## 1NC

Notice and Comment CP

#### Text: The United States federal government should delegate antitrust rulemaking authority to a new expert agency. The agency should begin notice-and-comment rulemaking to expand the scope of the Federal Trade Commission Act by allowing application of Section 5 to common carriers.

#### Solves the case, engages notice and comment.

Rebecca Haw 11. Climenko Fellow and Lecturer on Law, Harvard Law School. J.D., Harvard Law School, 2008; M. Phil, Cambridge University, 2005; B.A., Yale University, 2001."Amicus Briefs and the Sherman Act: Why Antitrust Needs a New Deal." Texas Law Review, vol. 89, no. 6, May 2011, p. 1247-1292. HeinOnline.

Without the informational benefits of expertise and notice-and-comment rulemaking, the Court may be a poor choice to define the broad proscriptions of the Sherman Act. Framed this way, the problem has an obvious solution: give the power to interpret the Act to an expert agency.240 This idea has academic support already, 241 and the case for it is strengthened by this Article's observation that the Court has tried to approximate administrative decision making by relying on amicus briefs. The obvious candidates for reallocation are the two existing antitrust agencies: the Department of Justice's Antitrust Division and the FTC.

A. The Agency Solution

Using agencies to give specific meaning to American antitrust's most important statute means avoiding the problems with the Court's current quasi-administrative process for rulemaking. As adjudicators, agency experts would know what kind of economic evidence is necessary for an efficient solution and would be better able to understand it when it is presented by the parties. Repeat exposure to antitrust cases would only reinforce this advantage, while also giving the administrative judges a broader perspective on what kinds of conflicts commonly arise in competition law, a perspective necessary for efficient policy making in the first instance. A Supreme Court Justice hears about one antitrust case a year, hardly the cross section of controversies necessary to make efficient economic policy writ large.

Agencies could take policy making a step further using notice-and-comment rulemaking. Unlike in adjudication, regulation by rulemaking can be initiated without the formal requirements of a case or controversy and a proper appeal to the Supreme Court. Informal letters of complaint could spark an investigation. A rule-making agency could announce its intention to regulate publicly and provide a convenient venue for, or even solicit, expert opinions on the economic impact of the proposed rule. Not only would it have the benefit of these numerous perspectives, but it would also have the obligation to respond to them in a reasoned manner. Its rule would be subject to judicial review, affording an opportunity to catch mistakes 242 or invalidate rules that do nothing but deliver rents to special interests.

Another advantage of rulemaking, an option for agencies but not for the Court, since it only operates through adjudication, is that rulemaking regulates behavior ex ante, while resolution of economic policy through cases is necessarily ex post. Antitrust courts worry obsessively about "chill"--deterring procompetitive behavior with overly broad rules for liability.2 43 In fact, the overruling of Dr. Miles in Leegin implies that the entire twentieth century was a period of inefficient business practices and stunted innovation in distribution because of an early misunderstanding of RPM. Only after a long and expensive period of litigation was Leegin redeemed for breaking the law by effecting a change in the law, and only after Leegin was issued were similar firms, perhaps walking the Colgate line better than Leegin, redeemed for wanting some control over their product's ultimate retail price.24 4 The problem of ex post rulemaking is made worse by the treble damages afforded successful plaintiffs suing under the Sherman Act.2 4 5 To create a new form of liability, the Court has to punish a firm threefold for complying with standing antitrust norms. Thus Supreme Court lawmaking in antitrust is a kind of one-way ratchet.246

The result of the current ex post scheme is that "antitrust law leaves considerable gaps between what is permissible and what is optimal." 2 47 With judges making the rules one case at a time, this gap is justifiable. As discussed above, when judges are not economically sophisticated enough to know where "optimal" lies, 24 8 laissez-faire is a very inexpensive regulatory regime for courts to follow, and raising the level of regulation would effect a kind of taking of property from firms operating under the status quo. So if the Court is making antitrust policy, laissez-faire may be the only sensible approach. But that is not to say that it is the most sensible approach. An agency could provide firms with the necessary clarity-ex ante-that they need when conducting business in a world where competitive behavior so closely resembles anticompetitive conduct. The current state of affairs is that much more is illegal on the books than antitrust lawyers think is actually likely to be struck down in a court.24 9 Lawyers thrive in such a legally uncertain world, but firm efficiency suffers.

