# 1nc

### 1NC – Politics

#### Budget passes now – leadership and base pressure get moderate Dems in line.

Alexander Bolton 9/9/21. Senior reporter. “Democratic leaders betting Manchin will back down in spending fight”. The Hill. Sept 9 2021. https://thehill.com/homenews/senate/571421-democratic-leaders-betting-manchin-will-back-down-in-spending-fight

Democrats are racing ahead with a $3.5 trillion spending package that would boost funding for social programs and raise taxes despite rumblings from Sen. Joe Manchin (D-W.Va.) that he might not support legislation with that price tag.

Democratic leaders are betting they can pressure Manchin to back down on his push for spending that’s closer to $1.5 trillion or $2 trillion.

In doing so, they’re essentially daring Manchin and other moderates like Sen. Kyrsten Sinema (D-Ariz.) to vote against the eventual budget reconciliation package, knowing that the base would erupt in anger over any Democratic lawmakers who buck the party on such a high-profile vote.

Senate and House committees are scrambling to reach consensus on sections of the so-called human infrastructure bill under their jurisdictions by Friday, and Democratic staff working on the legislation haven’t received any indication that it will be pared back to appease Manchin.

Progressive activists warn that if the bill falls well below the $3.5 trillion target set by Senate and House leaders, there will be significant backlash.

Manchin warned in a Wall Street Journal op-ed last week that he won’t vote for a $3.5 trillion reconciliation bill — putting President Biden’s agenda in peril since Democrats can’t afford a single defection in the 50-50 Senate — but his shot across the bow isn’t deterring fellow Democrats.

Axios reported Tuesday evening that Manchin won’t support a package that exceeds $1.5 trillion, a number the West Virginia Democrat floated earlier this year as a potential spending target.

Manchin’s office on Wednesday declined to confirm that $1.5 trillion is a red line for him. But the figure is in line with previous comments.

Manchin told ABC News’s “This Week” in June that he wouldn’t support a large spending package if Congress could only come up with enough revenue and savings to offset the cost of a $1.5 trillion or $2 trillion bill.

In last week’s Wall Street Journal op-ed, Manchin wrote that “ignoring the fiscal consequences of our policy choices will create a disastrous future for the next generation of Americans.”

But those warnings are falling on deaf ears in the Democratic leadership and the broader Democratic caucuses.

Senate Majority Leader Charles Schumer (D-N.Y.) on Wednesday brushed off Manchin’s threat and told reporters that negotiators are still planning to unveil a bold and ambitious proposal.

“In our caucus — there are some in my caucus who believe $3.5 trillion is too much, there are some in my caucus who believe it’s too little,” Schumer said on a press call Wednesday morning. “I can tell you this: In reconciliation we’re all going to come together to get something big done and, second, it’s our intention to have every part of the Biden plan in a big and robust way.”

Asked about Manchin’s call for a “strategic pause,” Schumer insisted “we’re moving full speed ahead.”

“We want to keep going forward. We think getting this done is so important to the American people for all the reasons we have outlined,” he said. “We are moving forward on this bill.”

Speaker Nancy Pelosi (D-Calif.) told reporters Wednesday that colleagues putting together the legislation will stick with the $3.5 trillion goal, though she acknowledged the final number might be different.

“I don’t know what the number will be. We are marking at $3.5 trillion,” she said.

A senior Democratic staffer said Senate and House committees, which face an end-of-week deadline to finish their elements of the reconciliation package by the end of this week, haven’t received any indication the final version will be pared down from the $3.5 trillion top-line spending goal laid out in the budget resolutions passed last month by each chamber.

“We’re working our asses off,” said the aide. “All we’re doing is working. We have been under orders to get to agreement with our House counterparts by close-of-business Friday.”

Senate Budget Committee Chairman Bernie Sanders (I-Vt.), who has primary jurisdiction over the reconciliation process, says the spending target agreed to by congressional Democrats already represents a significant compromise with moderates.

“The overwhelming majority of members of the budget committee — and I think a good 80 or more percent of Democratic members of the Senate — supported a $6 trillion bill,” Sanders said of the spending number he originally floated ahead of the budget debate.

Sanders argues that $3.5 trillion is what needs to be spent on transforming the nation’s energy economy to address climate change and “dealing with the needs of the working class.”

“To my mind, this bill at $3.5 trillion is already a major, major compromise. And at the very least this bill should be $3.5 trillion,” he said Wednesday.

Democratic strategists warn of a backlash from the party’s base if the legislation — which includes substantial spending on long-term care for the elderly and disabled, an extension of the child tax credit, funding for expanded child care and significant investments in renewable energy sources — falls well below $3.5 trillion.

“The reaction from progressives, which is already being indicated, would be very bad. People would be very disappointed,” said Mike Lux, a Democratic strategist.

But Lux said the threats from moderates should be viewed more as bargaining positions.

“People are doing a lot of posturing right now and throwing out broad numbers and broad statements. The fact is that Joe Manchin and other Democrats in the House and Senate voted for the $3.5 trillion budget outline,” he said. “We’re going to have to work very hard to get everybody on board with the budget plan again.

“There are going to be a lot of changes, a lot of compromises that everybody is going to have to make. The most important thing is to stay calm and keep talking to each other. Sooner or later we’ll get to a package that both Joe Manchin and [Rep. Alexandria Ocasio Cortez] can embrace because we need everybody,” he added. “I think it will work itself out in the end.”

#### Antitrust action saps finite capital, imperils rest of agenda

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(Reed, <http://library.cqpress.com/cqresearcher/document.php?id=cqresrre2021050705>, 5-7)

Stucke, the former U.S. Justice Department antitrust official, says that despite Wu and Khan's credentials and reputation, changing antitrust policy will require a concerted effort. With Biden having an ambitious overall agenda and his Democratic Party holding the slimmest possible majority in the Senate, Stucke says, the question is “to what extent will the Biden administration want to expend political capital on this. They've got some bipartisan support for antitrust reform, but to what extent are they going to mobilize that?”

#### Budget key to solve climate change.

Dino Grandoni and Brady Dennis 8/11/21. Reporter covering energy and environmental policy. Reporter focusing on environmental policy and public health issues. “Biden aims for sweeping climate action as infrastructure, budget bills advance”. Washington Post. Aug 11 2021. https://www.washingtonpost.com/climate-environment/2021/08/10/biden-climate-congress/

After years of dragging their feet, lawmakers in Washington advanced a pair of major bills this week that include significant provisions for tackling climate change as scientists continue to ring alarm bells about the state of the planet.

The Senate approved on Tuesday a sweeping bipartisan $1.2 trillion infrastructure bill with funding for many public works meant to cut climate-warning emissions. A day later, Democrats in the chamber took a major step to adopt an even bigger, $3.5 trillion budget bill supporting yet more programs for cleaning up power plants and cars.

Each, if passed, would invest billions of dollars in the sort of clean energy transition the United States must make to have any chance of hitting the goal set by President Biden to cut the nation’s emissions by at least 50 percent by the end of this decade.

“This was one of the most significant legislative days we’ve had in a long time here,” Senate Majority Leader Charles E. Schumer (D-N.Y.) told reporters Wednesday.

But both bills face a potentially bumpy road ahead. Democrats still need to draft in committees the details of their massive budget reconciliation package over the coming weeks, with not a single vote to spare in the 50-50 split Senate. The bipartisan public-works bill, meanwhile, still needs approval from the House, where progressive Democrats hold significant sway.

The moves on Capitol Hill come as hundreds of scientists detailed this week the intensifying fires, floods and other catastrophes that will continue to worsen until humans dramatically scale back greenhouse gas emissions.

Scientists assembled by the United Nations made clear in a landmark report Monday that time is running out for the world to make immediate and dramatic cuts to emissions produced by the burning of fossil fuels and other human activities. U.N. Secretary General António Guterres called the sobering, sprawling report from the Intergovernmental Panel on Climate Change a “code red for humanity.”

But it remains unclear whether the new findings alone will be enough to spur new action in a Washington as politically divided as ever.

Climate change remains a distinctly fraught issue in the United States compared with many other countries, with the de facto leader of one of the two major parties — former president Donald Trump — dismissing the scientific consensus about human-caused climate change and downplaying its risks throughout his term.

Even if Congress passes bills with big climate provisions, regulations from the Biden administration are vulnerable to being reined in by federal court judges appointed by Trump and the most conservative Supreme Court in a generation. And the fate of many of the administration’s climate initiatives could depend on the Democratic Party retaining control of Congress — and on how Biden himself fares if he runs again in 2024.

If Biden and his Democratic allies in Congress succeed in shifting the nation rapidly toward a greener future, the math of climate change means that the rest of the world would have to follow suit, and quickly. The United States accounts for only about one-seventh of global emissions. The rest of the world — particularly the world’s largest emitter, China — would need to set more aggressive goals for reducing footprints as well.

Other countries have taken steps to do that. The European Union, for instance, agreed earlier this year to cut carbon emissions as a bloc by at least 55 percent by 2030. But how aggressively China, India, Russia and other nations will move in the years ahead remains an open question.

World leaders already faced mounting pressure to arrive at a major U.N. climate conference scheduled this fall in Scotland with more ambitious, concrete plans to slow greenhouse gas pollution. That pressure grew only more intense after Monday’s IPCC assessment, which found that the world is quickly running out of time to meet the goals of the 2015 Paris agreement.

The report found that humans can only unleash less than 500 additional gigatons of carbon dioxide — the equivalent of about 10 years of current global emissions — to have an even chance of limiting warming to 1.5 degrees Celsius (2.7 Fahrenheit) above preindustrial levels.

The hopes of hitting that target, the most aspirational goal outlined in the Paris accord, will soon slip away without rapid action, the report made clear. After all, the world has already warmed more than 1 degree Celsius (1.8 degrees Fahrenheit), with few signs of slowing unless nations begin to cut emissions at a rate unprecedented in history.

For Biden to live up to his promises to reduce U.S. emissions sharply in coming years, transition to electric vehicles and eliminate the carbon footprint of the power sector by 2035, his administration needs a helping hand from Congress.

The infrastructure package, which the Senate approved in a 69-to-30 vote with the support of 19 Senate Republicans, apportions billions of dollars for building new transmission lines, public transit and electric-car charging stations.

Meanwhile, the separate $3.5 trillion budget reconciliation bill, which Democrats plan to pass on their own, includes more far-reaching provisions for tackling climate change.

That measure would impose new import fees on polluters and give tax breaks for wind turbines, solar panels and electric vehicles. It would also seek to electrify vehicles used by the U.S. Postal Service and other federal agencies and create a new Civilian Climate Corps to enlist young people in planting trees and other conservation work.

Perhaps most crucially, the legislation would put new requirements on electricity providers to use cleaner forms of energy — something President Barack Obama’s administration tried but failed to do.

Dan Lashof, U.S. director of the World Resources Institute, called Tuesday’s bipartisan infrastructure package “a down payment” on the fight against climate change but not nearly enough going forward. He said it is essential for the Senate to also pass the budget-reconciliation package that funds a broader array of climate-focused measures to create jobs and shift the nation’s infrastructure toward one no longer reliant on fossil fuels.

“The forthcoming reconciliation package could be our best opportunity for advancing climate action this decade,” he said. “Kicking the can down the road is no longer an option as extreme weather wreaks havoc across our nation and around the world.”

Passing both bills, along with tighter regulations from the Environmental Protection Agency, “puts us within shooting distance” reducing emissions by 50 percent by 2030, according to Collin O’Mara, president of the National Wildlife Federation.

#### Warming causes extinction – global nuclear conflagration.

Michael Klare 20. The Nation’s defense correspondent, professor emeritus of peace and world-security studies at Hampshire College, senior visiting fellow at the Arms Control Association in Washington, DC. “How Rising Temperatures Increase the Likelihood of Nuclear War”. The Nation. Jan 13 2020. https://www.thenation.com/article/archive/nuclear-defense-climate-change/

President Donald Trump may not accept the scientific reality of climate change, but the nation’s senior military leaders recognize that climate disruption is already underway, and they are planning extraordinary measures to prevent it from spiraling into nuclear war. One particularly worrisome scenario is if extreme drought and abnormal monsoon rains devastate agriculture and unleash social chaos in Pakistan, potentially creating an opening for radical Islamists aligned with elements of the armed forces to seize some of the country’s 150 or so nuclear weapons. To avert such a potentially cataclysmic development, the US Joint Special Operations Command has conducted exercises for infiltrating Pakistan and locating the country’s nuclear munitions. Most of the necessary equipment for such raids is already in position at US bases in the region, according to a 2011 report from the nonprofit Nuclear Threat Initiative. “It’s safe to assume that planning for the worst-case scenario regarding Pakistan’s nukes has already taken place inside the US government,” said Roger Cressey, a former deputy director for counterterrorism in Bill Clinton’s and George W. Bush’s administrations in 2011.

Such an attack by the United States would be an act of war and would entail enormous risks of escalation, especially since the Pakistani military—the country’s most powerful institution—views the nation’s nuclear arsenal as its most prized possession and would fiercely resist any US attempt to disable it. “These are assets which are the pride of Pakistan, assets which are…guarded by a corps of 18,000 soldiers,” former Pakistani president Pervez Musharraf told NBC News in 2011. The Pakistani military “is not an army which doesn’t know how to fight. This is an army that has fought three wars. Please understand that.”

A potential US military incursion in nuclear-armed Pakistan is just one example of a crucial but little-​discussed aspect of international politics in the early 21st century: how the acceleration of climate change and nuclear war planning may make those threats to human survival harder to defuse. At present, the intersections between climate change and nuclear war might not seem obvious. But powerful forces are pushing both threats toward their most destructive outcomes.

In the case of climate change, the unbridled emission of carbon dioxide and other greenhouse gases is raising global temperatures to unmistakably dangerous levels. Despite growing worldwide reliance on wind and solar power for energy generation, the global demand for oil and natural gas continues to rise, and carbon emissions are projected to remain on an upward trajectory for the foreseeable future. It is highly unlikely, then, that the increase in average global temperature can be limited to 1.5 degrees Celsius, the aspirational goal adopted by the world’s governments under the Paris Agreement in 2015, or even to 2°C, the actual goal. After that threshold is crossed, scientists agree, it will prove almost impossible to avert catastrophic outcomes, such as the collapse of the Greenland and Antarctic ice sheets and a resulting sea level rise of 6 feet or more.

Climbing world temperatures and rising sea levels will diminish the supply of food and water in many resource-deprived areas, increasing the risk of widespread starvation, social unrest, and human flight. Global corn production, for example, is projected to fall by as much as 14 percent in a 2°C warmer world, according to research cited in a 2018 special report by the UN’s Intergovernmental Panel on Climate Change (IPCC). Food scarcity and crop failures risk pushing hundreds of millions of people into overcrowded cities, where the likelihood of pandemics, ethnic strife, and severe storm damage is bound to increase. All of this will impose an immense burden on human institutions. Some states may collapse or break up into a collection of warring chiefdoms—all fighting over sources of water and other vital resources.

A similar momentum is now evident in the emerging nuclear arms race, with all three major powers—China, Russia, and the United States—rushing to deploy a host of new munitions. This dangerous process commenced a decade ago, when Russian and Chinese leaders sought improvements to their nuclear arsenals and President Barack Obama, in order to secure Senate approval of the New Strategic Arms Reduction Treaty of 2010, agreed to initial funding for the modernization of all three legs of America’s strategic triad, which encompasses submarines, intercontinental ballistic missiles, and bombers. (New START, which mandated significant reductions in US and Russian arsenals, will expire in February 2021 unless renewed by the two countries.) Although Obama initiated the modernization of the nuclear triad, the Trump administration has sought funds to proceed with their full-scale production, at an estimated initial installment of $500 billion over 10 years.

Even during the initial modernization program of the Obama era, Russian and Chinese leaders were sufficiently alarmed to hasten their own nuclear acquisitions. Both countries were already in the process of modernizing their stockpiles—Russia to replace Cold War–era systems that had become unreliable, China to provide its relatively small arsenal with enhanced capabilities. Trump’s decision to acquire a whole new suite of ICBMs, nuclear-armed submarines, and bombers has added momentum to these efforts. And with all three major powers upgrading their arsenals, the other nuclear-weapon states—led by India, Pakistan, and North Korea—have been expanding their stockpiles as well. Moreover, with Trump’s recent decision to abandon the Intermediate-Range Nuclear Forces (INF) Treaty, all major powers are developing missile delivery systems for a regional nuclear war such as might erupt in Europe, South Asia, or the western Pacific.

All things being equal, rising temperatures will increase the likelihood of nuclear war, largely because climate change will heighten the risk of social stress, the decay of nation-states, and armed violence in general, as I argue in my new book, All Hell Breaking Loose. As food and water supplies dwindle and governments come under ever-increasing pressure to meet the vital needs of their populations, disputes over critical resources are likely to become more heated and violent, whether the parties involved have nuclear arms or not. But this danger is compounded by the possibility that several nuclear-armed powers—notably India, Pakistan, and China—will break apart as a result of climate change and accompanying battles over disputed supplies of water.

Together, these three countries are projected by the UN Population Division to number approximately 3.4 billion people in 2050, or 34 percent of the world’s population. Yet they possess a much smaller share of the world’s freshwater supplies, and climate change is destined to reduce what they have even further. Warmer temperatures are also expected to diminish crop yields in these countries, adding to the desperation of farmers and very likely resulting in widespread ethnic strife and population displacement. Under these circumstances, climate-related internal turmoil would increase the risk of nuclear war in two ways: by enabling the capture of nuclear arms by rogue elements of the military and their possible use against perceived enemies and by inciting wars between these states over vital supplies of water and other critical resources.

The risk to Pakistan from climate change is thought to be particularly acute. A large part of the population is still engaged in agriculture, and much of the best land—along with access to water—is controlled by wealthy landowners (who also dominate national politics). Water scarcity and mismanagement is a perennial challenge, and climate change is bound to make the problem worse. Climate and Social Stress: Implications for Security Analysis, a 2013 report by the National Research Council for the US intelligence community, highlights the danger of chaos and conflict in that country as global warming advances. Pakistan, the report notes, is expected to suffer from inadequate water supplies during the dry season and severe flooding during the monsoon—outcomes that will devastate its agriculture and amplify the poverty and unrest already afflicting much of the country. “The Pakistan case,” the report reads, “illustrates how a highly stressed environmental system on which a tense society depends can be a source of political instability and how that source can intensify when climate events put increased stress on the system.” Thus, as global temperatures rise and agriculture declines, Pakistan could shatter along ethnic, class, and religious lines, precisely the scenario that might trigger the sort of intervention anticipated by the US Joint Special Operations Command.

Assuming that Pakistan remains intact, another great danger arising from increasing world temperatures is a conflict between it and India or between China and India over access to shared river systems. Whatever their differences, Pakistan and western India are forced by geography to share a single river system, the Indus, for much of their water requirements. Likewise, western China and eastern India also share a river, the Brahmaputra, for their vital water needs. The Indus and the Brahmaputra obtain much of their flow from periods of heavy precipitation; they also depend on meltwater from Himalayan glaciers, and these are at risk of melting because of rising temperatures. According to the IPCC, the Himalayan glaciers could lose as much as 29 percent of their total mass by 2035 and 78 percent by 2100. This would produce periodic flooding as the ice melts but would eventually result in long periods of negligible flow, with calamitous consequences for downstream agriculture. The widespread starvation and chaos that could result would prove daunting to all the governments involved and make any water-related disputes between them a potential flash point for escalation.

As in Pakistan, water supply has always played a pivotal role in the social and economic life of China and India, with both countries highly dependent on a few major river systems for civic and agricultural purposes. Excessive rainfall can lead to catastrophic flooding, and prolonged drought has often led to widespread famine and mass starvation. In such a setting, water management has always been a prime responsibility of government—and a failure to fulfill this function effectively has often resulted in civil unrest. Climate change is bound to increase this danger by causing prolonged water shortages interspersed with severe flooding. This has prompted leaders of both countries to build ever more dams on all key rivers.

India, as the upstream power on several tributaries of the Indus, and China, as the upstream power on the Brahmaputra, have considered damming these rivers and diverting their waters for exclusive national use, thereby diminishing the flow to downstream users. Three of the Indus’s principal tributaries, the Jhelum, Chenab, and Ravi rivers, flow through Indian-controlled Kashmir (now in total lockdown, with government forces suppressing all public functions). It’s possible that India seeks full control of Kashmir in order to dam the tributaries there and divert their waters from Pakistan—a move that could easily trigger a war if it occurs at a time of severe food and water stress and one that would very likely invite the use of nuclear weapons, given Pakistan’s attitude toward them.

