuba’s environmental legacy. “According to conventional Marxist-Leninist dogma, environmental deterioration was precipitated by the logic of capitalism and its relentless pursuit of profits.” Socialism, on the other hand, would avoid capitalism’s excesses. “Guided by ‘scientific’ principles, socialism’s goal was a classless and bountiful society,” they explained, “populated by men and women living in harmony with each other and the environment.”

But this was clearly not the case in the Soviet empire. Nor was it in Cuba, whose environmental record after decades of socialist control was described by Díaz-Briquets and Pérez-López as “far different from the utopian view.” The West, meanwhile, had not only the consumer goods that socialist societies lacked but also a cleaner environment.

One explanation for the disparity is that central planners, unlike markets, grossly misallocate resources, as a matter of routine. Energy prices, for example, were highly subsidized in the socialist economies of Eastern Europe and the Soviet Union. As a result, industrial production was far more energy-intensive throughout the socialist world than in Western European economies—five to ten times higher, according to one estimate—leading to more pollution. A 1992 World Bank study found that more than half of the air pollution in the former Soviet Union and in Eastern Europe could be attributed to subsidized energy pricing during this period.

A related problem was the fixation of socialist planners on heavy industry at the expense of the environment. “The singular dominant fact of the Soviet economic strategy,” Jeffrey Sachs has noted, “was the subordination of all human and economic goals to the development of heavy industry.” Industrial pollution from factories in Eastern Europe was so bad that Time described it as the region “where the sky stays dark.” Acid rain in Krakow severely damaged the city’s historic structures and buildings, some of which required renovations, and even corroded the faces of many centuries-old statues.

Of course, industry behind the Iron Curtain was anything but efficient, and central planning caused excessive use of natural resources. A 1991 study by Mikhail Bernstam found that market economies used about one-third as much energy and steel per unit of GDP as did socialist countries. Likewise, Polish economist Tomasz Zylicz found that the non-market economies of Central and Eastern Europe required two to three times more inputs to produce a given output than did Western European economies. (The former Soviet world, as well as China, also emitted several times more carbon per unit of GDP than the United States did—a trend that continues today.) Simply put, market economies make more with less and are therefore better for the environment.

Socialist planners, on the other hand, lack the knowledge necessary to rationally coordinate economic activity. Moreover, bureaucratic constraints make accurate price-setting impossible. In their 1989 book The Turning Point, Soviet economists Nikolai Shmelev and Vladimir Popov offered an illustrative example. To bolster the production of gloves, the Soviet government more than doubled the price it paid for moleskin. Warehouses soon filled with mole pelts, but glovemakers were unable to use them all, so many rotted. As the economists explained:

The Ministry of Light Industry has already requested Goskomtsen [the State Committee on Prices] twice to lower the purchasing prices, but “the question has not been decided” yet. And this is not surprising. Its members are too busy to decide. They have no time: besides setting prices on these pelts, they have to keep track of another 24 million prices. And how can they possibly know how much to lower the price today, so they won’t have to raise it tomorrow?

Therein lies a crucial flaw in socialist economic logic, and one that has real environmental consequences: Whereas a capitalist firm has ample incentive to act on such information to economize on the use of natural resources, socialist planners have no such motivation—Soviet bureaucracies, Shmelev and Popov noted, were “able only to correct the most obvious price disproportions several years after” they appeared—nor do they have the knowledge needed to accurately set millions of prices at once. And if there are no market prices to convey accurate information about the value of scarce natural resources, there is little chance of conserving them.

Finally, there is the issue of property rights. In a socialist society without them, it is impossible to hold individuals or governments accountable for environmental damages: Planners can increase industrial output without compensating those who bear its costs in the form of pollution. In a capitalist society, property rights offer protection against environmental harms and give resource owners incentives to conserve.

Socialism’s environmental record is just as bad elsewhere. As Díaz-Briquets and Pérez-López document, in Cuba, socialists’ quest to maximize production at all costs has caused extensive air, soil, and water pollution. And in Venezuela, socialist policies have contaminated the nation’s drinking-water supplies, fueled rampant deforestation and unrestrained mining activity, and caused frequent oil spills attributed to neglect and mismanagement by the state-owned energy company.

As socialist ideas capture the American imagination—and are often portrayed, as with the Green New Deal, as necessary to avoid environmental catastrophe—it’s important to remember socialism’s dismal environmental legacy. Capitalism may be a dirty word these days, but when it comes to producing the prosperity and creativity necessary to sustain a clean environment, it’s still the best system we’ve got.