#### Key to democracy and court acquiescence---notice and comment engages participants and creates deference.

Harry First and Spencer Weber Waller 13. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

Redressing antitrust’s democracy deficit on the procedural side can be done with the tools of administrative law. Administrative law is the body of law that controls the procedures of governmental decision making.151 It allows interested persons to participate in decisions that affect their interests. Normally, it requires appropriate notice, the right to be heard, fair procedures, protection of fundamental rights, and judicial review of the resulting decision. These basic features are present in the administrative laws of most foreign legal systems and are part of a growing international consensus.152 The tradeoff is that the decisions of administrative agencies that properly follow these strictures normally are granted a degree of deference as to the interpretation of the laws they enforce.153 Frequently, but not inevitably, private parties also have the right to proceed with actions for damages against private parties who violate their regulatory obligations and even against the government itself when it acts unlawfully, either substantively or procedurally. These tools of administrative law are available to make antitrust enforcement decisions more transparent and more responsive to the interests that the antitrust laws were meant to serve, thereby promoting both better decision making and greater democratic legitimacy.

CONCLUSION

Free markets and free people cannot be assured by the efforts of technocrats. Ultimately, both come about through the workings of democratic institutions, respectful of the legislature’s goals and constrained from engaging in arbitrary action. Antitrust has moved too far from democratic institutions and toward technocratic control, in service to a laissez-faire approach to antitrust enforcement. We need to move the needle back. Doing so will strengthen the institutions of antitrust, the market economy, and the democratic branches of government themselves.

#### US democratic retreat causes terrorism, great power war, famine, and poverty.

Garry Kasparov 17. Chairman of the Human Rights Foundation, founded the Renew Democracy Initiative. “Democracy and Human Rights: The Case for U.S. Leadership”. Feb 16 2017. U.S. Senate. http://www.foreign.senate.gov/imo/media/doc/021617\_Kasparov\_%20Testimony.pdf

The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There existential threat today is not found on a map, but it is very real. The forces of the past are making steady progress against the modern world order. Terrorist movements in the Middle East, extremist parties across Europe, a paranoid tyrant in North Korea threatening nuclear blackmail, and, at the center of the web, an aggressive KGB dictator in Russia. They all want to turn the world back to a dark past because their survival is threatened by the values of the free world, epitomized by the United States. And they are thriving as the U.S. has retreated. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but this is what happens when there is no cop on the beat. American leadership begins at home, right here. America cannot lead the world on democracy and human rights if there is no unity on the meaning and importance of these things. Leadership is required to make that case clearly and powerfully. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of strategic stability that is the great strength of democracies. Strong institutions that outlast politicians allow for long-range planning. In contrast, dictators can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford to think beyond their own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of democracy is the only proven remedy for nearly every crisis that plagues the world today. War, famine, poverty, terrorism–all are generated and exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you

## AT: PDB

### AT: 2AC 1---PDB---2NC

#### 1] Perm is antidemocratic---removes input from notice and comment---admin law process changes are the only fix to democratic deficits---that’s Haw, First, and Waller.

#### 2] Participation must be prior and considered---its key to legitimacy of rules and participation.

Rohit Chopra and Lina Khan 20. Rohit Chopra, Commissioner, Federal Trade Commission. And Lina M. Khan, Academic Fellow, Columbia Law School; Counsel, Subcommittee on Antitrust, Commercial, and Administrative Law, US House Committee on the Judiciary; former Legal Fellow, Federal Trade Commission. “The Case for "Unfair Methods of Competition" Rulemaking”. The University of Chicago Law Review , Vol. 87, No. 2 (March 2020), pp. 357-380. https://www.jstor.org/stable/10.2307/26892415

And third, rulemaking would enable the Commission to establish rules through a transparent and participatory process, ensuring that everyone who may be affected by a new rule has the opportunity to weigh in on it, granting the rule greater legitimacy.49 APA procedures require that an agency provide the public with meaningful opportunity to comment on the rule’s content through the submission of written “data, views, or arguments.”50 The agency must then consider and address all submitted comments before issuing the final rule. If an agency adopts a rule without observing these procedures, a court may strike down the rule.51

This process is far more participatory than adjudication. Unlike judges, who are confined to the trial record when developing precedent-setting rules and standards, the Commission can put forth rules after considering a comprehensive set of information and analysis.52 Notably, this would also allow the FTC to draw on its own informational advantage—namely, its ability to collect and aggregate information and to study market trends and industry practices over the long term and outside the context of litigation.53 Drawing on this expertise to develop rules will help antitrust enforcement and policymaking better reflect empirical realities and better keep pace with evolving business practices.

#### 3] Admin law is precedent setting---genuine consultation now becomes inalienable---the plan and perm signal nullification is legitimate.