The situation regarding the Brahmaputra could prove equally precarious. China has already installed one dam on the river, the Zangmu Dam in Tibet, and has announced plans for several more. Some Chinese hydrologists have proposed the construction of canals linking the Brahmaputra to more northerly rivers in China, allowing the diversion of its waters to drought-stricken areas of the heavily populated northeast. These plans have yet to come to fruition, but as global warming increases water scarcity across northern China, Beijing might proceed with the idea. “If China was determined to move forward with such a scheme,” the US National Intelligence Council warned in 2009, “it could become a major element in pushing China and India towards an adversarial rather than simply a competitive relationship.”

Severe water scarcity in northern China could prompt yet another move with nuclear implications: an attempted annexation by China of largely uninhabited but water-rich areas of Russian Siberia. Thousands of Chinese farmers and merchants have already taken up residence in eastern Siberia, and some commentators have spoken of a time when climate change prompts a formal Chinese takeover of those areas—which would almost certainly prompt fierce Russian resistance and the possible use of nuclear weapons.

In the Arctic, global warming is producing a wholly different sort of peril: geopolitical competition and conflict made possible by the melting of the polar ice cap. Before long, the Arctic ice cap is expected to disappear in summertime and to shrink noticeably in the winter, making the region more attractive for resource extraction. According to the US Geological Survey, an estimated 30 percent of the world’s remaining undiscovered natural gas is above the Arctic Circle; vast reserves of iron ore, uranium, and rare earth minerals are also thought to be buried there. These resources, along with the appeal of faster commercial shipping routes linking Europe and Asia, have induced all the major powers, including China, to establish or expand operations in the region. Russia has rehabilitated numerous Arctic bases abandoned after the Cold War and built others; the United States has done likewise, modernizing its radar installation at Thule in Greenland, reoccupying an airfield at Keflavík in Iceland, and establishing bases in northern Norway.

Increased economic and military competition in the Arctic has significant nuclear implications, as numerous weapons are deployed there and geography lends it a key role in many nuclear scenarios. Most of Russia’s missile-carrying submarines are based near Murmansk, on the Barents Sea (an offshoot of the Arctic Ocean), and many of its nuclear-armed bombers are also at bases in the region to take advantage of the short polar route to North America. As a counterweight, the Pentagon has deployed additional subs and antisubmarine aircraft near the Barents Sea and interceptor aircraft in Alaska, followed by further measures by Moscow. “I do not want to stoke any fears here,” Russian President Vladimir Putin declared in June 2017, “but experts are aware that US nuclear submarines remain on duty in northern Norway…. We must protect [Russia’s] shore accordingly.”

On the other side of the equation, an intensifying arms race will block progress against climate change by siphoning resources needed for a global energy transition and by poisoning the relations among the great powers, impeding joint efforts to slow the warming.

With the signing of the Paris Agreement, it appeared that the great powers might unite in a global effort to slash greenhouse gas emissions quickly enough to avoid catastrophe, but those hopes have since receded. At the time, Obama emphasized that limiting global warming would require nations to work together in an environment of trust and peaceful cooperation. Instead of leading the global transition to a postcarbon energy system, however, the major powers are spending massively to enhance their military capabilities and engaging in conflict-provoking behaviors.

Since fiscal year 2016, the annual budget of the US Department of Defense has risen from $580 billion to $738 billion in fiscal year 2020. When the budget increases for each fiscal year since 2016 are combined, the United States will have spent an additional $380 billion on military programs by the end of this fiscal year—more than enough to jump-start the transition to a carbon-​free economy. If the Pentagon budget rises as planned to $747 billion in fiscal year 2024, a total of $989 billion in additional spending will have been devoted to military operations and procurement over this period, leaving precious little money for a Green New Deal or any other scheme for systemic decarbonization.

Meanwhile, policy-makers in Washington, Beijing, and Moscow increasingly regard one another as implacable and dangerous adversaries. “As China and Russia seek to expand their global influence,” then–Director of National Intelligence Dan Coats informed Congress in a January 2019 report, “they are eroding once well-established security norms and increasing the risk of regional conflicts.” Chinese and Russian officials have been making similar statements about the United States. Secondary powers like India, Pakistan, and Turkey are also assuming increasingly militaristic postures, facilitating the potential spread of nuclear weapons and exacerbating regional tensions. In this environment, it is almost impossible to imagine future climate negotiations at which the great powers agree on concrete measures for a rapid transition to a clean energy economy.

In a world constantly poised for nuclear war while facing widespread state decay from climate disruption, these twin threats would intermingle and intensify each other. Climate-​related resource stresses and disputes would increase the level of global discord and the risk of nuclear escalation; the nuclear arms race would poison relations between states and make a global energy transition impossible.

### 1NC – States CP

#### The fifty states and relevant subnational entities should, through the Multistate Antitrust Task Force, substantially increase prohibitions on

#### • undemocratic governance by agribusiness entities.

#### The attorney generals of the fifty states and relevant subnational entities should enforce these prohibitions.

#### States solve.

Arteaga & Ludwig ’21 [Juan; 1/28/21; Partner @ Crowell & Moring LLP, JD @ Columbia; and Jordan; Partner @ Crowell & Moring LLP, JD @ Loyola Law School, Los Angeles; “The Role of US State Antitrust Enforcement,” *Global Competition Review*; https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement; AS]

During the 1980s, for example, state attorneys general once again emerged as vigorous antitrust enforcers, especially with respect to the prosecution of resale price maintenance practices and other vertical restraints. The rise in the level and prominence of state antitrust enforcement during this period was largely due to a perceived enforcement void at the federal level, where the DOJ and FTC had mostly limited their focus to ‘prohibiting cartels and large horizontal mergers’. No longer content with ceding antitrust enforcement to federal enforcers, state attorneys general expanded their antitrust dockets from prosecuting purely ‘local matters, such as bid-rigging on state contracts’, to actively investigating and litigating matters with multistate and national implications. To help ensure that they had a larger seat at the antitrust enforcement table, state attorneys general also increased the coordination of their enforcement efforts and competition advocacy through organisations such as the National Association of Attorneys General (NAAG), which created a Multistate Antitrust Task Force and issued state Vertical Restraints and Horizontal Merger Guidelines during this period.

Since the reawakening of state antitrust enforcement nearly 30 years ago, state attorneys general have continued to play an important role in the enforcement of both state and federal antitrust laws. During periods of lax federal antitrust enforcement, state attorneys general have often ramped up their enforcement activity in order to protect consumers from anticompetitive transactions and business practices. During periods of vigorous federal antitrust enforcement, they have often served as strong partners for the DOJ and FTC by, among other things, offering valuable insights about competitive dynamics in local markets, assisting with obtaining information from key market participants (including state governmental entities that are direct purchasers of goods and services), and helping develop and implement litigation strategies for cases being tried before federal judges presiding in their states.

Since January 2017, state attorneys general have increasingly played a leading and independent antitrust enforcement role. State antitrust enforcers have significantly increased their enforcement activity and willingness to act separately from their federal counterparts because many of them believe that there has been ‘under-enforcement’ by the DOJ and FTC. State antitrust enforcers have also been able to enhance their influence over key competition policy issues and the antitrust enforcement agenda within the United States because there appears to have been a significant decline in the coordination and relationship between the DOJ and FTC.

### 1NC – Reg CP

#### CP text: The United States federal government should regulate the agriculture industry by increasing prohibitions:

#### • undemocratic governance by agribusiness entities protected under the Co-operative Marketing Associations Act.

#### Regulation solves without expanding core antitrust laws

Beaupre ’20 [Jacob; Associate @ Nicolaides Fink Thorpe Michaelides Sullivan LLP, JD @ DePaul University College of Law; “Big Is Not Always Bad: The Misuse of Antitrust Law to Break up Big Tech Companies,” *DePaul Business & Commercial Law Journal* 18(1), p. 25-48; AS]

IV. CONCLUSION

The big four technology companies should not be broken up under antitrust law. Antitrust law has an uneasy fit with internet-based businesses because is difficult to discern how to judge when an internet company has become a monopoly since the internet is so vast, changes so quickly, and has many sectors to it. The internet's nature is disruptive and because of the pace of technological change, it is important that antitrust policy take into account how breaking up an internet company may have negative effects on the American economy and on the development of technology.

Businesses who create the best products and do the most research should not be interfered with so long as the companies are not stifling competition and are not monopolies under the legal definitions. Certainly, antitrust law could be applied if Google hypothetically bought Facebook, Netflix, and Twitter since Google would control an outsized market share and would have an intent to monopolize the internet. But this is not what is occurring at this juncture. The big four technology companies record profits and are indisputably large and powerful corporations. Nevertheless, antitrust law should not be applied because the whims of the populist mob do not like tech companies' size and influence.

It is rational to worry about Big Tech's outsized influence on the American economy. However, simply targeting the big four tech companies because of their record earnings and increasing size is counter to the intent of the antitrust acts. If those feel that these companies have too much unchecked power, policymakers and officials should consider regulatory action. There are good and well-reasoned arguments for regulating these tech giants given the recent string of controversies regarding data privacy, but antitrust law is not the avenue to check tech giants' power. The antitrust laws cannot be used simply to satisfy the populist furor over corporate earnings and power, as the antitrust acts only apply if a company is stifling or intending to stifle competition and innovation. Regulatory actions or new legislation policing data use and privacy, cybersecurity, foreign interference in elections, and other issues are a better fit than simply breaking up an entire large business.

Right now, consumers are receiving great benefits because of the big four tech companies' dominance. Consumers have a near limited array of options on the internet and there is no shortage of innovation. With new issues arising as a result from changing pace of technology and the economy, the American legal system should let the market run its course, albeit with some regulation on the industry, unless these tech giants begin to take drastic steps to monopolize and engage in predatory behavior. The populism behind these arguments to break up the tech giants is not grounded in antitrust law nor the policy behind it.

### 1NC – FTC Tradeoff

#### Expanding the rule of reason unduly burdens federal agencies – high costs, delays, and complex litigation sap resources.

Chopra & Khan ’20 [Rohit; Commissioner @ Federal Trade Commission; and Lina; Chairperson @ Federal Trade Commission, JD @ Yale Law School; “The Case for “Unfair Methods of Competition” Rulemaking,” *The University of Chicago Law Review* *87*(2), p. 357-380; AS]

The current approach to antitrust also makes enforcement highly costly and protracted. In 2012, the American Bar Association (ABA) published the report of a task force that sought to “study ways to control the costs of antitrust litigation and enforcement.”9 The task force, the authors explained, was “a response to concerns” about both “the costs imposed on businesses by the American system of antitrust enforcement” and “the length of time required to resolve antitrust issues both in litigation and in enforcement proceedings.”10 Out-of-control costs undermine effective antitrust enforcement by agencies and private litigants, but may advantage actors who profit from anticompetitive practices and can treat litigation as a routine cost of business. Professor Michael Baye and Former Commissioner Joshua Wright have noted that generalist judges may be ill-equipped to independently analyze and assess evidence presented by economic experts.11 Because determining the legality of most conduct now involves complex economic analysis, courts have effectively “delegate[d] both factfinding and rulemaking to courtroom economists,” making courtroom economics “not just inevitable but often dispositive.”12 In fact, paid expert testimony now is often “the ‘whole game’ in an antitrust dispute.”13

Paid experts are a major expense. Some experts charge over $1,300 an hour, earning more than senior partners at major law firms.14 Over the last decade, expenditures on expert costs by public enforcers have ballooned.15 In a system that incentivizes firms to spend top dollar on economists who can use ever-increasing complexity to spin a favorable tale, the eye-popping costs for economic experts can put the government and new market entrants at a significant disadvantage.16 Another component of the burden is that antitrust trials are extremely slow and prolonged.17 The Supreme Court has criticized antitrust cases for involving “interminable litigation”18 and the “inevitably costly and protracted discovery phase,”19 yielding an antitrust system that is “hopelessly beyond effective judicial supervision.”20 That it can easily take a decade to bring an antitrust case to full judgment means that by the time a judge orders a remedy, market circumstances are likely to have outpaced it.21 The same 2012 ABA report suggested that lengthy, costly litigation may be contributing to reduced government-enforcement efforts over time relative to the expansion of the US economy.22

#### Resources are key to FTC privacy leadership.

Hoofnagle et al. ’19 [Chris; 8/8/19; Adjunct Professor of Information and Law @ Cal; Woodrow Hartzog; Professor of Law and Computer Science @ Northeastern University; and Daniel Solove; John Marshall Harlan Research Professor of Law @ George Washington; “The FTC can rise to the privacy challenge, but not without help from Congress”; https://www.brookings.edu/blog/techtank/2019/08/08/the-ftc-can-rise-to-the-privacy-challenge-but-not-without-help-from-congress/; AS]

We think the FTC is still the right agency to lead the US privacy regulatory effort. In this essay, we explain the FTC’s structural and cultural strengths for this task, and then turn to reforms that could help the FTC rise to modern information privacy challenges. Fundamentally, the FTC has the structure and the legal powers necessary to enforce reasonable privacy rules. But it does need to evolve to meet the challenge of regulating modern information platforms.

THE FTC WIELDS GREAT POWERS TEMPERED WITH EXPERIENCE

The FTC has remarkable powers. At its creation a century ago, Congress gave it unprecedented investigatory and enforcement tools. These have been broadened over time as the FTC has faced new wrongs. Today, the FTC can examine business practices even where there is no investigatory predicate, and as a general-purpose consumer protection agency, it can sue almost any business.

As a result, the FTC is nimble and can adapt to new technologies without an act of Congress. Founded in the days of misleading newspaper advertising, the FTC was quick to pivot to radio, television, and internet fraud. The breadth and generality of its powers are also a source of strength. Much more than just data protection, modern consumer problems involve platforms, power, information asymmetries, and market competition. In theory, the FTC has a broad enough jurisdiction and charge to handle diverse issues often labeled as “privacy,” such as algorithmic manipulation and accountability.

In the information economy, privacy is among the most important values that law and norms should protect. Yet at the same time, privacy must also accommodate other important values, including the risks inherent in economic development. In our view, privacy is a means to the ends of freedom and autonomy in our personal lives and in our polity. It is a key component for human flourishing.

THE FTC HAS ACHIEVED MUCH WITH LIMITED RESOURCES AND WITHOUT CONSISTENT CONGRESSIONAL SUPPORT

Many privacy issues are thought to be new. But the FTC has decades of experience handling privacy problems, particularly in credit reporting and debt collection. The FTC’s earliest information privacy matters, in 1951 and then a series of cases in the 1970s, recognized the general consumer preference against commercialization of personal data. Using its enforcement powers, the FTC sued companies for deceptive data collection, and for the sale of data collected in preparing tax returns. The agency brought its first internet-related fraud case in 1994, long before most consumers shopped online. Since then, the FTC has pursued the biggest names in internet commerce. It has steadily broadened the duties for fair information handling, particularly in the information security domain.

The FTC’s broadest jurisdiction is its enforcement against unfair and deceptive practices under Section 5 of the FTC Act. Despite a wide reach, however, Section 5 has some significant limits in power. The FTC generally cannot issue a fine for Section 5 violations initially—fines can only be issued for violations of consent decrees, as happened in the Facebook case.

Resources are the FTC’s greatest constraint. It is a small agency charged with a broad mission in competition and consumer protection. It carries out this mission with a budget of just over $300 million and a total staff of about 1,100, of whom no more than 50 are tasked with privacy. In comparison, the U.K.’s Information Commissioner’s Office (ICO) has over 700 employees and a £38 million budget for a mission focused entirely on privacy and data protection. In addition, for much of modern history, Congress has kept the FTC on a short leash. In 1980, Congress punished the agency for being too aggressive, causing it to shut down twice. Congress has held authorization over the agency’s head and used oversight power to scrutinize what members of Congress perceive as the expansive use of FTC legal authority, including its interpretation of privacy harm.

Given these constraints, FTC attorneys make pragmatic choices in their case selection. At any given time, line attorneys are investigating many companies and weighing decisions on where to target limited enforcement resources. The FTC can only bring actions against a small fraction of infringers, and it has chosen cases wisely to make loud statements to industry about how to protect privacy.

Even with these severe limitations, it has managed to bolster important norms and send strong signals to industry that have influenced the practices of many companies. It has become a significant enforcement agency that industry pays attention to. It has an enforcement record that compares quite well to other agencies in the US as well as around the world.

Some critics of the Facebook settlement have focused only on its shortcomings. Despite flaws and limits in the consent order, the five-billion-dollar fine was the biggest privacy settlement worldwide by far. It is an order of magnitude greater than the highest fine under the EU’s General Data Protection Regulation so far (the UK ICO’s €183 million fine against British Airways) and roughly double the record fine under EU competition law, which privacy advocates have urged as the reference for privacy fines.

The settlement also contains significant and noteworthy measures, such as forcing Facebook to make privacy a board-level concern and requiring Mark Zuckerberg to verify compliance. As dissenting Commissioners Chopra and Slaughter note, the FTC’s settlement doesn’t solve every problem; Facebook’s structure and business model remain the same. But no existing enforcement agency has come close to matching the FTC’s impact in this case, and foreign data protection agencies similar to proposed in the U.S. as FTC alternatives have not demonstrated the power or political capital to do so. As privacy enforcers go, the FTC stacks up well to others in many regards.

#### Privacy regulation is key to the liberal order – US leadership resolves the current patchwork of rules.

Slaughter & McCormick ’21 [Matthew; Paul Danos Dean and Earl C. Daum 1924 Professor of International Business in the Tuck School of Business @ Dartmouth College, Former Member @ White House Council of Economic Advisers; and David; CEO @ Bridgewater Associates Former Senior Positions @ U.S. Commerce Department, the National Security Council, and U.S. Treasury Department; “Data Is Power: Washington Needs to Craft New Rules for the Digital Age,” *Foreign Affairs* 100(3), p. 54-63; AS]

A PATCHWORK OF RULES

Current international institutions are not equipped to handle the proliferation of data. Nor are they prepared to address the emerging fault lines in how to approach it. The institutional framework for international trade-that of the World Trade Organization and its predecessor, the General Agreement on Tariffs and Trade-was built at a time when mainly agricultural and manufactured goods crossed borders and data flows were in the realm of fiction. The wTO's framework depends on two key classifications: whether something is a good or a service and where it originated. Goods are governed by different trade rules than are services, and a product's origin defines what duties or trade restrictions apply.

Data defies this basic categorization for several reasons. One is that vast amounts of data-such as one's online browsing before ordering clothes-are unpriced consequences of the production and consumption of other goods and services. Another is that it is often hard to determine where data is created and kept. (From which country does data on an international flight's engineering performance originate? In which country does a multinational firm's cloud storage of its clients' data reside?) Moreover, there is no agreed-on taxonomy for valuing data. In the event of a trade dispute, WTO members may seek legal recourse and ask the organization to make a one-off correction, but such fixes do not address the fundamental inconsistencies between the WTO's framework and the nature of data.

The lack of an internationally accepted framework governing data leaves big questions about the global economy and national security unanswered. Should sovereign governments be able to limit the location and use of their citizens' data within national borders? What does this concept even mean when the cloud and its data are distributed across the Internet? Should governments be able to tax the arrival of data from other nations, just as they levy tariffs on the import of many goods and services? How would this work when the data flows themselves are often unpriced, at least within the firms that gather the data? What controls can sovereign governments impose on data entering their countries? Can they demand that data be stored locally or that they be given access to it?

The absence of an international framework also threatens people's privacy. Who will ensure that governments or other actors do not misuse people's data and violate their economic, political, and human rights? How can governments protect their citizens' privacy while allowing data to move across borders? Today, the United States and the EU do not agree on answers to these questions, causing friction that hurts cooperation on trade, investment, and national security. China, for its part, has shown little commitment to privacy. Without common and verifiable methods of anonymizing data to protect personal privacy, the innovative potential of personal data will be lost-or fundamental rights will be violated.

In the absence of coherent and collective answers to these questions, countries and trade blocs are improvising on their own. This has left the world today with a collection of inconsistent, vague, and piecemeal regulations. Recent regional trade deals have included several provisions regarding data and e-commerce. The Comprehensive and Progressive Agreement for Trans-Pacific Partnership, which does not include the United States, prohibits requirements that data be stored within a given country and bans duties on cross-border flows of electronic content. It recognizes the growing importance of the digital services sector, and it forbids signatories from demanding access to the source codes of companies' software. The U.S.-Mexico-Canada Agreement (USMCA) has similar provisions. Both free-trade agreements aim to allow unencumbered flows of data, but they are largely untested and, by virtue of being regional, are limited.