#### Neolib is resilient – global resistance proves

Igor Guardiancich 17, Assistant Professor in the Department of Political Science and Public Management of the University of Southern Denmark, 3/3/2017, “Absorb, Coopt and Recast: Global Neoliberalism’s Resilience through Local Translation”, http://www.euvisions.eu/neoliberalisms-resilience-translation/

One powerful message permeating the book, and which gives a forceful explanation to Colin Crouch’s punchy title is that: “rather than a mass-produced, slightly shrunk, and off-the-rack ideological suit, neoliberalism is a bespoke outfit made from a dynamic fabric that absorbs local color” (5). Even under a full-out attack against some of its basic assumptions, such as the one unleashed in the immediate wake of the global financial crisis, neoliberalism proved resilient beyond its many architects’ wildest dreams. Its capacity to absorb, coopt and recast selected ideas of oppositional social forces has been the most valuable asset guaranteeing its survival. Again, the comparison of the responses to the crisis in Spain and Romania show such adaptability in full.¶ The socialist government of José Luis Rodríguez Zapatero tried to salvage the social-democratic legacies of the Spanish economy by engineering a Keynesian rescue package. Only later, when the disaster of the cajas became apparent and the emergency intensified, did conservative PM Mariano Rajoy embrace more deregulation in the labour market (inspired by the Hartz IV reform) and extensive cuts in the public sector under the strong external pressure of the European Central Bank and of international financial markets.¶ In Romania, local policymakers further radicalized in the aftermath of the Lehman Brothers’ crisis, thereby outbidding the IMF on austerity and structural reforms. Instead of shielding lower-income groups, the opposite strategy of upward redistribution was chosen. By heroically withstanding the external attempts at moderation, the Romanian economy retained an unenviable mix of libertarian achievements (flat-tax rates), experimental neoliberalism (privatized pensions) and mainstream neoliberal orthodoxy (sound finance, labour market deregulation, social policy targeting, privatization of all public companies). Pure laissez-faire ideas such as the replacement of the welfare state by a voluntary, private, Christian charity system were not unheard of.¶ Hence, through an insightful analysis of the ideational underpinnings of its local interpretations, this book shows us that, despite the challenges, neoliberalism is alive and kicking. Ban guides us through half a century of policymaking in Spain and Romania, and embeds his analysis within the related nuances of contemporary liberal economic thought. The research is a valuable addition to a growing literature on the origin of current ideational frames and comfortably sits alongside contemporary classics, such as Mark Blyth’s Austerity: The History of a Dangerous Idea.

#### Cap solves war.

Allan **Dafoe &** Nina **Kelsey 14**. \*Assistant professor of political science, Yale University. \*\*Research associate in international economics, University of California, Berkeley. “Observing the capitalist peace: Examining market-mediated signaling and other mechanisms”. Journal of Peace Research. 2014. <https://www.jstor.org/stable/24557445>

Countries with liberal political and economic systems **rarely use military force** against each other. This anomalous peace has been most prominently attributed to the ‘democratic peace’ – the apparent tendency for democratic countries to avoid militarized conflict with each other (Maoz & Russett, 1993; Ray, 1995; Dafoe, Oneal & Russett, 2013). More recently, however, scholars have proposed that the liberal peace could be partly (Russett & Oneal, 2001) or primarily (Gartzke, 2007; but see Dafoe, 2011) **attributed to liberal economic factors, such as commercial and financial interdependence**. In particular, Erik Gartzke, Quan Li & Charles Boehmer (2001), henceforth referred to as GLB, have demonstrated that measures of capital openness have a substantial and **statistically significant association with peaceful** dyadic relations. Gartzke (2007) confirms that this association is robust to a large variety of model specifications.

To explain this correlation, GLB propose that countries with open capital markets are more able to credibly signal their resolve through **the bearing of greater economic costs prior to the outbreak of militarized conflict**. This explanation is novel and plausible, and resonates with the rationalist view of asymmetric information as a cause of conflict (Fearon, 1995). Moreover, it implies clear testable predictions on evidential domains different from those examined by GLB.

In this article we exploit this opportunity by constructing a confirmatory test of GLB’s theory of **market-mediated signaling**. We first develop an innovative quantitative case selection technique to identify crucial cases where the mechanism of market-mediated signaling should be most easily observed. Specifically, we employ quantitative data and the statistical models used to support the theory we are probing to create an impartial and transparentmeans of selecting cases in which the theory – as specified by the theory’s creators –makes its most confident predictions. We implement three different case selection rules to select cases that optimize on two criteria: (1) maximizing the inferential leverage of our cases, and (2) minimizing selection bias.