Giulio Napolitano 14. Professor of Administrative Law, Law Department, University of Roma Tre. "Conflicts and strategies in administrative law". OUP Academic. 8-1-2014. https://academic.oup.com/icon/article/12/2/357/710357

Conflicts in administrative law are not a single-battle war. Every move of an actor responds to the moves made by others. That’s why administrative law is a repeated interactions game. Each move is incremental and path-dependent. Devices and mechanisms set up in the previous round cannot be easily and fully dismantled.

Let’s take the example of independent authorities. Once they are established in order to insulate the implementation of specific policies from the influence of the government or from the pressure from local interests, it becomes difficult to abolish them: even when the rule-making power comes back into the hands of national legislators or executives. As a consequence, reactions must be fine-tuned and sophisticated. The preferred solutions will be, for instance, the transfer of a specific power from the regulatory agency to the executive, or the submission of some sensible prerogatives of the independent body to ex ante directives or ex post approval by a political actor.36

Further, procedural rights are difficult to withdraw: even more than organizational devices. Once they have been recognized, even if sometimes for purely instrumental reasons of fire-alarm signaling, they become sanctified as inalienable rights.37 That’s why adjustments and reactions must be interstitial: the right to be heard and other prerogatives of private actors cannot be nullified. Changing time limit for comments, enlarging or restricting addressees of participatory rights, shifting the burden of proof from the acting agency to private parties, and vice-versa, are among the most preferred solutions.

### AT: 2AC 3---AT: Perm Over Something Else

#### All perm do both answers apply

#### Antitrust is key---agencies would have an obligation to respond to firms who would be super invested in the result of the rule making process---that’s Haw.

### AT: 2AC 4---Certainty

#### Only the counterplan solves certainty---tells what agencies will try---businesses circumvent the plan because they assume courts won’t enforce---that’s Haw.

#### This is where lack of say no hurts them the most---the warrant is that countries would oppose new regulations---they would not when their concerns have been listened to.

#### No card specific to the process of the CP means you should have a high threshold for voting on this argument.

#### Counterplan solves clarity and certainty.

Rohit Chopra and Lina Khan 20. Rohit Chopra, Commissioner, Federal Trade Commission. And Lina M. Khan, Academic Fellow, Columbia Law School; Counsel, Subcommittee on Antitrust, Commercial, and Administrative Law, US House Committee on the Judiciary; former Legal Fellow, Federal Trade Commission. “The Case for "Unfair Methods of Competition" Rulemaking”. The University of Chicago Law Review , Vol. 87, No. 2 (March 2020), pp. 357-380. https://www.jstor.org/stable/10.2307/26892415

Rulemaking would advance clarity and certainty about what types of conduct constitute—or do not constitute—an “unfair method of competition.”64 Commission studies of specific industries and business practices would guide which practices the FTC should use rulemaking to address. Indeed, as an enforcer and regulator across industries, the Commission is uniquely positioned to identify practices that it determines are anticompetitive. Below we offer two other considerations that could weigh in favor of FTC rulemaking.

### AT: Delay

#### Less than 60 days.

Prepared by the Office of the Federal Register. “A Guide to the Rulemaking Process”. https://www.federalregister.gov/uploads/2011/01/the\_rulemaking\_process.pdf

What is the time period for the public to submit comments?

In general, agencies will specify a comment period ranging from 30 to 60 days in the “Dates” Section of the Federal Register document, but the time period can vary. For complex rulemakings, agencies may provide for longer time periods, such as 180 days or more. Agencies may also use shorter comment periods when that can be justified.

### AT: Says No

#### Overwhelmingly support the plan---public, thinkers, scholars, and activists will vote yes.

David Dayen 20. Prospect’s executive editor. "It’s Not a Big Tech Crackdown, It’s an Anti-Monopoly Revolution". American Prospect. 12-18-2020. https://prospect.org/power/its-not-a-big-tech-crackdown-its-an-anti-monopoly-revolution/

Just look at what’s happening across the spectrum. The Federal Trade Commission is seeking information about data collection from nine social media companies. California Attorney General Xavier Becerra, who’s about to join the Biden Cabinet, is suing to compel Amazon’s compliance with an investigation into the company’s workplace protocols and level of coronavirus cases. Amazon warehouse workers in Alabama are voting on unionization with the Trump Labor Board’s blessing. App seller Cydia is suing Apple for creating a monopoly with its App Store. Researcher Zack Maril single-handedly implanted the notion of Google’s web-crawler monopoly in the public consciousness with one report. Northeastern University professor John Kwoka and Imperial College London’s Tommaso Valenti revised the history on firm breakups, showing them to be far superior to behavioral or conduct remedies. And across the pond, the European Union’s new rules on digital services and markets reflect a stronger and more confident challenge to tech firms, which feels like a direct consequence of the flurry of lawsuits.