The EU sharpened its data rules on privacy in the General Data Protection Regulation. The GDPR attempts to empower individuals to decide how companies can use their data, but many have voiced concerns that the GDPR has effectively established trade barriers for foreign firms operating in EU member countries by requiring expensive compliance measures and raising the European market's liability risks. Moreover, the EU's rules are the subject of continual dispute and litigation.

Of much greater concern to the United States is China's distinct digital ecosystem. Over a generation ago, China began building its "Great Firewall," a combination of laws and technologies that restrict the flow of data in and out of China, in part by blocking foreign websites. China has since adopted a techno-nationalist model that mandates government access to data generated in the country. The sheer quantity of that data fuels China's innovation but also enables the country's repressive system of control and surveillance-and at the expense of open, international flows of data.

Beijing now seeks to expand this model. It has clear plans to use its indigenous technology industry to dominate the digital platforms that manage data, most immediately 5G telecommunications networks. To that end, it has unveiled an audacious plan, China Standards 2035, to set global standards in emerging technologies. And through the so-called Digital Silk Road and the broader Belt and Road Initiative, it is working to spread its model of data governance and expand its access to data by building Internet infrastructure abroad and boosting digital trade.

And the United States? At the federal level, the country has not settled on any legal framework. Nor, beyond the USMCA, has it engaged in any meaningful cross-border agreements on data flows. So far, the United States has not answered China's efforts with a coherent plan to shape technology standards or ensure widespread privacy protections. The United States' ad hoc responses and targeted efforts to encourage other countries to reject the Chinese company Huawei's 5G technology may work in the near term. But they do not constitute an effective long-term plan for harnessing the power of data.

#### LIO prevents global great power war – the alternative is hostile competitive blocs that collapse weak states and undermine collective action on existential risks.

Beckley ’20 [Michael; Associate Professor of Political Science @ Tufts University; “Rogue Superpower Why This Could Be an Illiberal American Century”; *Foreign Affairs* 99(6), p. 73-87]

What would happen to the world if the United States fully embraced this kind of “America first” vision? Some analysts paint catastrophic pictures. Robert Kagan foresees a return to the despotism, protectionism, and strife of the 1930s, with China and Russia reprising the roles of imperial Japan and Nazi Germany. Peter Zeihan predicts a violent scramble for security and resources, in which Russia invades its neighbors and East Asia descends into naval warfare. These forecasts may be extreme, but they reflect an essential truth: the postwar order, although flawed and incomplete in many ways, has fostered the most peaceful and prosperous period in human history, and its absence would make the world a more dangerous place.

Thanks to the U.S.-led order, for decades, most countries have not had to fight for market access, guard their supply chains, or even seriously defend their borders. The U.S. Navy has kept international waterways open, the U.S. market has provided reliable consumer demand and capital for dozens of countries, and U.S. security guarantees have covered nearly 70 nations. Such assurances have benefited everyone: not just Washington’s allies and partners but also its adversaries. U.S. security guarantees had the effect of neutering Germany and Japan, the main regional rivals of Russia and China, respectively. In turn, Moscow and Beijing could focus on forging ties with the rest of the world rather than fighting their historical enemies. Without U.S. patronage and protection, countries would have to get back in the business of securing themselves and their economic lifelines.

Such a world would see the return of great-power mercantilism and new forms of imperialism. Powerful countries would once again try to reduce their economic insecurity by establishing exclusive economic zones, where their firms could enjoy cheap and secure access to raw materials and large captive consumer markets. Today, China is already starting to do this with its Belt and Road Initiative, a network of infrastructure projects around the world; its “Made in China 2025” policy, to stimulate domestic production and consumption; and its attempts to create a closed-off, parallel Internet. If the United States follows suit, other countries will have to attach themselves to an American or a Chinese bloc—or forge blocs of their own. France might seek to restore its grip on its former African colonies. Russia might accelerate its efforts to corral former Soviet states into a regional trade union. Germany increasingly would have to look beyond Europe’s shrinking populations to find buyers for its exports—and it would have to develop the military capacity to secure those new far-flung markets and supply lines, too.

As great powers competed for economic spheres, global governance would erode. Geopolitical conflict would paralyze the UN, as was the case during the Cold War. NATO might dissolve as the United States cherry-picked partners. And the unraveling of the U.S. security blanket over Europe could mean the end of the European Union, too, which already suffers from deep divisions. The few arms control treaties that remain in force today might fall by the wayside as countries militarized to defend themselves. Efforts to combat transnational problems—such as climate change, financial crises, or pandemics—would mimic the world’s shambolic response to COVID-19, when countries hoarded supplies, the World Health Organization parroted Chinese misinformation, and the United States withdrew into itself.

The resulting disorder would jeopardize the very survival of some states. Since 1945, the number of countries in the world has tripled, from 46 to nearly 200. Most of these new states, however, are weak and lack energy, resources, food, domestic markets, advanced technology, military power, or defensible borders. According to research by the political scientist Arjun Chowdhury, two-thirds of all countries today cannot provide basic services to their people without international help. In short, most countries depend critically on the postwar order, which has offered historically unprecedented access to international aid, markets, shipping, and protection. Without such support, some countries would collapse or be conquered. Fragile, aid-dependent states such as Afghanistan, Haiti, and Liberia are only some of the most obvious high-risk cases. Less obvious ones are capable but trade-dependent countries such as Saudi Arabia, Singapore, and South Korea, whose economic systems would struggle to function in a world of closed markets and militarized sea-lanes.

### 1NC – LPE K

#### The 1AC’s construct of the firm as the locus of competitive innovation reproduces neoclassical economic orthodoxy. Antitrust is justified as an intervention to correct “market failures.” Market failure relies on the ideal of perfect competition.

Nathan **TANKUS** Research Director Modern Monetary Network **AND** Luke **HERRINE** PhD Candidate @ Yale Law, JD NYU & Former Clerk Second Circuit of Appeals **’21** “Competition Law as Collective Bargaining Law” <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3847377> p. 1-3

­ “[T]oo often discourse about ‘the market’ conveys the sense of something definite—a space or constitution of exchange...when in fact, sometimes unknown to the term’s user, it is being employed as a metaphor of economic process, or an idealisation or abstraction from that process.” – E.P. Thompson2 Introduction To those who study governance of the labor relationship, it is obvious that the relationship between business and labor must be governed, and that stability in this social relation is something valued by labor, business, and society writ large.3 Strangely, the idea that **governance** is necessary and price stability is good are both **obscure** **interlopers** to the study of **competition law**. To bridge the gap between these two areas of law--and incidentally give labor a greater role and stature in theorizing competition law--we aim to provide a general “**market governance” framework** for understanding how markets are governed in the context of the legal rules that **allow and disallow certain forms of coordination**. This framework draws from multiple heterodox traditions in political economy, but is particularly oriented toward building out the emerging framework of Neochartalist microeconomics.4

[Insert Footnote 4 – Turner]

Neochartalism, or Modern Monetary Theory (MMT), began as a macroeconomic framework for understanding how legal institutions produce and reproduce money and monetary value, particularly the acceptance of monetary objects in payments of taxes and court-ordered obligations. In developing over the last twenty-five years, Neochartalism has become an interdisciplinary perspective for understanding and reinterpreting a variety of social phenomena. Some scholarship, particularly the path-breaking work of the late economist Fred Lee (who we rely on in conceptualizing issues in this chapter) builds up a microeconomic framework that is uniquely consistent with--and reliant on--MMT insights. We hope others choose to follow Lee and ourselves in making contributions to Neochartalist Microeconomics and expanding the reach of Neochartalism in a variety of subfields that remain dominated by mainstream microeconomics.

While it is beyond the scope of the current chapter to identify all the ways in which our current perspective accords with unique insights of Neochartalism, our focus on potential financial and market instability, money prices and money income as a focus of analysis rather than relative prices and “real variables'' reflect our Neochartalist lens. Our focus on the legal construction of markets also adds to Neochartalism’s emphasis on the legal construction of a monetary production economy in general. Our focus on inherent and irreducible mediated social interdependence also accords with the scholarly perspective that Neochartalist humanities scholars bring to Neochartalism e.g. SCOTT FERGUSON, DECLARATIONS OF DEPENDENCE: MONEY, AESTHETICS, AND THE POLITICS OF CARE (2018).

[End footnote 4]

Arriving at a theory of market governance requires rejecting economic common sense. Far too much economics scholarship--both among orthodox scholars and their critics--treats “perfect competition” as the analytical (and often normative) baseline for all markets, including labor markets. Under perfect competition, prices (including wages) are arrived at entirely via the uncoordinated matching of bids and asks, assumed to result in settled equilibriums represented by intersecting supply and demand curves. If all markets are perfectly competitive (and certain other conditions obtain), then each input and output has its proper price which sends “signals” throughout the economy and results in a perfectly “efficient” allocation of resources. From this perspective, coordination, especially coordination over prices (again, including wages), appears as an unnatural intervention, a way for those acting collectively to collect “rents” above the “real” value of their contribution to society. If coordination is to be justified, it is usually to correct for some other deviation from perfect competition: workers might bargain collectively to capture some of a monopsonist's rents, for example. And, indeed, many of those trained in economics who advocate for collective bargaining or other worker-empowerment measures appeal to one or more “**market failures**”.5 In doing so, they **reproduce the idea**— **intentionally or not**—that if **competition** were finally **left to do its work** it would reveal the prices that reflect the allocation of goods and services that perfectly matches relative scarcity, that m**arkets would work “better” if they were moved “closer**” to (or to “resemble” or “approximate”) the “**competitive” ideal**.6 Collective bargaining is a distortion, but it is the best we can do in our distorted world.

But here's the rub: collective bargaining is not a distortion of a preexisting “labor market”. More generally, coordination between market participants (over price or other matters) is not in itself a distortion of any market. There is not and has never been a market without coordination, including over prices.

#### We need a paradigmatic shift from perfect competition to political-economic governance. Antitrust allocates rights to coordinate economic activity. The aff uses the baseline of perfect competition to match antitrust laws to micro-economic assumptions of rationally acting firms.

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Coase, of course, laid the foundation for the transaction cost approach to conceptualizing the coordinating mechanisms of firms vs. markets. In “The Nature of the Firm”, he asked why there should be firms at all if production can be efficiently coordinated via unplanned markets in the neoclassical utopia. Coase answered that markets have their own costs–transaction costs–that can be reduced by bringing exchanges “into” the firm (i.e. converting them from trades to commands). The idea of transaction costs formed the foundation for the “New Institutional Economics” that provided the groundwork for Oliver Williamson’s **work on firm structure and antitrust** (which was hugely influential on Robert Bork, among others), for Jean Tirole’s theory of platforms as two-sided markets, for Douglass North’s groundbreaking work on economic history, for the “New New” Institutionalism of Acemoglu and Robinson, and for much else besides. It is out of “transaction costs” that neoclassical economists build their theories of institutions, because it is only possible to have enduring institutions (rather than a constantly shifting terrain of self-liquidating contractual relationships) if there is some “cost” preventing spot exchanges from regulating every contingency.

In her article “Antitrust as Allocator of Coordination Rights“, Paul **flips this script**. As the title indicates, Paul is also concerned with theorizing coordination. But she rejects Coase’s way of framing the question. Who cares how coordination would work in a neoclassical utopia? A “market”, as neoclassicals use the term, can never serve as a coordinating mechanism. To use the non-coordination coordination of that utopia as a **descriptive or normative baseline** for reality is to **confuse our analysis**. In the real world, some form of active coordination is always needed in both markets and firms. Antitrust law works together with corporate law, property law, contract law, et al. to determine which forms of coordination within the production and distribution system will be tolerated, which will be favored, and which will be prohibited. To determine how coordination works and how it might work, we must inductively examine how different patterns of coordination rights facilitate different production and distribution processes.

Paul’s article is the inverse of Coase’s in more ways than one. Coase started in the domain of social theory while ignoring law altogether. But it turned out that his social theoretic concepts provided a convenient way to make sense of the awkward mismatch between neoclassical models and instituted reality. Paul starts from the law, though with a critical eye to the way that neoclassical theory has been translated into legal doctrine.

It remains to build a social theory off of her legal groundwork.

Ulysse Lojkine recently suggested one way forward: to combine Paul’s framework with the work of Janos Kornai in a rejiggering of Marxian theories of surplus value and exploitation.

In a forthcoming contribution to an edited volume, Nathan Tankus and I articulate another. We incorporate Paul’s concept of coordination rights into market governance theories found in Postkeynesian economics, institutiontalist economics, and economic sociology in an effort to build out a Neochartalist micoreconomics. Nathan has a summary of one of the central arguments of the article over at his blog (to which readers of this blog should subscribe!). In the remainder of this post, I want to focus more generally on the concept of market governance and how it contributes to an alternative to the Coasian toy models that are so familiar to those of us who live in the world law-and-economics has created.

One way to get at the concept of market governance is to conceptualize the coordination of production and distribution as taking place within a “social field“. A social field exists when a group of individuals understand themselves as participants in a common social space–whether as collaborators, rivals, or some combination. For social fields to endure as stable spaces of action, participants must actively (though not necessarily consciously) **reproduce the terms on which they** **exist**: the rules and norms that govern social action, the rituals and social scripts that organize time, the discourses and knowledge practices that facilitate mutual understanding all only exist to the extent that they are continue to be followed, taught, enforced, etc. The terms on which action in a social field proceeds is the subject of a **settlement that benefits incumbents**, with insurgents benefiting from the stability produced by a settlement but chafing under its terms. This settlement can be challenged and destabilized, whether by insurgents, participants in neighboring fields, or others, whose efforts may be spurred or aided by a technological or organizational change that makes the previous settlement more difficult to sustain, by a collapse of an institution or field on which that field depended (e.g. a shift in a regulatory regime or a failure of some link in a supply chain), or some other deep shift of context with which the field must cope. But open contestation over the terms of the settlement cannot be constant, lest a field lack the stability necessary for coherent social action. Rather, most of the time contestation takes place in a more muted and gradual way, **leaving** most of the terms of **the settlement in place,** with more dramatic destabilization leading either to a field’s collapse or reorganization according to a new settlement.

If we understand production and distribution as taking place within overlapping social fields, we can conceptualize coordination and competition as always going on–always coexisting–at multiple levels. What neoclassical economics thinks of as “perfect” competition appears not as a plausible way of organizing a social space but as unmanageable chaos. It exists only times of social instability, when fields are in crisis. Most of the time, competition proceeds according to a social settlement that preserves the stability necessary for coherent social action (while preserving the advantage of incumbents). The pattern of coordination rights at any given time are part of this settlement.

To this general sociological account of economic action we can add heterodox economic accounts of modern production and distribution processes as money-mediated, with businesses operating as “going concerns”. As Jamee Moudud put it in a post on this blog,

Pricing policy is central to the going concern: setting an appropriate price over unit costs in an attempt to obtain a target rate of return has to generate adequate cash flow for the firm to grow. Crucially, the time gap between current debt obligations and future revenues always compels the firm to have an adequate stock of liquidity, or cash on hand to pay debts. This money-centered view of the firm is not consistent with the barter-based framework undergirding neoclassical economics which separates money from the “real” (production-based) economy.

In order to manage the inward and outward flows of money, participants in a production and distribution process must create a stable set of pricing practices–they must administer prices, to use a term from Gardiner Means. This can be done within a firm, but it can also be done across entities via horizontal coordination (in a cartel, via fair trade laws, or through other means). Thus, the practice of pricing (among other practices) can be understood as the subject of a settlement that stabilizes the social field in which money-mediated institutions operate.

With this lens, we can avoid comparing the real world to a single model of an ideal market and instead explore different ways that prices have been and might be stabilized. And we can then explore the good and bad of each form of price stabilization. Nathan and I begin this project in our article, surveying multiple contemporary forms of price stabilization (chartered exchanges vs. oligopolistic corporations, e.g.) and analyzing several historical forms (fairs, formal markets, early chartered exchanges). In doing so, we hope to illustrate a fundamentally different way of thinking about how coordination works, one that treats “microfoundations” as a project of attention to institutional detail rather than rational choice reconstruction

We think **a paradigm shift** along these lines will be crucial in connecting different LPE projects–for instance, the reconsiderations of money, banking, and financial regulation with the reconsiderations of antitrust, of public utility, and of corporate governance with the revisiting of the financial and organizational architecture of slave plantations. If we want to build on a different foundation than neoclassical economics, the anti-Coasian foundations of Paul’s groundbreaking work seems like a good place to start.

#### Neoclassical paradigm will destroy humanity and the biosphere.

Anne **FREMAUX** PhD Political Ecology & Philosophy @ Grenoble ‘**19** *After the Anthropocene: Green Republicanism in a Post-Capitalist World* p. 1-3

If the main starting point of this book is the severe environmental crisis we are facing and the natural planet-wide collapse toward which we are heading, today’s ecological reality is powerfully connected to other issues such as growing socioeconomic inequalities, the erosion of democratic institutions, the organized apathy of citizens, the loss of power of nation-states in favor of corporations, the progressive disappearance of the notion of common good, and the economic colonization of the social, cultural, and political life by economic objectives. The global ecological crisis reveals these interlinked disasters caused by the core components of capitalism that include: an excessive exploitation of nature, the rise of industrialism, the self-destructive over- confidence in human-technical power, the arrogant anthropocentric mind- set, and denial of ecological limits, as well as the narrow rationalism and materialism that develop within a reductionist predominant form of science.

Neoliberalism as a ‘global system’ threatens societies as a whole and more especially the core values of social communities and democracy, such as justice, ‘common decency,’ civic virtue, or citizenship. In neoliberal patterns, economic efficiency, market values, employability, consumer freedom, and instrumental rationality are favored over democratic participation, civic values, personal autonomy, active citizenship, intellectual development (‘enlightenment’1), and moral rationality (reasonability2). Institutions dedicated to the **common good** are **systematically** turned into **competitive structures** to satisfy the interests of markets and greedy elites. Pluralism is disappearing under the assault of a one-dimensional consumer pattern which treats humans and non-humans as commodities under the hegemony of private interests. Civil society, an essential element of the agonistic and critical democracy defended in this book, is losing out to ‘spectator democracy.’ Indeed, citizens are more and more passive and self-centered in part because existing political and democratic structures leave them with few opportunities to participate and make collective decisions. As a consequence, the link between democratic politics and citizens is being critically weakened. Neoliberal individuals end up being overtaken by lassitude and resignation, indifference, and loss of interest for the shared common world. What defines neoliberal society is, indeed, a widespread disaffection for democracy and social bonds entailed by the loss of political agency and self-determination. In such a system, propaganda is necessary to manufacture consent3 and to shape the fundamental values to ensure that individuals see themselves as consumers, workers, or owners of capital, rather than citizens, spiritual or relational individuals, friends, or members of social and ecological communities. In order to be fully operational, such a system must also rely on high doses of cynicism and the value of relativism cultivated by deconstructive postmodern views.

Neoliberal **competitive market-state systems** have **colonized all aspects of life**, but mainly, they have subjugated nature and used it as an ‘unlimited’ spring of profit and resources intended to feed the logic of growth. The globalized neoliberal framework behaves as if nature were only a neutral background for profit-seeking and economic development. In order to push back the ecological limits that are more and more visible, neoliberals argue that those limits can be transcended through decoupling and technological innovations (Chapter 5). Indeed, constructivist neoliberal governments act as if the biosphere were a mere component of the socioeconomic sphere. As an anti-ecological ideology, neoliberalism denies the existence of natural limits and promotes unlimited material wants vs. limited resources, a cult of endless consumption (consumerism), and techno-fixes (techno-optimism) as the solution to social and ecological problems. The appropriation and commodification of nature undertaken by this form of economic ideology and the freedom it enshrines—understood mainly as the legitimate exercise of extractive power—entail that the environment is viewed only as an instrumental source of raw material and sinks of fossil fuels rather than as an ethically valuable physical, biological, and chemical context of life. Inevitably, this type of economy has supported an insatiable extraction that is today overwhelming ecosystemic capacities. **Neoclassical economics** is certainly the **instrumental form of rationality ‘that most actively opposes the ethical valuation of the environment**’ (Smith, 2001: 26).