We examine these cases for a necessary implication of market-mediated signaling: that key participants drew a connection between conflictual events and adverse market movements. Such an inference is a necessary step in the process by which market-mediated costs can signal resolve. For evidence of this we examine news media, government documents, memoirs, historical works, and other sources. We additionally examine other sources, such as market data, for evidence that economic costs were caused by escalatory events. Based on this analysis, we assess the evidence for GLB’s theory of market mediated costly signaling.

Our article then considers a more complex heterogeneous effects version of market-mediated signaling in which unspecified scope conditions are required for the mechanism to operate. Our design has the feature of selecting cases in which scope conditions are most likely to be absent. This allows us to perform an exploratory analysis of these cases, looking for possible scope conditions. We also consider alternative potential mechanisms. Our cases are reviewed in more detail in the online appendix.1

To summarize our results, our confirmatory test finds that while **market-mediated signaling may be operative in the most serious disputes, it was largely absent in the less serious disputes** that characterize most of the sample of militarized interstate disputes (MIDs). This suggests either that other mechanisms account for the correlation between capital openness and peace, or that the scope conditions for market-mediated signaling are restrictive. Of the signals that we observed, **strategic market-mediated signals were relatively more important than automatic market-mediated signals in the most serious conflicts**. We identify a number of potential scope conditions, such as that (1) the conflict must be driven by bargaining failure arising from uncertainty and (2) the economic costs need to escalate gradually and need to be substantial, but less than the expected military costs of conflict.

Finally, there were a number of other explanations that seemed present in the cases we examined and could account for the capitalist peace: **capital openness is associated with** greater **anticipated economic costs of conflict**; capital openness leads **third parties** to have a greater stake in the conflict and therefore be more willing to intervene; a dyadic acceptance of the status quo could promote both peace and capital openness; and countries seeking to institutionalize a regional peace might instrumentally harness the pacifying effects of liberal markets.

The correlation: Open capital markets and peace

The empirical puzzle at the core of this article is the significant and robust correlation noted by GLB between high levels of capital openness in both members of a dyad and the infrequent incidence of militarized interstate disputes (MIDs) and wars between the members of this dyad (Gartzke, Li & Boehmer, 2001). The index of capital openness (CAPOPEN) is intended to capture the ‘difficulty states face in seeking to impose restrictions on capital flows (the degree of lost policy autonomy due to globalization)’ (Gartzke & Li, 2003: 575). CAPOPEN is constructed from data drawn from the widely used IMF’s Annual Reports on Exchange Arrangements and Exchange Controls; it is a combination of eight binary variables that measure different types of government restrictions on capital and currency flow (Gartzke, Li & Boehmer, 2001: 407). The measure of CAPOPEN starts in 1966 and is defined for many countries (increasingly more over time). Most of the countries that do not have a measure of CAPOPEN are communist.2

GLB implement this variable in a dyadic framework by creating a new variable, CAPOPENL, which is the smaller of the two dyadic values of CAPOPEN. This operationalization is sometimes referred to as the ‘weak-link’ specification since the functional form is consonant with a model of war in which the ‘weakest link’ in a dyad determines the probability of war. CAPOPENL has a negative monotonic association with the incidence of MIDs, fatal MIDs, and wars (see Figure 1).3 The strength of the estimated empirical association between peace and CAPOPENL, using a modified version of the dataset and model from Gartzke (2007), is comparable to that between peace and, respectively, joint democracy, log of distance, or the GDP of a contiguous dyad (Gartzke, 2007: 179; Gartzke, Li & Boehmer, 2001: 412). In summary, CAPOPENL seems to be an important and robust correlate of peace. The question of why specifically this correlation exists, however, remains to be answered.

The mechanism: Market-mediated signaling?

Gartzke, Li & Boehmer (2001) argue that the classic liberal account for the pacific effect of economic interdependence – that interdependence increases the expected costs of war – is not consistent with the bargaining theory of war (see also Morrow, 1999). GLB argue that ‘conventional descriptions of interdependence see war as less likely because states face additional opportunity costs for fighting. The problem with such an account is that it ignores incentives to capitalize on an opponent’s reticence to fight’ (Gartzke, Li & Boehmer, 2001: 400.)4 Instead, GLB (see also Gartzke, 2003; Gartzke & Li, 2003) argue that financial interdependence could promote peace by facilitating the sending of costly signals. As the probability of militarized conflict increases, states incur a variety of automatic and strategically imposed economic costs as a consequence of escalation toward conflict. Those states that persist in a dispute despite these costs will reveal their willingness to tolerate them, and hence signal resolve. The greater the degree of economic interdependence, the more a resolved country could demonstrate its willingness to suffer costs ex ante to militarized conflict.