This rethinking of antitrust policy and the actions it has spawned couldn’t come at a more critical time. As the pandemic consolidates markets, new mergers—from regional banks to big pharmaceutical firms to the world’s largest cannabis company—are being announced every day. The level of mergers and acquisitions is “extraordinary,” says Goldman Sachs’s top M&A banker Stephan Feldgoise, and he expects those mergers to come with job loss, as is typical with concentration.

The lawsuits against Google and Facebook will last for years. Big Tech’s defenders and lobbyists will defame them and bargain for a settlement of the anti-monopoly strife. The cases might even fail. It doesn’t matter. The policy center of America has now been convinced that the situation in corporate America has grown out of control. Public opinion supports that perspective. The network of anti-monopoly thinkers and scholars and activists has grown. The arguments for enabling monopoly power have been revealed as weak. Nothing is going to stop this evolution away from the laissez-faire of the Chicago school and toward the preservation of liberty and democracy.

### AT: 2AC 5---AT: Doesn’t Solve Democracy

#### The CP solves democracy---it creates increased engagement through notice and comment---the aff only lets people who sue have a say in challenging the law, but rich companies always get to have more input---the CP gives everyone a say---

#### The warrant is the our cards says Sherman---that’s a non starter---

#### 1. Haw is about agencies listening to other people---that happens in the CP.

#### 2. The card for CP solvency is First and Waller---that’s about notice and comment rule making generally---doesn’t specify Sherman.

#### Input key---the aff creates a democratic deficit.

Harry First and Spencer Weber Waller 13. Harry First, New York University School of Law. Spencer Weber Waller, Loyola University Chicago School of Law. “Antitrust’s Democracy Deficit”. Fordham Law Review, Volume 81 Issue 5 Article 13. https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=4890&context=flr

The institutional aspects of today’s antitrust enterprise, however, are increasingly out of balance, threatening the democratic, economic, and political goals of the antitrust laws.5 The shift that Hofstadter first described has led to an antitrust system captured by lawyers and economists advancing their own self-referential goals, free of political control and economic accountability. Some of this professional control is inevitable, of course, because antitrust is a system of legal ordering of economic relationships. But antitrust is also public law designed to serve public ends. Today’s unbalanced system puts too much control in the hands of technical experts, moving antitrust enforcement too far away from its democratic roots.

We characterize the result of this shift toward technocracy as antitrust’s democracy deficit.6 We draw upon the concept of a democracy deficit from the literature analyzing and critiquing the European Union (EU) and the World Trade Organization (WTO).7 The term has generally been used to refer to policymaking by unaccountable and nontransparent technocratic institutions far removed from democratic (or national) control.8 The concern over a democracy deficit has led Europeans to develop the principle of subsidiarity, which seeks to direct lawmaking and enforcement, where possible, to the level of government closest to the people affected by the decisions.9 Similar concerns have led the WTO to open its dispute resolution proceedings to participation by nongovernmental organizations and other affected parties.10

The concern for democratic decision making has also been reflected in a new interest in global administrative law and the importance of basic principles of transparency and due process as a way to control the administrative state.11 This interest in administrative law principles has likewise led to a closer examination of how well antitrust conforms to due process and institutional norms.12

Our concern over antitrust’s move away from more democratically controlled institutions toward greater reliance on technical experts is not just animated by a theoretical preference for democracy. As lawyers know, institutional arrangements affect outcomes. A preference for democratic institutions implicitly assumes that more democratically arranged institutions will, in general, produce preferable antitrust policies and outcomes. We think this is particularly true today, when the imbalance between democratic control and technocratic control has put antitrust on a thin diet of efficiency, one that has weakened antitrust’s ability to control corporate power. Nevertheless, our concern about a democracy deficit does not lead us to a full-throated embrace of William Jennings Bryan–style populism.13 Political values change over time with changes in the social sciences and the world more generally. Rather, we think that by redressing the democracy deficit we can move the needle back toward policies that reflect more general political understandings and views of antitrust policy, even if not all the way back to the nineteenth century.

#### Engagement key to democracy---direct engagement force competition into culture.

Spencer Weber Waller 19. John Paul Stevens Chair in Competition Law and Director, Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law. “Antitrust and Democracy”, 46 FLA. St. U. L. REV. 807 (2019).

The role of an engaged civil society is critical for a competition policy that is democratic. Awareness of competition policy through the press, academia, along with a transparent agency and court system helps make competition policy (and government more generally) more accountable and directly engaged with the public at large. It allows occasional competition issues to enter the realm of politics, but more likely it helps create a culture of competition by making competition policy more a reality for the everyday lives of consumers.