The neoliberal capitalist agenda, associated with an arrogant anthropocentrism and the technological optimism of many political leaders, experts, techno-scientists, academics, and citizens, has transformed nature and people into raw materials (‘natural’ and ‘human resources’). It has replaced democratic and republican institutions—defined by their concern for the common good—by structures aiming at facilitating the activities and profits of corporations and markets. It has deprived Western political structures of substantial democratic energy by turning citizens of wealthy liberal nations into demoralized and nihilist homo oeconomicus (‘neoliberal citizens’), that is, passive consumers as opposed to active citizens. More than that, neoliberalism, through mass media, entertainment, information, and educational systems, has incrementally converted all the spheres, activities, and dimen- sions of life into economic ones (‘economization’ or ‘marketization’ of life). Private and public institutions are used as ways to transmit the values of capitalism.4 As an unethical and unsustainable model of commercialization, ultraliberal capitalism supports crass commodification, intensifies ine-ualities and transforms everything in its way—from non-human nature to human beings—into replaceable, dispensable and disposable products. As a global threat, neoliberalism leads to ‘**environmental stresses** (**water** shortages, **deforestation**, **soil erosion** or **climate change**), **food** and **energy insecurity**, peak oil, rising poverty and inequalities within and between societies, increasing passivity of citizens within democracies and the inexorable **rise of corporate power** within and over the democratic state’ (Barry, 2008: 3).

The price we, humans, are socially, politically and ecologically paying and will continue to pay in the future for the triumph of the neoliberal ideology is disproportionate with anything humankind has experienced so far (see Fig. 1.2). However, human relatively recent history already shows that the popular passivity and political apathy (mentioned above) fostered by cynical and disempowering systems of ideas have the potential to favour the rise of dictatorial regimes in which a father figure or ‘strong man’ could take upon the conduct of public affairs. At a time when chauvinistic, racist, anti-elitist, and macho-ist parties are dangerously rising in all Western countries, this fear is taking a serious turn, which includes the risk of an authoritarian ecology.

#### We should use the framework of challenge-driven political economy instead of a competitiveness framework. Using the power of the state to make and shape markets is key to direct policy to solve inequality and climate change.

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Twenty-first-century policymaking is increasingly defined by the need to respond to major social, environmental, and economic challenges. Sometimes referred to as ‘grand challenges’, these include threats like climate change, demographic, health, and well-being concerns, as well as the difficulties of generating sustainable and inclusive growth. Against this background, policymakers are increasingly embracing the idea of using industrial and innovation policy to tackle these ‘grand challenges’. Examples of challenge-led policy frameworks include the United Nation’s Sustainable Development Goals (SDGs; Borras,­­ 2019), the European Union’s Horizon Europe research and development programme (Mazzucato, 2018a), and the UK’s 2017 Industrial Strategy White Paper (HM Government, 2018).

**Challenge-driven policy frameworks** are emerging in parallel to well-established modernization and **competitiveness frameworks.** While 1 2 modernization, and in particular competitiveness frameworks, rely on the idea that government should first and foremost fix market failures,3 a challenge-driven agenda does not have such clearly defined theoretical origins and analytical lenses. As Richard Nelson argued in 1977 in his seminal book The Moon and the Ghetto, getting man to the moon and back is not the same as solving the problem of ghettos in American cities. Put differently, the nature of our knowledge about socio-economic challenges differs from our perception of strictly technical challenges. We can discover answers to technical puzzles; socio-economic issues do not have a single correct discoverable solution. Such issues require continuous discussion, experimentation, and learning.

We believe challenge-led growth requires a new conceptual and analytical framework that has at its core the idea of confronting the direction of growth with growth that is, for example, more inclusive and sustainable. Such a framework should focus on market shaping and market co-creating (Mazzucato, 2016). This is a question of both theory and policy practice. In theory, challenge-driven innovation policy questions both established neoclassical and evolutionary concepts (Schot and Steinmueller, 2018). In policy practice, directed policies require rethinking what is meant by ‘vertical policies’.

Industrial policies have always been composed of both a horizontal and a vertical element. Horizontal policies have historically been focused on skills, infrastructure, and education, while vertical policies have focused on sectors like transport, health, energy, or technologies. These two traditional approaches roughly embody differing schools of economics: neoclassical economics-inspired horizontal policies focusing on supply-side factors and inputs; and evolutionary economics-inspired policies putting emphasis on demand-side factors and systemic interactions (Nelson and Winter, 1974; Hausmann and Rodrik, 2006 for a synthesis). Although certain sectors might be more suited to sectorspecific vertical strategies, the ‘grand challenges’ expressed in SDGs are cross-sectoral by nature and hence we cannot simply apply a vertical approach to them. Both neoclassical and evolutionary approaches to industrial policy have relied on the idea that the best policy outcome is economy-wide development, without specifying its nature. In policy this has led to managing economies according to GDP growth rates, competitiveness indices and rankings, or other macro indicators (e.g. exports, patents) (Drechsler, 2019). Yet, many SDGs are only indirectly related to the economy and hence many of the key issues around SDGs have not been theorized in the context of innovation and industrial policy (see, e.g., Zehavi and Brenzitz, 2017).

In this chapter we argue that through well-defined goals, or more specifically ‘missions’, that are focused on solving important societal challenges, policymakers have the opportunity to determine the direction of growth by making strategic investments, coordinating actions across many different sectors, and nurturing new industrial landscapes that the private sector can develop further (Mazzucato, 2017; Mazzucato and Penna, 2016). The result would be an increase in cross-sectoral learning and macroeconomic stability. This ‘mission-oriented’ approach to industrial policy is not about top-down planning by an overbearing state; it is about providing a direction for growth, increasing business expectations about future growth areas, and catalysing activity—self-discovery by firms (Hausmann and Rodrik, 2003)—that otherwise would not happen (Mazzucato and Perez, 2015). It is **not about de-risking and levelling the playing field**, **nor** about **supporting more competitive sectors** over less (Aghion et al., 2015), since the market does not always know best, but about tilting the playing field in the direction of the desired societal goals, such as the SDGs. However, we argue, to achieve this requires a new analytical framework based on the idea of public value and a policymaking framework aimed at shaping markets in addition to fixing various existing failures. Indeed, we argue that if we want to take grand challenges such as the SDGs seriously as policy goals, market shaping should become the overarching approach followed in various policy fields.

### A1

#### No heg impact — peace exists thanks to international aversion to war — not a reigning superpower

Mueller, Poli Sci PhD, 18 (John, senior fellow @the Cato Institute, member of the political science department and senior research scientist with the Mershon Center for International Security Studies @Ohio State University, MA and PhD in Political Science @UCLA, “AN AMERICAN GLOBAL ORDER? Or PAX AMERICANA: HAS THE US BEEN NECESSARY?” 11/2/18, <https://politicalscience.osu.edu/faculty/jmueller/xisssisaPurdue2018.pdf>, AS)

Despite some notable setbacks, there has been a substantial increase globally in economic development and political freedom since 1945, and world war has been avoided.1 The United States is often given credit for this result despite the fact that its military record during that time has been pretty unimpressive.2 Indeed, because of its remarkable economic and military capacity, the United States has often been said to have presided over a condition grandly labelled “the American Global Order” or “Pax Americana.”

Christopher Fettweis supplies some vivid examples. Neoconservatives Lawrence Kaplan and William Kristol argue that “In many instances, all that stands between civility and genocide, order and mayhem, is American power.” For former national security advisor Zbigniew Brzezinski, a world without American stewardship would turn “violent and bloodthirsty” with “outright chaos” created by new attempts to build regional empires and redress old territorial claims. And British economic historian Niall Ferguson envisions it would be “a new Dark Age” in which “The wealthiest ports of the global economy—from New York to Rotterdam to Shanghai—would become the targets of plunderers and pirates. With ease, terrorists could disrupt the freedom of the seas, targeting oil tankers, aircraft carriers, and cruise liners, while Western nations frantically concentrated on making their airports secure. Meanwhile, limited nuclear wars could devastate numerous regions, beginning in the Korean peninsula and Kashmir, perhaps ending catastrophically in the Middle East. In Latin America, wretchedly poor citizens would seek solace in Evangelical Christianity imported by U.S. religious orders. In Africa, the great plagues of AIDS and malaria would continue their deadly work.”3 There is also Robert Kagan who insists that if the US retreats from its ordering responsibilities, the jungle will grow back.4 Others speculate that, absent the pacifying effect of the US presence, Europe might become incapable of securing itself from various threats materializing from somewhere or other, and that this could be destabilizing within the region and beyond while making the Europeans potentially vulnerable to the “influence” of outside rising powers. There is also worry that Israel, Egypt, and/or Saudi Arabia might do something nutty in the Middle East and that Japan and South Korea might get nuclear weapons.5

However, the positive developments of the post-World War II era would likely mostly have happened even without much American participation. That is, the outcome so agreeable to the United States (and others) has not been caused so much by the country’s conscious will and policy actions.

This paper is built around a counterfactual. Suppose that the US had retreated in 1945 to a sort of truculent isolationism in which it remained engaged economically and as a world citizen, continued to maintain a limited military force (including some nuclear weapons), but was unwilling to provide military security abroad, relying instead on simply being an attractive, even sometimes admirable, example or role model, a city on the hill: vigorous socially and intellectually, highly productive economically, open, and free. It seems likely under that condition that things would have turned out much the same.6

The US does have a few specific security achievements. It can take credit for keeping South Korea independent—no other country at the time would have been able to do that.7 However, it went to war there in 1950 for other reasons, and it badly botched the effort and massively increased the costs by seeking to liberate North Korea as well. The United States also forcefully pushed thuggish rulers out of tiny Panama and even tinier Grenada.

Beyond this, its specific contributions to world security are difficult to find. In fact, as Simon Reich and Richard Ned Lebow forcefully point out, the United States has routinely embraced error and engaged in fiasco during the period. For example, it grossly exaggerated the threat presented by the Soviet Union; promulgated and then wallowed mindlessly and parochially in messianism and in self-infatuated declarations of its exceptionalism; bullied other countries self-defeatingly; reneged on its own liberal trading rules; and has often been unable to impose solutions.8 They also point out that American efforts to manage the Middle East, as with Vietnam in the 1960s, have been a primary source of disorder.9

Indeed, it seems likely that the US fails not only to be have been sufficient for any world order that has emerged since 1945, but even to have been necessary. On balance, in fact, it may be that things would have turned out better if it had substantially butted out on overseas security matters—if it hadn’t tried to order the world.

For the most part, world order has developed not from the machinations of the reigning superpower, but from the peace—or aversion to international war—that was embraced after World War II especially by developed countries.10 That is, peace should be seen as the independent variable. If people aren’t shooting at you, you’re more likely to go to the store. If your country is unlikely to get into war with another country, you’re more likely to see if they might have interesting stuff to buy or might want to buy what you have, and you are more likely to consider investing over there. If peace becomes standard, it becomes a lot easier to fabricate norms and conventions that are intended to be supportive. And if you don’t think you need a strong leader to keep a foreign wolf at bay or to preserve domestic order, you’re more likely to consider experimenting with democracy.11

experimenting with democracy.11

#### No reason regional food system is key to resilience – Oldfield just says regional systems don’t exist, not that they’re necessary to prevent starvation

#### Tons of alt causes to global starvation

Myers, Agriculture HDA, 8 — former journalist, editor and general manager of Rural Press Limited (Paul, “Going Hungry in the 21st Century”, Sydney Morning Herald, 12/5/2008, http://www.smh.com.au/news/world/going-hungry-in-the-21st-century/2008/12/05/1228257318407.html)

As world leaders grapple with the global financial crisis, another equally threatening international disaster is unfolding - and begging for a co-ordinated international solution. The most acute food shortage in more than 40 years has, according to the World Bank, already left 800 million people "food insecure". Australia and other major food exporters are being called on to boost production. Unlike recent food shortages, it is not confined to sub-Saharan Africa and is not temporary. Food supplies are declining in Africa, south Asia, Central and South America and the Caribbean. Food riots brought down the Haiti Government this year. Over the past 12 months China, Thailand, Vietnam, Cambodia, Egypt and others have temporarily banned rice exports to preserve local supply. The World Bank's 2008 Agriculture For Development report predicts global cereal production must increase by 50 per cent and meat production by 85 per cent between 2000 and 2030 to meet demand. Others estimate food production must double in the next 40 years. In October the director-general of the United Nations Food and Agriculture Organisation, Jacques Diouf, announced at a World Food Day ceremony in Rome that only 10 per cent of $22 billion pledged this year to promote global food security had been received. And Suzanne Mubarak, the wife of the Egyptian president, Hosni Mubarak, called for a world food rescue effort equivalent to the international response to the global financial crisis. Last month agricultural leaders including Australia's Tony Burke attended FAO's 35th session in Rome, at which food security was top of the agenda. However, the financial crisis occupies global attention, and solutions were not forthcoming. What has caused the catastrophe? Among the main reasons are population growth, rising affluence coupled with urbanisation and industrialisation in China and India, climate change, a lack of new genetic and technological food production breakthroughs, declining pasture and crop seed banks, international trade barriers, rising energy costs, an increasing diversion of crops to produce biofuels, a shortage of food production specialists in key disciplines, and hefty cuts to developed countries' agricultural aid budgets.

#### Alt cause to food system shocks – their Luke evidence says COVID is what made the system fragile – also cites geography, labor, and packaging as issues – regional farms don’t solve

#### Military readiness impact makes no sense – poor nutrition is not the reason why other countries perceive US military decline – weapons and military spending outweigh

### A2 additions

#### Can’t solve the internal link to Mexican cartels – their HPM evidence is a news article that says rural areas “may be” an area of concern – cant solve Cartel networks in urban areas and other things like trafficking that strengthen cartels

#### Applications of antitrust to agriculture fails – USDA has no expertise and overlapping laws as proven by the existence of Copper Volstead causes confusion between the USDA and FTC

#### Their use of rule of reason constraints are egregiously misinterpreted and result in corporate victory

Hanley 4-6 – policy analyst at Open Markets Institute (Daniel, "How Antitrust Lost Its Bite," Slate Magazine, <https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html> APRIL 06, 2021)//gcd

In the late 1970s, however, judges began to adopt a malevolent antitrust framework, which they claimed was beneficial to consumers, while actually relishing, [praising](https://www.law.cornell.edu/supct/html/02-682.ZS.html), and [incentivizing](https://en.wikipedia.org/wiki/Brooke_Group_Ltd._v._Brown_%26_Williamson_Tobacco_Corp.) the concentration of corporate power. This new consumer welfare standard emerged in large part because of the “rule of reason.” The rule of reason was initially created by the Supreme Court [in 1911](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) to help the judiciary navigate the vast range of variance in antitrust harms. The rule of reason allows judges to determine whether ostensibly predatory or exclusionary corporate conduct is legal based on the reasonableness of the suspected violator’s behavior. Exclusionary antitrust conduct analyzed under a rule of reason analysis generally functions by allowing each side of a lawsuit to argue the predatory effects and the justifications for the conduct. Although the rule of reason is perceptually fair by giving each side of the litigation an opportunity to argue about the conduct at issue, in practice it is anything but. Judges began using the ambiguity of the rule of reason to push a standard focused on consumer welfare, one that [favors corporate concentration](https://www.yalelawjournal.org/note/amazons-antitrust-paradox) and turns away from strict antitrust rules. Courts initially only applied the rule of reason selectively. After adopting the consumer welfare framework, the Supreme Court now applies the rule of reason to most antitrust violations. Antitrust is about determining and [allocating the rights](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3337861), privileges, and duties of all economic actors. When Congress originally enacted the Sherman Act, the law was intended to [protect consumers, workers, and democracy](https://digitalcommons.law.umaryland.edu/mlr/vol78/iss4/4/) from excessive concentrations of corporate power. Because of this reality, it is an inherently political area of law. The shift toward rooting it in economics, and making its application substantially more obscure than a bright-line rule, is effectively a means by the judiciary to strip the historical foundations of antitrust from the record and instead substitute its own judgment on what the priorities are for the economy and how it should be structured. When combined with the rule of reason, the judiciary’s consumer welfare framework effectively erases Congress’ intent for the antitrust laws to operate as a “[comprehensive charter of economic liberty](https://supreme.justia.com/cases/federal/us/356/1/)” that “[does not confine its protection to consumers, or to purchasers, or to competitors, or to sellers](https://supreme.justia.com/cases/federal/us/334/219/).” Such values are best determined by members of the elected legislature rather than unelected judges, a point ironically acknowledged by the [Supreme Court in 1972](https://supreme.justia.com/cases/federal/us/405/596/). Lower federal courts today continue to push the consumer welfare standard even further by, in violation of [controlling Supreme](https://supreme.justia.com/cases/federal/us/405/596/) [Court precedent](https://supreme.justia.com/cases/federal/us/374/321/), weighing the competitive harms of a dominant firm’s conduct against one group to the benefits provided to another group. In [ongoing litigation against the NCAA](https://www.scotusblog.com/case-files/cases/national-collegiate-athletic-association-v-alston/) that was heard by the Supreme Court last week, the district court judge ruled that the NCAA’s compact with universities to set a ceiling on the amount of compensation that student-athletes can receive is legal because of the reputed benefit consumers derive from watching athletes knowing there is a cap on their compensation. The court employed the rule of reason to arrive at this result. In an alternative enforcement regime, the NCAA would be a per se illegal employer cartel that is suppressing workers’ wages. Comprehensive empirical analysis has revealed that the rule of reason has been a rubber stamp for even the most egregious antitrust conduct. A [2009 analysis](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1480440) revealed that 97 percent of cases analyzed under the rule of reason result in victories for defendants. That means corporations are effectively shielded from most antitrust violations. Part of the reason for such a skewed result in favor of antitrust defendants is that dominant firms have access to high-salaried economists that are able to manipulate analyses to mask the corporation’s conduct to look like it is operationally efficient instead of engaging in predatory practices. Such a situation also deters antitrust litigation because a plaintiff will also have to incur the cost of an economist—which can cost several thousand dollars and, [in some cases](https://www.propublica.org/article/these-professors-make-more-than-thousand-bucks-hour-peddling-mega-mergers), [several hundred thousand dollars](https://www.law.cornell.edu/supremecourt/text/12-133). Thus, the battle over the legality of a business tactic under a consumer welfare framework and rule of reason legal analysis depends on access to immense financial capital and judicial appeasement of policies that favor corporate integration rather than common notions of fairness, equity, and deconcentrated markets—which was the original purpose of the antitrust laws. Despite [controlling](https://supreme.justia.com/cases/federal/us/370/294/) Supreme Court [precedent](https://supreme.justia.com/cases/federal/us/374/321/) prohibiting the use of economics in certain antitrust violations, courts now routinely use it to justify corporate consolidation. For example, in the context of merger analysis, the economization of antitrust has led courts to believe and depend on theoretical assumptions on how mergers are beneficial for society and consumers. In the case of AT&T and its pursuit of acquiring Time Warner in 2018, the corporation [stated](https://www.courtlistener.com/recap/gov.uscourts.dcd.191339/gov.uscourts.dcd.191339.121.0_1.pdf) its merger would produce efficiencies and save customers money. District Court Judge Richard Leon was persuaded by AT&T’s statements [holding that](https://casetext.com/case/united-states-v-at-t-inc-2) vertical integration is able to shrink its costs and will “lead to lower prices for consumers.” But such assumptions have been categorically repudiated by researchers. In one example, the economist John Kwoka [found that](https://mitpress.mit.edu/books/mergers-merger-control-and-remedies) 80 percent of studied mergers led to high prices and even reduced output. [Other studies](https://www.antitrustinstitute.org/wp-content/uploads/2019/04/Carstensen-Lande-Final.pdf) have found equivalent results. In the context of AT&T, subsequent evidence showed that AT&T did [raise prices](https://arstechnica.com/information-technology/2018/07/att-promised-lower-prices-after-time-warner-merger-its-raising-them-instead/) on consumers.