Gartzke, Li & Boehmer’s mechanism implies a commonly perceived costly signal before militarized conflict breaks out or escalates: if market-mediated signaling is to account for the correlation between CAPOPENL and the absence of MIDs, then visible market-mediated costs should occur prior to or during periods of real or potential conflict (Gartzke, Li & Boehmer, 2001). Thus, the proposed mechanism should leave many visible footprints in the historical record. This theory predicts that these visible signals must arise in any escalating conflict, involving countries with high capital openness, in which this mechanism is operative

Clarifying the signaling mechanism

Gartzke, Li & Boehmer’s signaling mechanism is mostly conceptualized on an abstract, game-theoretic level (Gartzke, Li & Boehmer, 2001). In order to elucidate the types of observations that could inform this theory’s validity, we discuss with greater specificity the possible ways in which such signaling might occur.

A conceptual classification of costly signals

The term signaling connotes an intentional communicative act by one party directed towards another. Because the term signaling thus suggests a willful act, and a signal of resolve is only credible if it is costly, scholars have sometimes concluded that states involved in bargaining under incomplete information could advance their interests by imposing costs on themselves and thereby signaling their resolve (e.g. Lektzian & Sprecher, 2007).

However, the game-theoretic concept of signaling refers more generally to any situation in which an actor’s behavior reveals information about her private information. In fact, states frequently adopt sanctions with low costs to themselves and high costs to their rivals because doing so is often a rational bargaining tactic on other grounds: they are trying to coerce their rival to concede the issue. Bargaining encounters of this type can be conceptualized as a type of war-of-attrition game in which each **actor attempts to coerce the other through the imposition of escalating costs**. Such encounters also provide the opportunity for signaling: when states resist the costs imposed by their rivals, **they ‘signal’ their resolve**. If at some point one party perceives the conflict to have become too costly and steps back, that party ‘signals’ a lack of resolve. Thus, this kind of signaling arises as a by-product of another’s coercive attempts. In other words, costly signals come in two forms: self-inflicted (information about a leader arising from a leader’s intentional or incidental infliction of costs on himself) or imposed (information about a leader that arises from a leader’s response to a rival’s imposition of costs).

Additionally, costs may arise as an automatic byproduct of escalation towards military conflict or may be a tool of statecraft that is strategically employed during a conflict. The automatic mechanism stipulates that as the probability of conflict increases, various **economic assets will lose value due to the risk of conflict and investor flight**. However, the occurrence of these costs may also be intentional outcomes of specific escalatory decisions of the states, as in the case of deliberate sanctions; in this case they are strategic.

Finally, at a practical level, we identify three different potential kinds of economic costs of militarized conflict that may be mediated by open capital markets: **capital costs from political risk, monetary coercion, and business sanctions**. The most prominent mechanism proposed by Gartzke, Li & Boehmer (2001) to account for the correlation between capital openness and peace is that of capital costs. They note that 'since conflict threatens investments among disputing states, it makes such investments less desirable and capital becomes relatively scarce' (Gartzke, Li & Boehmer, 2001: 407) and hence more costly. Increased capital openness may increase the capital costs of escalation by increasing both the ease of capital flight (Abadie & Gardeazabal, 2003, 2007) and the expected harm of escalatory events to the national economy. This mechanism will be more effective in countries with more open capital markets; countries where the value of investments are more publicly observable (such as arises with a public stock exchange); and countries where leaders are more sensitive to the costs of capital.5

#### Grey goo is impossible

Goertzel 17 – Ben Goertzel, Chair of Humanity+, PhD, CEO of AI Software Company Novamente LLC and Bioinformatics Company Biomind LLC, Advisor to the Singularity University and Singularity Institute, Research Professor in the Fujian Key Lab for Brain-Like Intelligent Systems at Xiamen University, “SHOULD WE DEVELOP NANOTECHNOLOGY? NANOWEAPONS AND GREY GOO”, Humanity+, 10-12, <https://humanityplus.wordpress.com/2017/10/12/grey-goo-how-probable-is-a-nanobot-apocalypse/> [grammar edit]