#### They can’t solve the opioid crisis – having better farms is not going to prevent rural populations from taking drugs

#### Returning to multilateralism does not ensure global peace

M. Mckinney, PhD Candidate @ Nanyang, and Nicholas Butts, CSIS, LLM @ Peking, Msc @ LSE, MPA @ Harvard, ’19, “Bringing Balance to the Strategic Discourse on China’s Rise” https://www.airuniversity.af.edu/Portals/10/JIPA/journals/Volume-02\_Issue-4/McKinney.pdf

One of the most repeated ideas in international affairs discourse today is that after World War II the United States created a “free and open international order” and that this order has been responsible for keeping the Indo-Pacific “largely peaceful” for the last 80 years.4 China is then typically said to be promoting a vision “incompatible” with this order—something that should make us worry, as it may herald the return of violent power politics.5

Michael Lind has summarized the perspective:“in my experience, most members of the U.S. foreign policy elite sincerely believe that the alternative to perpetual U.S. world domination is chaos and war.”6 It is indeed true that the years since World War II have been peaceful when compared with most of European history and that violence of all kinds has declined.7 This phenomenon has been dubbed the “New Peace,” and the United States certainly played some role in bringing it about.8

However, there is no consensus among scholars to what extent US actions—or more abstractly, the supposed “order”—contributed to the decline in war and violence. Existing academic explanations stress the role of nuclear weapons restraining states from major war;9 the evolution of territorial norms (as well as regimes and institutions, like the United Nations);10 the development of globalized markets and “trading states”;11 the longer-term spread of reason, sympathy, and feminization alongside the rise of stronger states;12 the settlement of territorial disputes after World War II;13 the spread of democracies;14 the declining utility of war as a rational instrument of statecraft;15 and hegemonic stability, which emphasizes (in its liberal form) how the United States helped create global institutions and shape norms16 and (in its “realist” form) how US power has deterred or compelled rivals to behave.17 This is not the place to judge between the various explanations, but it should be clear that they are diverse and the overall explanation is likely multivariate. Only the realist version of hegemonic stability directly supports the narrative of the free and open international order. Christopher Fettweis has recently sought to test the theory by looking at the changing pattern of global peace/violence relative to US military spending, frequency of intervention, and selection of grand strategy across four presidential administrations (Bush Sr. to Obama). He found no relationship at all. “As it stands,” he concluded, “the only evidence we have regarding the relationship between US power and international stability suggests that the two are unrelated.”18 If US officials and strategic pundits are going to claim that peace is dependent on an abstract order created and maintained by American power, they need to provide serious evidence for their claims. Until then, while we can be thankful that the United States contributed to postwar institutions like the United Nations, helped delegitimize colonialism, and did not abuse its power (as much) as many other states would have, policy makers and scholars should be highly skeptical of more sweeping claims.

Laying aside the question of how the New Peace came about, another oft repeated notion is that China is determined to undermine the contemporary international order, according to Friedberg, by corrupting, subverting, and exploiting it.19 The proof for this claim is generally said to be China’s “militarization” of the South China Sea (SCS) through “salami-slicing” and “grey-zone tactics,”20 and occasionally, a retired Chinese official or Global Times commentator is quoted as representative of China’s official (even if unarticulated) policy and intentions. In the abstract, such claims are alarming—in context, and in balance, rather humdrum. In fact, the evidence of any Chinese intention to destroy, or even merely undermine and exploit, the current order is slight. China is certainly using its growing military power to defend its claims in the SCS and even—on occasion— to coerce its neighbors. It uses protectionist economic policies to boost the prospects of Chinese companies and reduce competition. It employs economic statecraft to serve its interests abroad. And it certainly is opposed to America’s policy of global democracy promotion. However, none of these positions fundamentally challenge the existing order, none of them radically depart from America’s own actions when it was a rising power in the nineteenth century, and none of them obviously surpass America’s own contemporary record of order subversion.

When the United States was a rising power, it took half of Mexico and considered taking the rest, it colonized the Philippines and Hawaii, and it unilaterally seized the maritime choke points of the Caribbean (Puerto Rico and Cuba).21 The United States used tariffs—which by 1857 averaged 20 percent22 and by the end of the nineteenth century were “the highest import duties in the industrial world”23—to protect its industries. It stole intellectual property,24 and it ideologically challenged the governments of the “Old World.” Today, despite no longer being a rising power, the United States has launched two disastrous invasions, tortured prisoners, and dispatches drone strikes at a whim with little international legal authority.25 The point is not that two wrongs make a right; it is that international order is much more resilient

than critics seem to realize,26 and it is utopian to expect any rising Great Power to act in a way that uniformly satisfies one’s moral scruples, evolving, in Friedberg’s words, “into a mellow, satisfied, ‘responsible’ status quo power.”27

Friedberg or Harris might object that America’s rise took place in the context of a different order. This is perfectly true, but the more important point is that the long nineteenth century (1815–1914)—the era of America’s rise—was the first iteration of the New Peace.28 The implication is that relative peace can and has coexisted with limited wars, property and territorial thefts, acts of coercion, and aggressive assertions of status. This does not mean any of these are desirable— they are not—but it shows that they need not be fatal to the system. Insofar as there is a lesson from that first period of relative peace, it is that Great Power confrontation is the one thing that is fatal. Accepting this does not mean capitulating in every instance, as implied by some,29 but it does mean rediscovering the rules of Great Power competition30 alongside the art of strategy.31

Focusing only on areas that China’s rise violates the scruples of the established powers, moreover, downplays the extent to which China, has, in fact, conformed to the existing order. As a RAND Corporation report published in 2018 concludes, China has been a supporter—albeit a conditional one—of the international order: “Since China undertook a policy of international engagement in the 1980s . . . the level and quality of its participation in the order rivals that of most other states.”32 The way in which Xi Jinping, following his 2017 Davos speech in defense of globalization, has been heralded as the most prominent champion of international order and defender of globalization underscores the fact that there are different elements of this order, and that China supports many, if not most, of them. Even in places where China is supposedly “altering” the current order, Beijing tends to simultaneously affirm that order. China’s Asian Infrastructure Investment Bank, for instance, actually mirrors existing structures, and China has intentionally copied elements and “best practices” of the World Bank and Asian Development Bank. China is playing the same game, even if it is seeking a bigger role within it.33

#### No Cartels impact

Stratfor 16 (Strategic Forecasting, Inc., American publisher and global intelligence company, provides strategic analysis and forecasting, “The Geography of Mexican Drug Cartels”, 1/25/16, Accessed 2/29/16) SSN

Since the late 1980s demise of the Guadalajara cartel, which controlled drug trade routes into the United States through most of Mexico, Mexican cartels have been dividing into more geographically compact, regional crime networks. This trend, which we call "Balkanization," has continued for more than two decades and has affected all of the major crime groups in Mexico, including Los Zetas and the Sinaloa Federation, which until recently were the country's two most powerful cartels.

Although Mexico's many transnational criminal organizations and powerful street gangs continued to wage violent conflict against one another in 2015, the number of homicides nationwide in 2015 was comparable to that of 2014. Additionally, homicides have dropped each year since 2012. The lack of a substantial rise in reported homicides is largely due to major criminal turf wars moving away from heavily populated urban locations. Although it leads to more criminal groups, the continued Balkanization of Mexican organized crime has also led to smaller groups with fewer resources and a shorter geographic reach that are less capable of sustaining high-profile violent acts in the face of pressure by federal troops.

As Mexican organized crime continues to decentralize, the nationwide conflicts between competing crime groups such as Los Zetas and the Sinaloa cartel will continue to fade as turf wars become more isolated in smaller geographic areas. In other words, apparent divisions and subsequent turf wars in areas such as northern Baja California and southern Baja California Sur states do not necessarily serve as indicators of escalating violence elsewhere. Violent turf wars between La Linea and the Sinaloa cartel in rural areas of western Chihuahua continue, but security has improved, and there has been a reduction in violence in places such as Juarez despite persistent competition between crime groups.

#### Rural extremism doesn’t go nuclear – the worst it gets is the January 06 riots

# 2nc

## States cp

### AT: Capper Volstead

#### Most recent ruling by the US District Court interprets Capper Volstead incredibly narrowly – it explicitly does not protect any monopoly behavior and it only applies to processing and marketing products

UNITED STATES DISTRICT COURT 20 (DISTRICT OF VERMONT, GARRET SITTS, et al., Plaintiffs, v. DAIRY FARMERS OF AMERICA, INC. and DAIRY MARKETING SERVICES, LLC, <https://www.justice.gov/atr/case-document/file/1298411/download>) //S.He

STATEMENT OF INTEREST ON BEHALF OF THE UNITED STATES OF AMERICA

The United States respectfully submits this statement under 28 U.S.C. § 517, which permits the Attorney General to direct any officer of the U.S. Department of Justice to attend to the interests of the United States in any case pending in a federal court. The United States is principally responsible for enforcing the federal antitrust laws, United States v. Borden Co., 347 U.S. 514, 518 (1954); 15 U.S.C. §§ 4, 25, and has a strong interest in their correct application. In particular, the United States seeks to ensure that antitrust exemptions, including the CapperVolstead Act, 7 U.S.C. §§ 291-92, are not interpreted more broadly than necessary because antitrust law “is a central safeguard for the Nation’s free market structures.” N.C. State Bd. of Dental Exam’rs v. FTC, 574 U.S. 494, 502 (2015).1

The United States also has an interest in ensuring that the protections of the antitrust laws are applied widely, so that the competition those laws protect benefits not only purchasers of goods and services but also sellers of goods and services—such as farmers selling their produce. See, e.g., Mandeville Island Farms v. Am. Crystal Sugar Co., 334 U.S. 219, 236 (1948) (Sherman Act “does not confine its protection to consumers, or to purchasers, or to competitors, or to sellers”).

SUMMARY OF ARGUMENT

This Court recognized at the summary judgment stage that in this case the Court must apply principles of antitrust law on monopsonies against the background of the Capper-Volstead Act because this case involves agricultural cooperatives. Sitts v. Dairy Farmers of Am., Inc., 417 F. Supp. 3d 433, 462-63 (D. Vt. 2019). We offer the following analysis of the Capper-Volstead Act as an aid to the Court in applying it to this case, whether to motions under Fed. R. Civ. P. 50, or, if the Court finds it necessary, to jury instructions.

Congress enacted the Capper-Volstead Act to give farmers who produce food greater bargaining power with processors and other corporate handlers of food products. It would be inconsistent with the Act’s text and purpose to allow a defendant to use the Act as a shield when it acts as a food processor or exercises monopsony power to harm individual farmers. With respect to conspiracy claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, the CapperVolstead Act does not protect a cooperative’s agreements with non-cooperatives, and it should not protect agreements between cooperatives that have nothing to do with “processing, preparing for market, handling, and marketing” the cooperatives’ products. With respect to monopsony claims under Section 2 of the Sherman Act, 15 U.S.C. § 2, the range of “predatory” conduct that falls outside the scope of the Act’s exemption should be construed broadly to include exclusionary acts, and the totality of the defendant’s predatory acts should be considered. The Act also should be treated as an affirmative defense, so that the defendant bears the burden of showing that the Act encompasses its alleged monopsonization.2

### Preemption

#### Doesn’t violate Dormant Commerce Clause.

Rauch ’20 [Daniel; JD @ Yale Law School; “Sherman's Missing Supplement: Prosecutorial Capacity, Agency Incentives, and the False Dawn of Antitrust Federalism”; *Cleveland State Law Review* 68(2), p. 172-216; AS]

A. Doctrinal Limits of State Enforcement?

The first broad category of explanations for the failure of early state antitrust enforcement is doctrinal. Under such arguments, irrespective of states' intentions, they lacked sufficient legal power to pursue meaningful antitrust enforcement. In turn, this category is divided into three lines of attack: (1) arguments that the dormant Commerce Clause prevented states from regulating the trusts; (2) arguments that the Fourteenth Amendment's Due Process Clause precluded effective state antitrust enforcement; and (3) arguments that, on their own terms, the text of state statutes did not permit the effective prosecution of antitrust violations. Each of these claims is considered below.

1. The Dormant Commerce Clause

A first doctrinal argument stems from the so-called "Dormant Commerce Clause." Under Dormant Commerce Clause jurisprudence, states are forbidden from legislating when doing so would have a significant adverse effect on interstate commerce. 7 3 Analyzing this doctrine, some have argued that early state antitrust laws were in constitutional peril from the start, since enforcing them might impose unacceptable economic effects beyond state borders. 74

There is no doubt that lawyers of the 1890s thought certain types of economic activity could be off-limits to state antitrust enforcement: indeed, this assumption is partially what motivated the passage of the Sherman Act. 75 However, these categories were not very broad and, therefore, would not have substantially reduced the capacity for state-level enforcement. To the contrary, the Commerce Clause jurisprudence of this period was, if anything, hostile to federal, not state, interventions. Perhaps the leading example of this tendency is the 1895 case of United States v. E. C. Knight Co. 76 There, the federal government brought a Sherman Act prosecution against a group of major sugar manufacturers, all operating within Pennsylvania. Although these manufacturers collectively possessed an enormous share of the sugar market, the Court found this challenge to be beyond the scope of the Commerce Clause, finding the factories were engaged merely in "manufacture," and not in the transport of goods across state lines. 7 7 Yet in doing so, at least some believe that the Court was motivated not so much by a laissez-faire defense of corporate wealth, but by an effort to buttress state authority over the intrastate operations of interstate combinations.78

Accordingly, throughout the period at issue in this analysis, it would have been most logical to conclude, as a doctrinal matter, that state power to regulate the economy, even if such regulations impacted events beyond state borders, was quite robust. Indeed, this point would be confirmed by the Supreme Court in Justice Holmes' opinion in Standard Oil Co. of Kentucky v. Tennessee.7 9 In that case, a Kentucky-based corporation appealed from a conviction under Tennessee's state antitrust statute, arguing that under the Constitution, a state's courts could not levy criminal penalties against an out-of-state corporate entity. 0 In particular, it argued such penalties would violate the Dormant Commerce Clause because it would constitute one state imposing impermissible regulations across state lines. 1 The Court disagreed, instead finding that each state clearly had jurisdiction to regulate economic effects caused within its jurisdiction, even if caused by out-of-state actors:

The present statute deals with the conduct of third persons, strangers to the business. It does not regulate the business at all. It is not even directed against interference with that business specifically, but against acts of a certain kind that the state disapproves in whatever connection. The mere fact that it may happen to remove an interference with commerce among the states as well with the rest does not invalidate it. It hardly would be an answer to an indictment for forgery that the instrument forged was a foreign bill of lading, or for assault and battery, that the person assaulted was engaged in peddling goods from another state. How far Congress could deal with such cases we need not consider, but certainly there is nothing in the present state of the law, at least, that excludes the states from a familiar exercise of their power.8 2

To be sure, this power would be limited since "Congress would have understood that state imposition or regulation of direct restraints of interstate commerce would violate the Dormant Commerce Clause."83 However, on the whole, the power available would have been considerable, especially since, as discussed below, America's economy at this time was far more concentrated at the state level anyway.84 Thus, the Dormant Commerce Clause jurisprudence of this era would not have seemed to be a fatal obstacle to effective state antitrust enforcement.

#### No preemption or dormant Commerce Clause challenges.

Brinkerhoff ’17 [John; JD Candidate @ Yale Law School; “Ropes of Sand: State Antitrust Statutes Bound by Their Original Scope,” *Yale Journal on Regulation* 34(1), p. 353-390; AS]

Federal law is of little assistance in this debate, as national antitrust laws do not preempt the antitrust efforts of states in any substantive way.2 ' Modem dormant Commerce Clause jurisprudence is equally unavailing. It will only invalidate nondiscriminatory state statutes if their burden on interstate commerce is "clearly excessive" in relation to their intrastate benefits. 2 2 Consequently, court holdings that curtail state antitrust enforcement via the dormant Commerce Clause are extremely rare.23 When this highly deferential standard is compared to the diverse interstate constraints contemplated by state courts, the potentially massive effect of the current debate over these statutes' original scope is clear: a court's interpretation of the issue can effectively determine if a statute has no application in modem commerce or a very robust operation.24 Indeed, this debate is decisive as to where a state statute will fall between these two points.

The lack of uniformity among modern courts is not surprising. Legislative histories for these statutes are largely nonexistent; 25 the Supreme Court's dormant Commerce Clause jurisprudence around the turn of the twentieth century was convoluted; 26 and litigants rarely challenged these statutes on dormant Commerce Clause grounds before the 1980s, limiting the early judicial record.27 While general analyses of the historical boundaries of state antitrust statutes exist,28 scholars typically do not employ historical examination as a lens for understanding the modern scope of these laws. Instead, most scholarship is content to note that turn-of-the-twentieth-century dormant Commerce Clause jurisprudence was so different from the constitutional constraints of today that an examination of original scope is unhelpful for determining modern jurisdiction.29 While such conclusions may be useful in pressing the case for broader state enforcement, they are irrelevant for states that must divine original scope.

### S – State Backlash

#### State backlash wrecks aff solvency.

Grosso ’21 [Jacob; JD Candidate @ University of Richmond School of Law; “The Preemption of Collective State Antitrust Enforcement in Telecommunications,” *University of Richmond Law Review* 55(2), p. 615-656; AS]

While states may differ with respect to their enforcement policies, previous collective state action has led to several disagreements with federal enforcement decisions. In 1994, the DOJ and several states filed suit against Microsoft in the United States District Court for the District of Columbia, alleging violations of Sections 1 and 2 of the Sherman Act. 159 In the end, multiple states disagreed with the settlement forged by the federal enforcement agency.160 Nine states joined the DOJ settlement, while nine other states proposed substantially different remedies. 161 The dissenting states demanded concessions beyond the scope of the federal settlement, including forcing Microsoft to license significant intellectual property cheaply and to change the company's product offerings.16 2 Here, the states undercut a federally engineered settlement, resulting in delays to the suit and continued argument over the appropriate remedy.1 63 The undercutting of the Microsoft settlement is comparable to the T-Mobile-Sprint merger, where the DOJ and FCC negotiated for divestitures to ensure the national goals of both agencies were satisfied, but still faced pushback from a group of states. If the states and federal enforcers do not agree on the terms of a settlement, the states become a complication to the adjudication process. 164 The inability to rely upon a negotiated settlement agreement also creates uncertainty for merger parties.

In 2015, during the AT&T-Time Warner merger, twenty states investigated; none joined DOJ's action. 165 The DOJ had filed suit to block the vertical merger, alleging violations of Section 7 of the Clayton Act.166 Nine states filed amicus briefs opposing the DOJ's suit.167 The DOJ eventually lost the appeal, and the merger proceeded. 168 Instead of a national industry facing a unified enforcement front, the enforcement efforts became fragmented and contradictory. The divergence in enforcement policies showed the competing interests at issue for each enforcer. This split is also apparent in the divergence between the states opposing the T-MobileSprint merger and the DOJ, FCC, and states supporting it.

In an action against American Express in the Second Circuit, the DOJ-the original lead plaintiff-resorted to opposing an appeal by its co-plaintiff states. 169 The DOJ and a group of states had filed suit in 2010 in the Eastern District of New York alleging violations of Section 1 of the Sherman Act. 170 Following a Second Circuit decision against the DOJ and plaintiff states, the DOJ maintained the Second Circuit opinion was incorrect but filed a brief in opposition to the states' petition for a writ of certiorari. 171 The DOJ advocated for further "percolation in the lower courts," arguing that conflict between the lower courts on the issue was necessary before the Supreme Court should resolve the issue. 172 The plaintiff states maintained their writ for certiorari, and eventually lost in the Supreme Court. 173 The three aforementioned splits in enforcement choices show that the divergence between state and federal enforcement leads to uncertain outcomes, decreases the effectiveness of settlements, and prevents nonenforcement policies that may serve a broader goal.

### Multistate Task Force

#### Multistate task forces solves interstate conflict

Arteaga & Ludwig ’21 [Juan; 1/28/21; Partner @ Crowell & Moring LLP, JD @ Columbia; and Jordan; Partner @ Crowell & Moring LLP, JD @ Loyola Law School, Los Angeles; “The Role of US State Antitrust Enforcement,” *Global Competition Review*; https://globalcompetitionreview.com/guide/private-litigation-guide/second-edition/article/the-role-of-us-state-antitrust-enforcement; AS]

Coordination among state antitrust enforcers

State attorneys general often coordinate their investigation and prosecution of antitrust matters with their counterparts in other states. To help ensure that these coordinated efforts are conducted in an efficient and effective manner, the NAAG has created an Antitrust Committee, which ‘is responsible for all matters relating to antitrust policy’. This committee is comprised of five state attorneys general and is responsible for promoting effective state antitrust enforcement by developing the NAAG’s antitrust policy positions and by facilitating communications among state enforcers regarding investigations, litigation, legislative matters and competition advocacy initiatives, among other things.

In 1983, the NAAG established a Multistate Antitrust Task Force that is ‘comprised of state staff attorneys responsible for antitrust enforcement in their states’. This task force ‘recommends policy and other matters for consideration by the Antitrust Committee, organizes training seminars and conferences, and coordinates multistate investigations and litigation’. The task force is chaired by a person appointed by the head of the NAAG’s Antitrust Committee and has a representative from each NAAG member state. The chair of the task force serves as ‘the principal spokesperson for the states on antitrust enforcement’.

The NAAG’s Multistate Antitrust Task Force does not handle actual investigations or litigation. Instead, such coordination usually occurs through working groups established by the states involved in an investigation or litigation. In most multistate investigations, the working group will designate a state responsible for leading the investigation. The lead state is often a state that has the most relevant experience and can dedicate the appropriate level of resources to the investigation, and has a sufficient interest in ensuring that the investigation is handled in an effective and efficient manner (i.e., the transaction or business practice in question could potentially impact a significant number of consumers or commerce within its state). (If an investigation is sufficiently large or complex, such as a mega-merger involving numerous markets, the states may create an executive committee that oversees the working group as well as designate multiple lead states.)

## Case

### 1NC – Alt Causes

#### Tons of alt causes to global starvation

Myers, Agriculture HDA, 8 — former journalist, editor and general manager of Rural Press Limited (Paul, “Going Hungry in the 21st Century”, Sydney Morning Herald, 12/5/2008, http://www.smh.com.au/news/world/going-hungry-in-the-21st-century/2008/12/05/1228257318407.html)

As world leaders grapple with the global financial crisis, another equally threatening international disaster is unfolding - and begging for a co-ordinated international solution. The most acute food shortage in more than 40 years has, according to the World Bank, already left 800 million people "food insecure". Australia and other major food exporters are being called on to boost production. Unlike recent food shortages, it is not confined to sub-Saharan Africa and is not temporary. Food supplies are declining in Africa, south Asia, Central and South America and the Caribbean. Food riots brought down the Haiti Government this year. Over the past 12 months China, Thailand, Vietnam, Cambodia, Egypt and others have temporarily banned rice exports to preserve local supply. The World Bank's 2008 Agriculture For Development report predicts global cereal production must increase by 50 per cent and meat production by 85 per cent between 2000 and 2030 to meet demand. Others estimate food production must double in the next 40 years. In October the director-general of the United Nations Food and Agriculture Organisation, Jacques Diouf, announced at a World Food Day ceremony in Rome that only 10 per cent of $22 billion pledged this year to promote global food security had been received. And Suzanne Mubarak, the wife of the Egyptian president, Hosni Mubarak, called for a world food rescue effort equivalent to the international response to the global financial crisis. Last month agricultural leaders including Australia's Tony Burke attended FAO's 35th session in Rome, at which food security was top of the agenda. However, the financial crisis occupies global attention, and solutions were not forthcoming. What has caused the catastrophe? Among the main reasons are population growth, rising affluence coupled with urbanisation and industrialisation in China and India, climate change, a lack of new genetic and technological food production breakthroughs, declining pasture and crop seed banks, international trade barriers, rising energy costs, an increasing diversion of crops to produce biofuels, a shortage of food production specialists in key disciplines, and hefty cuts to developed countries' agricultural aid budgets.

### 1NC – Circumvention

#### Their use of rule of reason constraints are egregiously misinterpreted and result in corporate victory

Hanley 4-6 – policy analyst at Open Markets Institute (Daniel, "How Antitrust Lost Its Bite," Slate Magazine, <https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html> APRIL 06, 2021)//gcd

In the late 1970s, however, judges began to adopt a malevolent antitrust framework, which they claimed was beneficial to consumers, while actually relishing, [praising](https://www.law.cornell.edu/supct/html/02-682.ZS.html), and [incentivizing](https://en.wikipedia.org/wiki/Brooke_Group_Ltd._v._Brown_%26_Williamson_Tobacco_Corp.) the concentration of corporate power. This new consumer welfare standard emerged in large part because of the “rule of reason.” The rule of reason was initially created by the Supreme Court [in 1911](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) to help the judiciary navigate the vast range of variance in antitrust harms. The rule of reason allows judges to determine whether ostensibly predatory or exclusionary corporate conduct is legal based on the reasonableness of the suspected violator’s behavior. Exclusionary antitrust conduct analyzed under a rule of reason analysis generally functions by allowing each side of a lawsuit to argue the predatory effects and the justifications for the conduct. Although the rule of reason is perceptually fair by giving each side of the litigation an opportunity to argue about the conduct at issue, in practice it is anything but. Judges began using the ambiguity of the rule of reason to push a standard focused on consumer welfare, one that [favors corporate concentration](https://www.yalelawjournal.org/note/amazons-antitrust-paradox) and turns away from strict antitrust rules. Courts initially only applied the rule of reason selectively. After adopting the consumer welfare framework, the Supreme Court now applies the rule of reason to most antitrust violations. Antitrust is about determining and [allocating the rights](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3337861), privileges, and duties of all economic actors. When Congress originally enacted the Sherman Act, the law was intended to [protect consumers, workers, and democracy](https://digitalcommons.law.umaryland.edu/mlr/vol78/iss4/4/) from excessive concentrations of corporate power. Because of this reality, it is an inherently political area of law. The shift toward rooting it in economics, and making its application substantially more obscure than a bright-line rule, is effectively a means by the judiciary to strip the historical foundations of antitrust from the record and instead substitute its own judgment on what the priorities are for the economy and how it should be structured. When combined with the rule of reason, the judiciary’s consumer welfare framework effectively erases Congress’ intent for the antitrust laws to operate as a “[comprehensive charter of economic liberty](https://supreme.justia.com/cases/federal/us/356/1/)” that “[does not confine its protection to consumers, or to purchasers, or to competitors, or to sellers](https://supreme.justia.com/cases/federal/us/334/219/).” Such values are best determined by members of the elected legislature rather than unelected judges, a point ironically acknowledged by the [Supreme Court in 1972](https://supreme.justia.com/cases/federal/us/405/596/). Lower federal courts today continue to push the consumer welfare standard even further by, in violation of [controlling Supreme](https://supreme.justia.com/cases/federal/us/405/596/) [Court precedent](https://supreme.justia.com/cases/federal/us/374/321/), weighing the competitive harms of a dominant firm’s conduct against one group to the benefits provided to another group. In [ongoing litigation against the NCAA](https://www.scotusblog.com/case-files/cases/national-collegiate-athletic-association-v-alston/) that was heard by the Supreme Court last week, the district court judge ruled that the NCAA’s compact with universities to set a ceiling on the amount of compensation that student-athletes can receive is legal because of the reputed benefit consumers derive from watching athletes knowing there is a cap on their compensation. The court employed the rule of reason to arrive at this result. In an alternative enforcement regime, the NCAA would be a per se illegal employer cartel that is suppressing workers’ wages. Comprehensive empirical analysis has revealed that the rule of reason has been a rubber stamp for even the most egregious antitrust conduct. A [2009 analysis](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1480440) revealed that 97 percent of cases analyzed under the rule of reason result in victories for defendants. That means corporations are effectively shielded from most antitrust violations. Part of the reason for such a skewed result in favor of antitrust defendants is that dominant firms have access to high-salaried economists that are able to manipulate analyses to mask the corporation’s conduct to look like it is operationally efficient instead of engaging in predatory practices. Such a situation also deters antitrust litigation because a plaintiff will also have to incur the cost of an economist—which can cost several thousand dollars and, [in some cases](https://www.propublica.org/article/these-professors-make-more-than-thousand-bucks-hour-peddling-mega-mergers), [several hundred thousand dollars](https://www.law.cornell.edu/supremecourt/text/12-133). Thus, the battle over the legality of a business tactic under a consumer welfare framework and rule of reason legal analysis depends on access to immense financial capital and judicial appeasement of policies that favor corporate integration rather than common notions of fairness, equity, and deconcentrated markets—which was the original purpose of the antitrust laws. Despite [controlling](https://supreme.justia.com/cases/federal/us/370/294/) Supreme Court [precedent](https://supreme.justia.com/cases/federal/us/374/321/) prohibiting the use of economics in certain antitrust violations, courts now routinely use it to justify corporate consolidation. For example, in the context of merger analysis, the economization of antitrust has led courts to believe and depend on theoretical assumptions on how mergers are beneficial for society and consumers. In the case of AT&T and its pursuit of acquiring Time Warner in 2018, the corporation [stated](https://www.courtlistener.com/recap/gov.uscourts.dcd.191339/gov.uscourts.dcd.191339.121.0_1.pdf) its merger would produce efficiencies and save customers money. District Court Judge Richard Leon was persuaded by AT&T’s statements [holding that](https://casetext.com/case/united-states-v-at-t-inc-2) vertical integration is able to shrink its costs and will “lead to lower prices for consumers.” But such assumptions have been categorically repudiated by researchers. In one example, the economist John Kwoka [found that](https://mitpress.mit.edu/books/mergers-merger-control-and-remedies) 80 percent of studied mergers led to high prices and even reduced output. [Other studies](https://www.antitrustinstitute.org/wp-content/uploads/2019/04/Carstensen-Lande-Final.pdf) have found equivalent results. In the context of AT&T, subsequent evidence showed that AT&T did [raise prices](https://arstechnica.com/information-technology/2018/07/att-promised-lower-prices-after-time-warner-merger-its-raising-them-instead/) on consumers.

### Courts – 2NC

#### Courts will always read regulatory statutes down – regulatory capture

Crane 21 – Frederick Paul Furth Sr. Professor of Law at UMich (Daniel, Antitrust Antitextualism, 96 Notre Dame L. Rev. 1205 (2021). Available at: <https://scholarship.law.nd.edu/ndlr/vol96/iss3/7>

But it gets worse. The courts have not merely abandoned statutory textualism or other modes of faithful interpretation out of a commitment to a dynamic common-law process. Rather, they have departed from text and original meaning in one consistent direction—toward reading down the antitrust statutes in favor of big business. As detailed in this Article, this unilateral process began almost immediately upon the promulgation of the Sherman Act and continues to this day. In brief: within their first decade of antitrust jurisprudence, the courts read an atextual rule of reason into section 1 of the Sherman Act to transform an absolute prohibition on agreements restraining trade into a flexible standard often invoked to bless large business combinations; after Congress passed two reform statutes in 1914, the courts incrementally read much of the textual distinctiveness out of the statutes to lessen their anticorporate bite; the courts have read the 1936 Robinson-Patman Act almost out of existence; and the Celler-Kefauver Amendments of 1950, faithfully followed in the years immediately after their promulgation, have been watered down to textually unrecognizable levels by judicial interpretation and agency practice. It is no exaggeration to say that not one of the principal substantive antitrust statutes has been consistently interpreted by the courts in a way faithful to its text or legislative intent, and that the arc of antitrust antitexualism has bent always in favor of capital. Unlike in many debates over statutory interpretation, the issue in antitrust is not a contest between strict textualism and purposivism, including resort to legislative history.6 This Article uses “antitextualism” as a shorthand for the phenomenon of ignoring any bona fide construction of what a statute means, whether in the plain meaning of its words, linguistic or substantive interpretive canons, legislative history, or other ordinary markers of legislative meaning. Uninterested in these methods, the courts have treated the antitrust laws as a virtually unbounded delegation of common-law powers when, in important ways, the statutes quite clearly say something other than that. Inquiring into the nature and implications of antitrust antitextualism is particularly salient at the present when, for the first time in a generation, there is widespread dissatisfaction with antitrust enforcement and impetus for potential reform legislation.7 As was true at each of the prior moments of reformist sentiment, the call is for statutory reforms to curb the power of big business.8 We have seen this play before, and also its sequel. In the play, Congress announces that the antitrust laws are too weak and that reforms are necessary to protect the nation from the power of big capital. In the sequel, the courts (often abetted by the antitrust agencies and other antitrust elites) read down the statutes to accomplish less than their texts suggest or Congress meant. Will anything be different this time around, or are the legislative reforms currently on the table predestined to a similar fate?

# 1NR

## Politics

### 1NR – Impact

#### Magnitude – nuclear war doesn’t cause extinction.

McDonald 19, writer and geography PhD student at University of Oxford studying the intersection of grassroots movements and energy transition. (Samuel Miller, 1-4-2019, “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.

#### Military Readiness – climate change decks it

Michael Klare 20. The Nation’s defense correspondent, professor emeritus of peace and world-security studies at Hampshire College, senior visiting fellow at the Arms Control Association in Washington, DC. “How Rising Temperatures Increase the Likelihood of Nuclear War”. The Nation. Jan 13 2020. https://www.thenation.com/article/archive/nuclear-defense-climate-change/

President Donald Trump may not accept the scientific reality of climate change, but the nation’s senior military leaders recognize that climate disruption is already underway, and they are planning extraordinary measures to prevent it from spiraling into nuclear war. One particularly worrisome scenario is if extreme drought and abnormal monsoon rains devastate agriculture and unleash social chaos in Pakistan, potentially creating an opening for radical Islamists aligned with elements of the armed forces to seize some of the country’s 150 or so nuclear weapons. To avert such a potentially cataclysmic development, the US Joint Special Operations Command has conducted exercises for infiltrating Pakistan and locating the country’s nuclear munitions. Most of the necessary equipment for such raids is already in position at US bases in the region, according to a 2011 report from the nonprofit Nuclear Threat Initiative. “It’s safe to assume that planning for the worst-case scenario regarding Pakistan’s nukes has already taken place inside the US government,” said Roger Cressey, a former deputy director for counterterrorism in Bill Clinton’s and George W. Bush’s administrations in 2011.

Such an attack by the United States would be an act of war and would entail enormous risks of escalation, especially since the Pakistani military—the country’s most powerful institution—views the nation’s nuclear arsenal as its most prized possession and would fiercely resist any US attempt to disable it. “These are assets which are the pride of Pakistan, assets which are…guarded by a corps of 18,000 soldiers,” former Pakistani president Pervez Musharraf told NBC News in 2011. The Pakistani military “is not an army which doesn’t know how to fight. This is an army that has fought three wars. Please understand that.”

A potential US military incursion in nuclear-armed Pakistan is just one example of a crucial but little-​discussed aspect of international politics in the early 21st century: how the acceleration of climate change and nuclear war planning may make those threats to human survival harder to defuse. At present, the intersections between climate change and nuclear war might not seem obvious. But powerful forces are pushing both threats toward their most destructive outcomes.

In the case of climate change, the unbridled emission of carbon dioxide and other greenhouse gases is raising global temperatures to unmistakably dangerous levels. Despite growing worldwide reliance on wind and solar power for energy generation, the global demand for oil and natural gas continues to rise, and carbon emissions are projected to remain on an upward trajectory for the foreseeable future. It is highly unlikely, then, that the increase in average global temperature can be limited to 1.5 degrees Celsius, the aspirational goal adopted by the world’s governments under the Paris Agreement in 2015, or even to 2°C, the actual goal. After that threshold is crossed, scientists agree, it will prove almost impossible to avert catastrophic outcomes, such as the collapse of the Greenland and Antarctic ice sheets and a resulting sea level rise of 6 feet or more.

Climbing world temperatures and rising sea levels will diminish the supply of food and water in many resource-deprived areas, increasing the risk of widespread starvation, social unrest, and human flight. Global corn production, for example, is projected to fall by as much as 14 percent in a 2°C warmer world, according to research cited in a 2018 special report by the UN’s Intergovernmental Panel on Climate Change (IPCC). Food scarcity and crop failures risk pushing hundreds of millions of people into overcrowded cities, where the likelihood of pandemics, ethnic strife, and severe storm damage is bound to increase. All of this will impose an immense burden on human institutions. Some states may collapse or break up into a collection of warring chiefdoms—all fighting over sources of water and other vital resources.

A similar momentum is now evident in the emerging nuclear arms race, with all three major powers—China, Russia, and the United States—rushing to deploy a host of new munitions. This dangerous process commenced a decade ago, when Russian and Chinese leaders sought improvements to their nuclear arsenals and President Barack Obama, in order to secure Senate approval of the New Strategic Arms Reduction Treaty of 2010, agreed to initial funding for the modernization of all three legs of America’s strategic triad, which encompasses submarines, intercontinental ballistic missiles, and bombers. (New START, which mandated significant reductions in US and Russian arsenals, will expire in February 2021 unless renewed by the two countries.) Although Obama initiated the modernization of the nuclear triad, the Trump administration has sought funds to proceed with their full-scale production, at an estimated initial installment of $500 billion over 10 years.

Even during the initial modernization program of the Obama era, Russian and Chinese leaders were sufficiently alarmed to hasten their own nuclear acquisitions. Both countries were already in the process of modernizing their stockpiles—Russia to replace Cold War–era systems that had become unreliable, China to provide its relatively small arsenal with enhanced capabilities. Trump’s decision to acquire a whole new suite of ICBMs, nuclear-armed submarines, and bombers has added momentum to these efforts. And with all three major powers upgrading their arsenals, the other nuclear-weapon states—led by India, Pakistan, and North Korea—have been expanding their stockpiles as well. Moreover, with Trump’s recent decision to abandon the Intermediate-Range Nuclear Forces (INF) Treaty, all major powers are developing missile delivery systems for a regional nuclear war such as might erupt in Europe, South Asia, or the western Pacific.

All things being equal, rising temperatures will increase the likelihood of nuclear war, largely because climate change will heighten the risk of social stress, the decay of nation-states, and armed violence in general, as I argue in my new book, All Hell Breaking Loose. As food and water supplies dwindle and governments come under ever-increasing pressure to meet the vital needs of their populations, disputes over critical resources are likely to become more heated and violent, whether the parties involved have nuclear arms or not. But this danger is compounded by the possibility that several nuclear-armed powers—notably India, Pakistan, and China—will break apart as a result of climate change and accompanying battles over disputed supplies of water.

Together, these three countries are projected by the UN Population Division to number approximately 3.4 billion people in 2050, or 34 percent of the world’s population. Yet they possess a much smaller share of the world’s freshwater supplies, and climate change is destined to reduce what they have even further. Warmer temperatures are also expected to diminish crop yields in these countries, adding to the desperation of farmers and very likely resulting in widespread ethnic strife and population displacement. Under these circumstances, climate-related internal turmoil would increase the risk of nuclear war in two ways: by enabling the capture of nuclear arms by rogue elements of the military and their possible use against perceived enemies and by inciting wars between these states over vital supplies of water and other critical resources.

The risk to Pakistan from climate change is thought to be particularly acute. A large part of the population is still engaged in agriculture, and much of the best land—along with access to water—is controlled by wealthy landowners (who also dominate national politics). Water scarcity and mismanagement is a perennial challenge, and climate change is bound to make the problem worse. Climate and Social Stress: Implications for Security Analysis, a 2013 report by the National Research Council for the US intelligence community, highlights the danger of chaos and conflict in that country as global warming advances. Pakistan, the report notes, is expected to suffer from inadequate water supplies during the dry season and severe flooding during the monsoon—outcomes that will devastate its agriculture and amplify the poverty and unrest already afflicting much of the country. “The Pakistan case,” the report reads, “illustrates how a highly stressed environmental system on which a tense society depends can be a source of political instability and how that source can intensify when climate events put increased stress on the system.” Thus, as global temperatures rise and agriculture declines, Pakistan could shatter along ethnic, class, and religious lines, precisely the scenario that might trigger the sort of intervention anticipated by the US Joint Special Operations Command.

Assuming that Pakistan remains intact, another great danger arising from increasing world temperatures is a conflict between it and India or between China and India over access to shared river systems. Whatever their differences, Pakistan and western India are forced by geography to share a single river system, the Indus, for much of their water requirements. Likewise, western China and eastern India also share a river, the Brahmaputra, for their vital water needs. The Indus and the Brahmaputra obtain much of their flow from periods of heavy precipitation; they also depend on meltwater from Himalayan glaciers, and these are at risk of melting because of rising temperatures. According to the IPCC, the Himalayan glaciers could lose as much as 29 percent of their total mass by 2035 and 78 percent by 2100. This would produce periodic flooding as the ice melts but would eventually result in long periods of negligible flow, with calamitous consequences for downstream agriculture. The widespread starvation and chaos that could result would prove daunting to all the governments involved and make any water-related disputes between them a potential flash point for escalation.

As in Pakistan, water supply has always played a pivotal role in the social and economic life of China and India, with both countries highly dependent on a few major river systems for civic and agricultural purposes. Excessive rainfall can lead to catastrophic flooding, and prolonged drought has often led to widespread famine and mass starvation. In such a setting, water management has always been a prime responsibility of government—and a failure to fulfill this function effectively has often resulted in civil unrest. Climate change is bound to increase this danger by causing prolonged water shortages interspersed with severe flooding. This has prompted leaders of both countries to build ever more dams on all key rivers.

India, as the upstream power on several tributaries of the Indus, and China, as the upstream power on the Brahmaputra, have considered damming these rivers and diverting their waters for exclusive national use, thereby diminishing the flow to downstream users. Three of the Indus’s principal tributaries, the Jhelum, Chenab, and Ravi rivers, flow through Indian-controlled Kashmir (now in total lockdown, with government forces suppressing all public functions). It’s possible that India seeks full control of Kashmir in order to dam the tributaries there and divert their waters from Pakistan—a move that could easily trigger a war if it occurs at a time of severe food and water stress and one that would very likely invite the use of nuclear weapons, given Pakistan’s attitude toward them.