2 Decades ago, Nanoengineer Eric K. Drexler had a shocking realization. All it would take was one malfunctioning nanomachine to glitch and potentially undergo runaway replication, unstoppably consuming everything on earth to assemble the molecules that their programming dictates. It’s a threat that stems from two extremely powerful forces: unchecked self-replication and exponential growth. All it takes is a corrupt government, non-state actor, or individual to engineer a single microscopic machine that would devour our planet’s critical resources at a rapid-fire rate to replicating themselves. In this sense, one person really CAN change the world. It could start as easily as nanites being hijacked from a powerful nation’s military, re-programmed for a terrorist action, and blindly convert all matter on earth without end. Drexler calls this the Grey Goo Theory, and it’s the idea that rogue self-replicating nanotechnology has the potential to cause many more problems than it might solve, eating up anything and everything until the environment and all of us in it are completely deconstructed, leaving behind only useless bi-products and residue we’d call “grey goo”. It’s a kind of conundrum that might discourage us from even wanting to develop nanomachines in the first place and would be characterized by the speed at which a true nanomachine would be able to create copies of itself. Drexler proposed it because of scaling laws in mechanical engineering, meaning that the smaller you can make a nanofactory, the more percentage of the total input for buiding those factories gets converted into product. In other words, you get increasingly more for less. We’re talking machines that are invisible to the naked eye, meaning one the size of a flea would be considered a very large nanobot. Preliminary estimates suggest a nanofactory could potentially output its own weight in product in as quickly as 15 hours, meaning it would grow buildings faster than bamboo at about 20 feet per day. Drexler predicted that if a nanomachines took 1000 seconds to replicate then just one going haywire would create 68 billion new machines within 10 hours, and under 48 hours, they’d be as heavy as the Earth. Through the magic of exponential growth the’d be able to eat through walls, destroy cities, and reduce all land based biomass into paperclips. Once programmed, nothing could stop them and if they were to gain a sufficient degree of intelligence, then why shouldn’t they reproduce themselves just as all life does? Drexler compares the functionality of nanobots to the functionality of life itself, believing they would even out-compete actual plants until we no longer have a green planet, but a grey one. Us humans are just more ressources for fuel and replication. The sci fi video game Horizon zero dawn presents us with a world where a nanobot uprising has destroyed all human civilization and have become the new dominant species. But could this actually happen in real life? Probably not, and if it did, a hostile earth would be the least of our problems. If AIs built for these nanites were ever to become that intelligent, it’s likely they would gain the power of space travel, meaning they wouldn’t just overrun the mass of planet Earth, but overrun the universe itself until all reality is ecotophaged into a hell of self-replicating nanobots. There’s a peculiar spot in the night sky called the Bootes void, millions of light years in diameter with not a single star in sight, a mysterious black patch on an otherwise starlit sky. Since the skewed distribution of stars doesn’t make statistical sense, some have suggested that the void actually is full of stars, but nanomachines covered them in solar powered dyson spheres to drain their energy. Grey goo wouldn’t care what it is or why it does anything it would would simply just “do.” This has lead more extreme doomsayers to suggest that this hole in the sky might actually be a cancerous tumor of nanites slowly consuming our entire universe, but I think that idea might be a little too crazy.

The go-to answer to the grey goo scenario is that it will never happen. While it’s highly uncertain when molecular manufacturing will be developed, there are a few reasonable arguments for its feasibility, the most obvious being that life itself constantly does molecular manufacturing in the form of protein synthesis so why can’t we? In general, I personally don’t believe in the Grey Goo and think it’s ridiculously inefficient, because in the end, it’s more productive to just create stationary nanofactories fastened in vacuum-filled chambers rather than develop the complex motion dynamics needed for independant flying swarms of nanobots that have to carry the factory within them. These nanoscopic miracle workers will also unlikely be able to fit supercomputers inside their tiny bodies, implying that their very existence doesn’t violate the laws of physics in the first place.[19][20] Nanobots as they are being developed at MIT clearly won’t be little A.I robots like everyone expects, but rather, carefully designed biomechanical structures, similar to enzymes or vectors. A nanopocalypse might still [face] energy constraints related to how fast it can spread, with natural obstacles and a lack of raw materials making continuous propagation difficult. Even Drexler himself argues that self-replicators would be too complex and inefficient for any practical manufacturing scenario, Furthermore, the Royal Society’s 2004 report on nanoscience declares that the grey goo scenario to be highly unlikely There’s still a debate today about whether or not grey goo is even practical or not, but let’s just say Grey Goo is utterly impossible, it doesn’t mean nanotechnology an’t create other kinds of apocalyptic weapons. This is the idea of “Red Goo” or Nanoweapons and it’s not too far from the idea of Bioweapons we are all familiar with. Nanotechnology theorist Robert Freitas coined the term Aerovores, otherwise known as “Grey Dust”, to illustrate the dangers of nanotech based weapons. Aeorovores would essentially be artificial plankton, airborn cybermicrobes, or seabed replicattors programmed to secrete molecules that would ravage the ecology of a rival country’s coastline, release gases that would blot out their sunlight, or poison their water.