The situation regarding the Brahmaputra could prove equally precarious. China has already installed one dam on the river, the Zangmu Dam in Tibet, and has announced plans for several more. Some Chinese hydrologists have proposed the construction of canals linking the Brahmaputra to more northerly rivers in China, allowing the diversion of its waters to drought-stricken areas of the heavily populated northeast. These plans have yet to come to fruition, but as global warming increases water scarcity across northern China, Beijing might proceed with the idea. “If China was determined to move forward with such a scheme,” the US National Intelligence Council warned in 2009, “it could become a major element in pushing China and India towards an adversarial rather than simply a competitive relationship.”

Severe water scarcity in northern China could prompt yet another move with nuclear implications: an attempted annexation by China of largely uninhabited but water-rich areas of Russian Siberia. Thousands of Chinese farmers and merchants have already taken up residence in eastern Siberia, and some commentators have spoken of a time when climate change prompts a formal Chinese takeover of those areas—which would almost certainly prompt fierce Russian resistance and the possible use of nuclear weapons.

In the Arctic, global warming is producing a wholly different sort of peril: geopolitical competition and conflict made possible by the melting of the polar ice cap. Before long, the Arctic ice cap is expected to disappear in summertime and to shrink noticeably in the winter, making the region more attractive for resource extraction. According to the US Geological Survey, an estimated 30 percent of the world’s remaining undiscovered natural gas is above the Arctic Circle; vast reserves of iron ore, uranium, and rare earth minerals are also thought to be buried there. These resources, along with the appeal of faster commercial shipping routes linking Europe and Asia, have induced all the major powers, including China, to establish or expand operations in the region. Russia has rehabilitated numerous Arctic bases abandoned after the Cold War and built others; the United States has done likewise, modernizing its radar installation at Thule in Greenland, reoccupying an airfield at Keflavík in Iceland, and establishing bases in northern Norway.

Increased economic and military competition in the Arctic has significant nuclear implications, as numerous weapons are deployed there and geography lends it a key role in many nuclear scenarios. Most of Russia’s missile-carrying submarines are based near Murmansk, on the Barents Sea (an offshoot of the Arctic Ocean), and many of its nuclear-armed bombers are also at bases in the region to take advantage of the short polar route to North America. As a counterweight, the Pentagon has deployed additional subs and antisubmarine aircraft near the Barents Sea and interceptor aircraft in Alaska, followed by further measures by Moscow. “I do not want to stoke any fears here,” Russian President Vladimir Putin declared in June 2017, “but experts are aware that US nuclear submarines remain on duty in northern Norway…. We must protect [Russia’s] shore accordingly.”

On the other side of the equation, an intensifying arms race will block progress against climate change by siphoning resources needed for a global energy transition and by poisoning the relations among the great powers, impeding joint efforts to slow the warming.

With the signing of the Paris Agreement, it appeared that the great powers might unite in a global effort to slash greenhouse gas emissions quickly enough to avoid catastrophe, but those hopes have since receded. At the time, Obama emphasized that limiting global warming would require nations to work together in an environment of trust and peaceful cooperation. Instead of leading the global transition to a postcarbon energy system, however, the major powers are spending massively to enhance their military capabilities and engaging in conflict-provoking behaviors.

Since fiscal year 2016, the annual budget of the US Department of Defense has risen from $580 billion to $738 billion in fiscal year 2020. When the budget increases for each fiscal year since 2016 are combined, the United States will have spent an additional $380 billion on military programs by the end of this fiscal year—more than enough to jump-start the transition to a carbon-​free economy. If the Pentagon budget rises as planned to $747 billion in fiscal year 2024, a total of $989 billion in additional spending will have been devoted to military operations and procurement over this period, leaving precious little money for a Green New Deal or any other scheme for systemic decarbonization.

Meanwhile, policy-makers in Washington, Beijing, and Moscow increasingly regard one another as implacable and dangerous adversaries. “As China and Russia seek to expand their global influence,” then–Director of National Intelligence Dan Coats informed Congress in a January 2019 report, “they are eroding once well-established security norms and increasing the risk of regional conflicts.” Chinese and Russian officials have been making similar statements about the United States. Secondary powers like India, Pakistan, and Turkey are also assuming increasingly militaristic postures, facilitating the potential spread of nuclear weapons and exacerbating regional tensions. In this environment, it is almost impossible to imagine future climate negotiations at which the great powers agree on concrete measures for a rapid transition to a clean energy economy.

In a world constantly poised for nuclear war while facing widespread state decay from climate disruption, these twin threats would intermingle and intensify each other. Climate-​related resource stresses and disputes would increase the level of global discord and the risk of nuclear escalation; the nuclear arms race would poison relations between states and make a global energy transition impossible.

### 1NR – Turns Case

#### The bill is vital to a struggling agriculture industry – it improves key transportation and technology

**Voorhees ’21**; [Josh Voorhees; an American political journalist and senior writer for Slate, and the former editor of its news blog Slatest. He graduated from Davidson College, and currently lives in Iowa City, Iowa. In 2013, he was named a fellow of the Kiplinger Program by Ohio State University; 4/1/21; Modern Farmer; “Why Biden’s Infrastructure Plan Could Be a ‘Big F\*\*king Deal’ for American Farmers”; <https://modernfarmer.com/2021/04/why-bidens-infrastructure-plan-could-be-a-big-fking-deal-for-american-farmers/>; accessed: 7/14/21; YS]

Dubbed the **American Jobs Plan**, the eight-year spending proposal promises to modernize 20,000 miles of roads, repair 10,000 bridges and improve the drinking water in 400,000 schools and child-care facilities, among myriad other improvements to the built environment in the United States.

Compared to the $1.9-trillion coronavirus aid package, the infrastructure package is light on direct aid to the agriculture sector. But, if enacted, the **infrastructure** plan could ultimately have a **bigger impact on** American **farmers** over the long run—affecting everything from how they farm to how and where they sell their products.

Farmers rely on the nation’s **roads, railways and waterways** to transport their food and fiber to domestic and **global markets**. Those paths are rarely a **straight line**. A soybean harvest meant for export, for instance, may use all three of those transportation modes as it travels from field to storage to processing plant to port, all before it even leaves the United States. **Lost time** along the way from congestion and other delays is **lost money** for farmers in the short term and **lost market share** in the long term, which is why groups such as the American Farm Bureau Federation and the National Cattlemen’s Beef Association have been pushing Biden to **improve rural transportation** networks since he took office. This plan would do just that via **$115 billion** for roads and bridges, **$80 billion** for railways and **$17** billion for waterways and ports.

The more noticeable impact on farmers’ everyday lives, meanwhile, would be the **$100 billion** that Biden wants to spend bringing affordable **broadband** internet service to every American, including the estimated 35 percent of whom currently lack reliable access.

**Agriculture**, like pretty much every other industry, is an increasingly **high-tech and data-driven** endeavor. Farmers can use the internet to track the weather in real time, to guide GPS-enabled tractors and other machinery and to utilize a whole host of other precision-farming techniques that take into account soil moisture levels, plant health and other metrics. Internet access also helps on the **business side** of things, allowing farmers to find the best deals on seeds, fertilizer and equipment, as well as the best prices for their products.

Internet access, however, is **not currently a given** on American farms. According to the US Department of Agriculture, 1 in 4 farmers lacked access in 2019, the most recent year for which data is available. Meanwhile, having internet access isn’t the same thing as having **reliable access**. A poll conducted that same year by the United Soybean Board found that nearly **60 percent** of US farmers believed poor connectivity was **negatively impacting their** business. There’s **not a lot that farmers can do** about that on their own, either, since those in rural areas often only have a single provider from which to choose.

All of this is why, broadly speaking, expanding rural broadband has support on both sides of the political aisle, including with farm-state Republicans such as Sen. John Boozman, the ranking member on the Agriculture Committee. It’s also been a top priority at the US Department of Agriculture in administrations both past and present. USDA Secretary Tom Vilsack has touted broadband access as a boon to American farmers, and his predecessor, Sonny Perdue, went as far as to suggest that **rural broadband** would be as **revolutionary** in this century as rural electrification was in the last one.

### 1NR – UQ

#### The Bill passes now – pressure from leadership and stimulus.

Julia Cherner 9/12/21. Desk Assistant at ABC News. “Manchin, Sanders at odds over $3.5 trillion budget resolution”. ABC News. Sept 12 2021. https://abcnews.go.com/Politics/strategic-pause-budget-bill-sen-joe-manchin/story?id=79961426

Sanders emphasized the scope of the reconciliation bill, arguing that polling has shown now is the time for Congress to tackle these challenges through passing both bills.

"Working families cannot afford child care for their kids, young people cannot afford to go to college," Sanders said. "And then on top of all of that, the scientific community is telling us that we're looking at a cataclysmic crisis in terms of climate -- Oregon is burning, California is burning."

"I think we can do all of this," Sanders added. "We can do the physical infrastructure. We can do the reconciliation bill, create millions of good jobs, and finally tell the American people that we are going to stand up for working families."

Stephanopoulos pressed Sanders on the slim Democratic majority in the Senate.

"There's no margin for error in the Senate. If you vote against it, it doesn't pass. If Sen. Manchin votes against it, it doesn't pass. I mean -- so, you're likely, if you both stick to your positions, you're going to end up with nothing," Stephanopoulos said.

"That is a possibility, and I think that would be a disaster for the American people," Sanders responded. "But you've got the president of the United States, you've got leadership in the House and the Senate … you know, this is not Joe Manchin versus Bernie Sanders."

Sanders added that the "real danger" is that the infrastructure bill will not pass in the House, as some progressive Democrats have pledged to not vote for it unless the budget bill is on the table as well.

Ultimately Sanders said he is optimistic about the bills’ prospects, pointing to the successful passage of the American Rescue Plan, Biden’s first major legislative victory granting $1.9 trillion to stimulus payments and coronavirus economic relief.

"We worked together (on the American Rescue Plan), we did, and I think we're going to do it again," Sanders said.

#### Funding plans resolve his concerns.

Carlin Becker 9/15/21. Reporter. “Democrat In-Fighting Threatens To Derail Reconciliation And Infrastructure Bills”. Zenger via Florida Star. Sept 15 2021. https://www.thefloridastar.com/articles/democrat-in-fighting-threatens-to-derail-reconciliation-and-infrastructure-bills/

Changing how the bill is financed could be one way to sway the moderates.

The House Ways and Means Committee released a funding plan on Monday that proposes a number of tax increases. Key among them: raising the corporate tax rate to 26.5 percent, adding a surtax of 3 percent on top earners and bumping the basic capital gains tax to 25 percent. The plan would raise more than $2 trillion in revenue over 10 years, according to the committee, and pay for more than half of the spending agenda.

“The House made good on its promise to offset most or all of the cost of the investments with sound revenue raisers and health savings. This should end vague debates about the ‘size’ of the package and focus discussion on the specific policies included in this groundbreaking legislation,” stated Chuck Marr, senior director of federal tax policy at the Center for Budget and Policy Priorities, and Samantha Jacoby, a senior tax legal analyst at the center.

The proposed tax increases could appeal to Manchin, who has said he favors raising taxes on corporations as a way to pay for the reconciliation plan.

But with the approach of the 2022 midterm elections, the final price tag could drop as Democrats vie to retain their power in Congress.

“As for the size of the final spending bill, it might be a little smaller than $3.5 trillion, but not by much,” Eileen Appelbaum, co-director of the Center for Economic and Policy Research, told Zenger. “Advocates for people and families and their representatives in Congress have formed a broad coalition and vowed to fight for the entire package of spending priorities. It will not be acceptable to them to have some spending priorities cut.”

While Democrats are at an impasse on the reconciliation bill, the House Ways and Means Committee’s funding proposal provides a glimmer of hope as negotiations among lawmakers and the Biden administration move forward.

Sinema on Wednesday morning was set to meet with Biden to discuss the reconciliation bill, and Manchin was scheduled to meet the president later in the day.

“They’re moving slowly, but they’re moving toward a compromise,” Bergerson said. “It appears that there’s some light at the end of the tunnel.”

#### Manchin will end up falling in line – stimulus proves

Andrew Solender 9/5/21. senior news reporter covering politics. “White House Says Manchin ‘Very Persuadable’ On $3.5 Trillion Budget Bill As Colleague Says He Always ‘Gets To The Right Place’”. Forbes. Sept 5 2021. https://www.forbes.com/sites/andrewsolender/2021/09/05/white-house-says-manchin-very-persuadable-on-35-trillion-budget-bill-as-colleague-says-he-always-gets-to-the-right-place/?sh=78814bc72052

TOPLINE Sen. Joe Manchin (D-W.Va.) is likely to vote for a $3.5 trillion spending package in the end despite his current opposition to its price tag – that’s according to a top White House official and a Senate colleague who place his latest comments within a predictable cycle that ends with him lining up with Democrats.

KEY FACTS

White House chief of staff Ron Klain said in a CNN interview on Sunday that Manchin is “very persuadable,” and that his concerns about the rising debt and inflation can be addressed through the package’s tax hikes on wealthier Americans.

Klain also shrugged off the notion Manchin’s rejection of the $3.5 trillion price tag dooms the bill, telling host Dana Bash that if he had a nickel for every time someone told him the package was dead, “I would be a very, very rich person.”

Manchin’s stated opposition to the package, which is expected to include spending on social programs including Medicare expansion, universal pre-K and other longtime liberal priorities, is that it will overheat an already fast-growing economy and doesn’t take into account issues like debt and inflation.

Sen. Amy Klobuchar (D-Minn.) said on CNN that Manchin has “many times, been willing to get to a place that’s the right place to be,” noting that he voted to pass Democrats’ $1.9 trillion stimulus bill along party lines in March despite his initial opposition.

Klobuchar added that she was “not surprised” by Manchin voicing his opposition to the spending package because “this was going to be a tough negotiation,” but reiterated he “gets to the right place.”

#### Manchin can be persuaded by PC

Collinson 9-3-21

(Stephen, https://www.actionnewsnow.com/content/national/575236482.html)

Every vote counts The Democrats' underperformance in another election, the 2020 congressional contests, are behind their other big political problem this week. Only two runoff victories in Georgia allowed Democrats to take control of the Senate in a disappointing showing since Biden did far better in unseating Trump. The resulting 50-50 majority in the Senate means that every single vote is needed to pass anything by a simple majority. Biden cannot lose even one Democrat. So Manchin's new warning that he is not just uncomfortable with the size of the $3.5 trillion dollar spending package but also the concept and the idea of passing it at the current moment threatened real trouble for Biden's domestic legacy. "Instead of rushing to spend trillions on new government programs and additional stimulus funding, Congress should hit a strategic pause on the budget-reconciliation legislation," Manchin wrote in the Wall Street Journal. "A pause is warranted because it will provide more clarity on the trajectory of the pandemic, and it will allow us to determine whether inflation is transitory or not." Biden's legislative skills mean it's far too early to assume he will not be able to talk Manchin around. There have been other moments when the legislation's prospects have seemed dark. And most bills have near death moments before they pass. But the complex choreography needed for this particular measure leaves it especially vulnerable. And it's also fair to ask how low Senate Budget Committee Chairman Bernie Sanders and House progressives are willing to go on the size of the final package and on its timing. Not very far, if key House progressive Rep. Alexandria Ocasio-Cortez is to be believed. "Maybe we hit the 'cancel' button on this so-called 'bipartisan' charade of an Exxon lobbyist drafted infrastructure bill unless we actually pass a law that helps people's lives with healthcare expansion, childcare, climate action, etc," Ocasio-Cortez wrote on Twitter. Manchin's doubts do not just endanger a single Democratic priority. The spending blueprint is a monster that pretty much includes all of Biden's top priorities in a measure that can evade the filibuster and pass with a limited device known as reconciliation. But if Democrats can't get Manchin on board it is doomed. And this is also about more than one bill. The spending bill is part of a delicate dance designed to convince progressives like Ocasio-Cortez to back the bipartisan infrastructure measure that she mentioned. That proposed law would be a landmark of the Biden presidency but falls far short of the hopes of more liberal members.

#### Their evidence is media hype- insiders say progress occurring

Paradise News 9-18-21 https://theparadise.ng/report-alleges-manchin-rejected-3-5-trillion-plan-to-bidens-face-white-house-economist-says-its-no-big-deal/

Brian Deese appeared to blow off reports that Democratic West Virginia Sen. Joe Manchin had given President Joe Biden a hard “no” on the $3.5 trillion spending package. Deese, who serves as White House Director of the National Economic Council, joined Friday’s broadcast of “Morning Joe” — and he suggested to host Willie Geist that the reports were the overblown attempts of “headline writers” to push a narrative. (RELATED: ‘Their Product Is Killing Teenage Girls!’: Joe Scarborough Pins Blame On Congress In Emotionally-Charged Anti-Facebook Rant) WATCH: “The White House is pushing forward on the president’s signature spending plan, but the road to passing the reconciliation bill in the Senate just got more rough,” Geist began, citing an Axios report saying that, despite a face-to-face meeting with Biden, Manchin had doubled down on his opposition to the plan. “What does this mean for the future of this massive spending package? Obviously you need Joe Manchin, you need [Democratic Arizona Sen.] Kyrsten Sinema,” Geist said. “If Joe Manchin says ‘I’m not moving on this,’ where does that leave you guys?” Deese immediately pushed back on the report, headlined “Biden Bombs with Manchin.” “I appreciate the role headline writers have in writing those headlines. The truth is we make progress —” Deese objected, but Geist interrupted. “What does that mean? He says he’s not going to support the bill. If you don’t have him, you’re not going to have the bill,” he said. “I’m not going to get into private discussions the president is having. I can tell you we are making progress on this,” Deese continued, saying that there were a number of issues still to work through. “If we tallied up all of the times in which this Build Back Better agenda that President Biden put forward was declared dead in the public and the press, then we would have a long, long list,” he added. “We continue to keep our head down, keep moving and we are making progress here.” Geist continued to press, asking whether the White House was prepared to give a little bit to Manchin, which would likely result in a lower price tag attached to the package. “We’re going to keep those negotiations among the members of the Congress,” Deese said, saying the president was and always had been “open to compromise.”

### 1NR – Link

#### Antitrust actions in ag cause the ag lobby to viciously lobby Congress – empirically proven

Kaufman 8/17 – Dan Kaufman, journalist for the New Yorker, “Is It Time to Break Up Big Ag?” 8/17/21, <https://www.newyorker.com/news/dispatch/is-it-time-to-break-up-big-ag>

[GIPSA = Grain Inspection, Packers and Stockyards Administration]

In 2010, Vilsack hosted a nationwide series of hearings to investigate anticompetitive practices and market concentration in various agricultural sectors. “The President has instructed the Department of Agriculture to establish a framework for a new rural economy,” he said at the first hearing, in Iowa, which was attended by Attorney General Eric Holder and Christine Varney, the head of the Justice Department’s antitrust division. At a hearing in Madison, Wisconsin, which focussed on the dairy industry, hundreds of farmers were in attendance, some from as far as California and New Mexico. Vilsack highlighted the problems that agricultural consolidation was causing for rural America. He noted that rural counties in the U.S. accounted for ninety per cent of those with persistent poverty—meaning, twenty per cent or more of the population has lived in poverty for the past thirty years—and that nearly half the country’s dairy farms had been lost in the previous decade. “When we lose farming operations, it not only impacts that specific family but it also has a significant impact on rural America,” he said. “I have a growing concern about the condition of rural America.”

Meanwhile, the meat industry began an intensive lobbying campaign against Vilsack’s proposed GIPSA rules, which the National Farmers Union had dubbed the “Farmer and Rancher Bill of Rights.” The House and Senate Agriculture Committees requested that Vilsack extend the deadline for comments, which he did, putting the new deadline beyond the 2010 midterm elections. That year, as the journalist Christopher Leonard details in “The Meat Racket,” the country’s five largest meat companies and their front groups spent nearly ten million dollars on lobbying, casting the GIPSA rules as job-killing regulatory overreach. After the midterms, when Republicans regained control of Congress, they attached an annual rider to the U.S.D.A. appropriations bill stripping the agency of funds to complete the rule-adoption process. Vilsack did not fight back. In 2016, he told the Des Moines Register, “I don’t think just because a couple of the major players are going to potentially merge or consider some other kind of arrangement that that necessarily long-term absolutely guarantees that farmers are going to have less choice.”

A few weeks after leaving office, Vilsack was hired as president of a dairy-export group, earning roughly a million dollars a year. His successor in the Trump Administration, Sonny Perdue, effectively eliminated GIPSA. “When Vilsack failed to follow through, it really set the effort back,” Leonard told me. “It was worse than if they had done nothing. It emboldened the companies not only to continue their practices but to intensify them.”

### 1NR – PC/Winners Win

#### PC true and key

Bannon 11-11-2020, not Steve, Democratic pollster and CEO of Bannon Communications Research. He is also the host of a radio podcast “Dateline D.C. With Brad Bannon” that airs on the Progressive Voices Network (Brad, “Biden has his work cut out for him,” *The Hill*, https://thehill.com/opinion/campaign/525399-biden-has-his-work-cut-out-for-him)

The pandemic isn’t going anywhere soon despite frequent Trump’s assurances that the nation has turned the corner on the deadly outbreak. The number of new pandemic cases spiked to a record high last week. The fight against COVID-19 will require the expenditure of time, energy and political capital that the new president will require to solve other problems. The recession was a direct consequence of Trump’s failure to effectively fight COVID-19. Even if the pandemic dissipates, the new president will still have to aggressively tackle the economic problems that confront the nation. Millions of people lost their jobs during the pandemic and many of them won’t have jobs to return to when and if the pandemic finally subsides. Biden outlined his priorities recently in an interview with the podcast Pod Save America, “Get control of the coronavirus. Without that nothing else will work well. Number one. Number two, invest in the community, in real infrastructure.” Biden’s priorities in the first chapter of his presidency are key because history has demonstrated that the major energy in a presidency comes early and dwindles as time goes on. But other urgent problems face Trump’s successor. The concern about the pandemic and the subsequent economic downturn has driven dangers of climate change off the stage. The threat of climate change won’t disappear just because politicians didn’t discuss it as much during the campaign. If a President Biden doesn’t put the fight against climate change on top of his to-do list, he will run into trouble with progressive members of his own party like Sen. Ed Markey (D-Mass.) and Rep. Alexandria Ocasio Cortez (D-N.Y.), who have championed the Green New Deal. The death and disease created by COVID-19 have intensified the need for a complete overhaul of the nation’s health care system. The pandemic and the subsequent economic carnage have crowded other issues like the toxic racial climate, a broken health care system and the violent gun culture off the stage but the new president must deal with them anyway. Biden will need to actively confront several major problems when most presidents are lucky to mount one serious initiative during the first year of his presidency. There will be big institutional obstacles that could tie Biden’s hands even as the United States faces crises of epic proportions. Currently, Republicans have a two-seat advantage in the U.S. Senate. All eyes turn to Georgia where there will be two runoff elections for the upper chamber in January. Unless Democrats sweep the double header in the Peach Tree State, Biden will have to grapple with a Senate controlled by Senate Majority Leader Mitch McConnell (R-Ky.). If Biden is successful pushing significant legislation through Congress, the Supreme Court conservative majority, aided by the elevation of Justice Amy Coney Barrett, could wipe out significant legislative victories. Biden could win a fight to extend the reach of the Affordable Care Act to millions of more Americans only to see the high court abolish the whole program. Any attempt by the high court to curtail a women’s right to choose by nullifying Roe v. Wade would put abortion on top of Biden’s crowded issue agenda and place pressure from him to increase the number of justices. Biden will have his work cut out for him. He has major problems to solve immediately and several other problems that he needs to address quickly. Biden can reverse some of the damage easily with executive orders. But if he wants to move the country forward, he will need to engage with Congress in long and drawn out legislative battles.

#### No winners win — PC is finite for Biden.

Sensiba ’20 [Jennifer; Author @ CleanTechnica; “Don’t Encourage Biden To Waste Political Capital”; 11/6/20; https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/; AS]

If we want clean energy to succeed in the upcoming Biden administration, we have to (a) be realistic, and (b) fight like hell to keep him focused on it as much as possible. Political capital is scarce, and the threats to our future from climate change are real, so allowing the various Democratic lobbies to suck all of the oxygen out of the room is not an option.

Here’s a quick rundown of the problem and some ideas on what we can do to help clean energy win.

It’s All About Political Capital

In short, political capital is a way to think about political power in democratic countries. Yes, winning elections does give some political power, but you can’t effectively use it unless you have coalitions, alliances, trust, goodwill, and influence. Your earned trust and connections are like money (capital). You can work hard to earn it and build it up, but it’s easy to spend it and even waste it, just like money.

If you get power from an election and then quickly spend all of the political capital impressing loyalists, you’ll get to the point where you can’t win future elections (Trump is a great example of this), can’t get votes together for legislation, and can’t get people to help you in a variety of other ways. At worst, a political leader who has run completely out of political capital might not even be able to get normal citizens to follow laws. As the consent of the governed is withdrawn, you see protests, riots, violence, terrorism, and even war.

For better or worse, Biden won’t start out with much political capital to begin with. After a narrowly won election, not taking the Senate (because many voters rejected Trump but voted for Republicans further down the ballot), and then extended accusations of cheating, it’s not going to be easy to get things done.

### 1NR AT: Afghanistan

#### Withdrawal *saved* Bidens political agenda

Nomikos, PhD, 9-1-21

(William G. Nomikos is assistant professor of political science at Washington University in St. Louis and director of the Data-driven Analysis of Peace Project. He is currently working on a book about international military intervention entitled Local Peace, International Builders. https://thehill.com/blogs/congress-blog/politics/570422-everyone-has-an-opinion-on-afghanistan-do-voters-care)

Biden’s political calculation Voters are not closely engaged with current events, often seeking to avoid politics altogether. Humanitarian disasters quickly disappear from headlines. Consider that less than a week after the Taliban overtook Kabul, news from Afghanistan did not make the front page of newspapers is several major cities. On the flip said, the potential costs of staying in Afghanistan would be enormous. Currently, President Biden is focused on getting Congress to pass a $1 trillion infrastructure bill and a $3.5 trillion budget reconciliation bill that, together, would comprise much of his first term agenda. Given the importance of these domestic issues to voters relative to foreign policy, passing the bills through Congress will be the most important politically for Biden. According to estimates, the war in Afghanistan alone has already cost American taxpayers more than $2.2 trillion. Concerns about the combined price tag of Democrats’ legislative agenda have triggered concerns about federal spending and inflation. More spending on Afghanistan would make Biden and his fellow Democrats even more vulnerable to such attacks. The slim margins in Congress suggests that Biden must reserve his political capital to maintain the existing coalitions to pass these two bills, not a new war effort. Doing so would also offer the Democrats the best chance for retaining control of Congress in the 2022 midterm elections.

### 1NR – Bill Solves Warming

#### The bill’s comprehensive approach avoids tipping points – every degree is key and it’s not too late.

Trevor Higgins 8/16/21. senior director of Domestic Climate and Energy Policy at the Center for American Progress. “Budget Reconciliation Is the Key to Stopping Climate Change”. Center for American Progress. Aug 16 2021. https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come.

However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate.

A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change.

Building a clean energy future must start now

Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters.

Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter.

Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century.

There is no time to lose in the work of building a clean energy future.

A moment of opportunity for climate legislation

The key to urgent climate action is a process called budget reconciliation, which enables the enactment of budget-related measures by simple majority vote. This week, the Senate voted to begin the process by passing a budget resolution that instructs committees to start drafting a comprehensive set of investments that would “put America on a path to meet President Biden’s climate change goals of 80% clean electricity and 50% economy-wide carbon emissions reductions by 2030.”

The resulting reconciliation bill would deliver major emissions reductions and change the trajectory of global warming through a new clean electricity payment program; incentives for clean energy and clean vehicles; investments in climate-smart agriculture and forestry; new consumer rebates for home electrification; and more.

As articulated by President Biden, the scope and scale of these investments mark an approach that is categorically different from past spending efforts. Neither the $90 billion in clean energy investments through the American Recovery and Reinvestment Act of 2009 nor the bipartisan infrastructure framework that passed the Senate this week are at the same level. It’s the fiscal year 2022 budget resolution that opens the door for the pivotal investments needed to build a clean energy future.

#### The bill is a paradigm shift AND revitalizes global leadership before the UN climate summit.

Ella Nilsen 9/14/21. CNN reporter covering climate. “Biden's spending bill could be Democrats' last hope of achieving meaningful climate action as crisis worsens”. CNN. Sept 14 2021. https://www.cnn.com/2021/09/14/politics/biden-budget-congress-climate-action/index.html

(CNN)After decades of inaction from the United States on climate, President Joe Biden and congressional Democrats face a reckoning.

Biden has big climate ambitions, vowing in April to cut greenhouse gas emissions in half by 2030. The world is watching closely to see whether the US will deliver on that promise, as the President's climate envoy, John Kerry, prepares to meet with global leaders in November for the United Nations climate summit.

Jonathan Pershing, one of Kerry's senior advisers, recently told lawmakers the US needs to "walk the talk" to regain its climate credibility on the world stage. What's not clear is whether the President has the votes in Congress — even within his own party — to get it done.

As the drought and extreme weather intensify, Democrats view the massive budget bill and its significant climate provisions as their last, best hope to achieve something meaningful on climate as the crisis worsens. In August, global scientists reported the planet is quickly approaching the critical warming threshold of 1.5 degrees Celsius above pre-industrial levels, below which they say the planet must stay in order to avoid the worst consequences.

Within the US, pressure is mounting after a series of climate disasters this summer, including record-breaking wildfires, deadly heat, water shortages and a disastrous hurricane that's expected to cost the US economy billions.

"Scientists have been warning us for years that extreme weather is gonna get more extreme. We're living it in real time now," Biden said Monday as he toured wildfire damage in California.

Touting the budget and infrastructure bills, the President urged people to "think big."

"Thinking small is a prescription for disaster," Biden said. "We're gonna get this done, this nation's gonna come together and we are going to beat this climate change."

Congressional leaders have set an end-of-September deadline in the House to pass their massive budget bill alongside a separate bipartisan infrastructure bill. Together, the packages contain hundreds of billions of new climate investments, which Senate Majority Leader Chuck Schumer argued will get the US most of the way to hitting Biden's fossil-fuel emissions target of 50-52% below 2005 levels by 2030.

With a razor-thin majority in both the House and Senate, this is Democrats' only shot at passing a substantial climate bill before world leaders meet in November. But there's at least one prominent Senate Democrat who could thwart those plans.

Sen. Joe Manchin of West Virginia, Senate Democrats' key swing vote, wants to pare down the overall size of the bill, and he has said he has concerns about what the climate provisions could mean for a fossil-fuel producing state like West Virginia. As chair of the Senate Energy and Natural Resources Committee, the senator will have a large hand in shaping Democrats clean electricity program.

Sen. Sheldon Whitehouse of Rhode Island told CNN negotiations with Manchin are ongoing — but he was optimistic the West Virginia senator would understand the gravity of a fast-warming climate and its impacts.

"At the end of the day, we're all answerable to the future to get the job done right," Whitehouse said. "I don't think [Manchin] wants to be on the wrong side of that future."

How the bill would tackle the climate crisis

After years of inaction in the White House and Congress, Biden's budget bill represents decades worth of policy in a single bill. Experts told CNN it represents a paradigm shift in how to tackle climate change — moving the entire economy away from fossil fuels and toward clean energy.

"Moving the US economy is equivalent of changing the direction of an enormous ocean liner," Josh Freed, founder of the Climate and Energy Program at the center-left think tank Third Way, told CNN. "It takes time to do but once you have it going in the right direction it can pick up steam and get going quickly."

After re-entering the US into the Paris Climate Accord in January, Biden announced a target to reduce greenhouse gas emissions by 50% to 52% relative to 2005 levels by 2030.

That target could be met in part through federal regulations restricting emissions from vehicles and power plants. A White House spokesperson told CNN the Biden administration sees its climate actions coming both from Congress and executive action.

"We also believe that there exists a number of paths to meeting our emission goals and targets," the spokesperson said. "The Biden climate agenda doesn't hinge on reconciliation or the infrastructure package alone. Rather, it is integrated throughout both — and it is a key part of everything we do in the whole of government effort launched on day one."

But experts told CNN that Biden needs Congress to pass massive investments in renewable energy, electric vehicles and other green programs to truly make a dent in US carbon emissions.

A clean electricity program is Democrats' cornerstone climate initiative in the massive budget bill. It would promote a transition away from fossil fuels by paying electric utilities who increase the amount of renewables and other forms of clean power and penalizing those who don't meet clean targets.

Generating electricity from non-fossil fuel sources like wind, solar and nuclear is a critical to Democrats' climate strategy.

"I see the [clean electricity program] as the lynchpin or the foundation piece for this bold action on climate," Democratic Sen. Tina Smith, who is a lead proponent of the provision, told CNN.

The bill also contains measures to create a job-generating Civilian Climate Corps; tax credits and grants for clean energy, renewables and electric vehicles; new polluter fees for methane and carbon; and consumer rebates to electrify and weatherize homes. What is yet to be finalized is how much funding each program gets.

### 1AR AT: Warming Inev

**We can stop it at 2 degrees.**Stover, MA,15 (Dawn, Editor at Bulletin of the Atomic Scientists, writer for Scientific American, Conservation, Popular Science, New Scientist, The New York Times, MA @ NYU, BA @ Carleton, “Climate change: irreversible but not unstoppable”, 2/26/15, http://thebulletin.org/climate-change-irreversible-not-unstoppable8044, Bulletin of the Atomic Scientists)

When scientific experts moved the hands of the Bulletin’s Doomsday Clock two minutes closer to midnight last month, calling current efforts to prevent catastrophic global warming **“entirely insufficient,”** some people responded that climate change is a far less disastrous threat than nuclear war because it is reversible. This is a common **misconception.** In ongoing data collection by the Cultural Cognition Project at Yale Law School, fewer than one in four people in a general population sample in Southeast Florida understood that if human beings stopped emitting carbon dioxide tomorrow, global temperatures would continue to rise. “Believers” in human-caused global warming were just as likely as “disbelievers” to misunderstand the extent to which we are already committed to future temperature rises. **The widespread notion that the climate is something we can fix later**—after more pressing priorities have been addressed—**may be the biggest obstacle to actions and policies that would slow global warming**, avoid some of its worst potential impacts, and allow more time for humans and other species to adapt to a changing climate. **Even though scientists have repeatedly emphasized the urgency of the situation, their message isn’t getting through to the general public or to legislators** who could make a difference. What’s missing are vivid, personalized depictions of what life will be like in the future if emissions continue unabated. Human activities have already altered the climate so radically that many scientists refer to the current geologic era as the Anthropocene, from the Greek words for “human” and “new.” But that sounds friendly and progressive compared with what actually lies ahead: a climate very similar to that of Earth’s last major warm period, the Pliocene epoch of several million years ago, minus the mastodons and mammoths. **And unlike nuclear war, it’s not a question of whether climate change will rock our world, only of how bad things will get.** Committed to climate change. Though we’re seeing obvious warning signs of what is to come, such as melting glaciers and steadily increasing levels of atmospheric carbon dioxide, thus far the global average surface temperature has risen by only about 0.8 of a degree Celsius (or 1.4 degrees Fahrenheit) since 1880. However, **the climate system has some built-in inertia, and the impacts of past human activities will be felt far into the future. Scientists refer to these unavoidable future changes as our climate change “commitment.”** Some of the inertia comes from the elevated levels of carbon dioxide and other greenhouse gases already in the atmosphere. If humans were to cease their emissions overnight, the oceans would quickly absorb some of these gases. But the oceans also release gases back to the atmosphere, and the level of greenhouse gases in the atmosphere would not subside back to pre-industrial levels for many centuries. Another problem is that industrial **air pollution has a cooling, as well as a warming, effect.** Fossil fuel combustion releases aerosols, tiny particles and droplets that reflect sunlight and enhance cloud formation, masking the impacts of greenhouse gases. If we stopped burning fossil fuels, this cooling effect—which is difficult to quantify, but probably has less than half the impact of the greenhouse warming effect—would end. “A large fraction of climate change is largely irreversible on human time scales,” the most recent assessment report from the Intergovernmental Panel on Climate Change (IPCC) warned. Only if human emissions were “strongly negative over a sustained period”—for example, if tree planting and other activities were to sequester far more carbon than humans release—would climate change begin to be reversed. At the moment, of course, emissions are still rising rapidly. Points of no return. If the concentration of carbon dioxide in the atmosphere can be limited to a doubling—from about 280 parts per million (ppm) in the pre-industrial era to 560 ppm in the future (we’re currently at about 400 ppm)—the IPCC assessment estimated with “high confidence” that Earth’s temperature will reach an equilibrium somewhere between 1.5 and 4.5 degrees Celsius above pre-industrial temperatures. However, the report cautioned, “some aspects of climate will continue to change even if temperatures are stabilized.” Among some of the most likely changes: The melting of snow and ice will expose darker patches of water and land that absorb more of the sun’s radiation, accelerating global warming and the retreat of ice sheets and glaciers. Scientists agree that the Western Antarctic Ice Sheet has already gone into an unstoppable decline. Currents that transport heat within the oceans will be disrupted. Ocean acidification will continue to rise, with unknown effects on marine life. Thawing permafrost and sea beds will release methane, a greenhouse gas. Droughts predicted to be the worst in 1,000 years will trigger vegetation changes and wildfires, releasing carbon. Species unable to adapt quickly to a changing climate will go extinct. Coastal communities will be submerged, creating a humanitarian crisis. Some of these changes may persist for hundreds or even thousands of years after the Earth’s temperature stabilizes. Scientists worry that elements of the climate system could even reach tipping points beyond which abrupt and planetary-scale changes might occur, such as the disappearance of monsoon cycles or the Amazon’s vast tropical forests. Welcome to the Pliocene. **Even if countries reduce emissions enough to keep temperatures from rising much above the internationally agreed-upon “danger” threshold of 2 degrees Celsius** (which seems increasingly unlikely), **we can still look forward to conditions similar to those of the mid-Pliocene** epoch of 3 million years ago. At that time, the continents were in much the same positions that they are today, carbon dioxide levels ranged between 350 and 400 ppm, the global average temperature was 2 to 3 degrees Celsius higher than it is today (but up to 20 degrees higher than today at the northernmost latitudes), the global sea level was about 25 meters higher, and most of today’s North American forests were grasslands and savanna. **A mid-Pliocene climate looks comfortable, though, compared with what will happen if we continue to emit carbon dioxide at today’s rate.** As noted in the Doomsday Clock announcement, the IPCC “warned that **warming—if unchecked by urgent and concerted global efforts to greatly reduce greenhouse gas emissions—would reach 3 to 8 degrees Celsius** (about 5.5 to 14.5 degrees Fahrenheit) by the end of the century.” Social inertia. Is there any way to avoid Pliocene-like conditions? “If carbon dioxide emissions could be eliminated entirely,” two scientists argued in Nature Geoscience in 2010, “temperatures would quickly stabilize or even decrease over time. **Future warming is therefore driven by socio-economic inertia, and is only as inevitable as future emissions.**” **That is about as helpful as telling obese people that if they just stopped eating, they would lose weight** quickly. At the moment, we’d be doing well to cut humanity’s diet of fossil fuels to a level that would merely prevent further weight gain. **Instead what we see is a planetary binge**, with increases in fossil fuel consumption that have dwarfed the development of low-carbon energy sources during the past decade. The scientists, however, put their finger on what is needed to turn things in the right direction: socio-economic action. Changing self-destructive behaviors can be extremely difficult, as any dieter knows, and unrealistic optimism can be just as counterproductive as defeatism. In fact, these are the twin enemies of climate action. **Even climate “believers” seem to feel that either there is little they can do to prevent disaster** (beyond pointing fingers at “disbelievers,” of course) or, alternatively, that technology is making (or will make) speedy progress against the problem. Those in the over-optimistic camp may think that geoengineering, for example, can turn back the climate clock in a pinch. **Unfortunately, although measures such as injecting sulfate aerosols into the stratosphere merit increased research and development, they are not ready to be safely deployed at the scale necessary to combat climate change**. As a National Research Council committee recently concluded, “**there is no substitute for dramatic reductions in greenhouse gas emissions.” The world needs an emissions diet plan**—and a full complement of socio-economic incentives and support systems to ensure its success. Out of the fire and into the frying pan. **The inevitability of climate change doesn’t mean that we don’t have a choice to make: If we act quickly and boldly, there is a small window of opportunity in which we can work to keep global warming to a minimum**. **Or we can keep accelerating toward catastrophe.** As Richard Somerville, one of the climate scientists on the Bulletin’s Science and Security Board, recently told me: “People today, whether they realize it or not, have control of the thermostat that will set the climate for future generations.” Humans are constantly distracted by immediate gratifications and immediate worries. **To prevent nuclear war and catastrophic climate change, we have to force ourselves to take a longer view.** **It’s difficult to imagine the devastating, centuries-long impacts that climate change could have on human health and the environment. Still, we stopped at two nuclear bombs. We can stop at two degrees.**