#### Only the CP makes antitrust democratic---plan removes transparency and gets circumvented.

Spencer Weber Waller 19. John Paul Stevens Chair in Competition Law and Director, Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law. “Antitrust and Democracy”, 46 FLA. St. U. L. REV. 807 (2019).

Democratic decision making also involves an open and transparent system where the parties and the public can determine what is occurring and participate as appropriate. In the United States, a complaint to either of the federal competition agencies has no legal significance. The agencies have complete discretion on how to proceed with the information and when, or if, to take any further action. 120 No agency response is required, and the complaining parties have no legal standing to participate in any resulting investigation or any right to challenge a decision not to proceed.

Similarly, the U.S. agencies have discretion on how to proceed if they choose to conduct an investigation. They must initially decide whether to open a preliminary investigation and whether to treat the matter as a potential civil or criminal offense. 121 They eventually may choose to bring a case in court or to close the investigation without taking any action.122 There is no requirement that the agency explain its decision to close a matter, although the agencies do so from time to time in varying degrees of detail. 1 23 Outside parties cannot challenge a decision not to proceed regardless of whether they were the complaining party, provided information to the agency, or were otherwise affected by the decision.

### Democracy---War Impact

#### Backsliding in the US spills over---authoritarianism and terror are checked by American democracy---that’s Kasparov

#### US democratic leadership is key to prevent great power war---turns their China advantage.

Matthew Kroenig 18. Associate Professor of Government and Foreign Service at Georgetown University and a Senior Fellow in the Scowcroft Center for Strategy and Security at the Atlantic Council. *The Democratic Advantage: America’s Edge over Russia and China*. Princeton University Press. 9/24/2018. https://www.princeton.edu/politics/graduate/departmental-colloquia/international-relations/The-Democratic-Advantage-Americas-Edge-over-Russia-and-China.pdf

To answer these questions, we lack a crystal ball, but **theory** and **history** can serve as a guide they suggest a clear answer: **democracies** enjoy a **built-in advantage** in long-run geopolitical competitions.¶ The idea that **democracies** are better able to **accumulate** and **maintain power** in the international system has a distinguished pedigree. Polybius, Machiavelli, and Montesquieu are among the classical political theorists who argued that republican forms of government are best able to harness available domestic resources toward national greatness. And recent social science research concurs. For the past two decades, **cutting-edge research** in **economics** and **political science** has been obsessed with the issue of whether democracies are different and the **consistent finding** is that they perform a number of key functions better than their autocratic counterparts. They have higher long-run rates of economic growth.13 They are better able to raise debt in international capital markets and become international financial centers.14 They build stronger and more reliable alliances.15 They are more effective in international coercive diplomacy.16 They are less likely to fight wars (at least against other democracies).17 And they are more likely to win the wars that they fight.18¶ This book takes this line of argument a step further by aggregating these narrower findings into a broader theory about the relative fitness of democracy and autocracy in great power political competitions. The central argument of this book is that democracies do better in major power rivalries. After all, it is not much of a logical leap to assume that states that systematically perform better on these important economic, diplomatic, and military tasks will do better in long-run geopolitical competitions than those that do not¶ This hunch is supported by the empirical record. As this book will show, autocrats often put up a good fight, but they fail to ultimately seize lasting global leadership. Napoleon, Hitler, and the Soviet Union are among the examples of authoritarian nations that launched campaigns for world domination, but came up short. On the other hand, states with relatively more open forms of government have often been able to establish themselves as the international system’s leading state, from Athens and the Roman Republic in the Ancient world to British Empire and the **U**nited **S**tates in more recent times. According to some scholars, the world’s leading state since the 1600s has also been among its most democratic. 19 It is hard to argue with an **undefeated record of four centuries and counting**.¶ America’s greatest strength in its coming competition with Russia and China, therefore, is **not its military might or economic strength, but its institutions**. For all of its faults, America’s fundamentals are still better than Russia’s and China’s. There is good reason to believe, therefore, that the American era will **endure** and the autocratic challenges posed by China and Russia will **run out of steam**.¶ The idea that democracies dominate may seem counterintuitive. After all, throughout history many have argued that dictators have a foreign policy advantage. 20 Autocrats can be ruthless when necessary, but democracies are constrained by public opinion and ethical and legal concerns. Autocrats take decisive action, but democracies dither in endless debate. Autocrats strategically plan for the long-term while democracies cannot see beyond a two or four-year election cycle. Many today laud Russia and China’s autocratic systems for precisely these reasons. Russians play chess and Chinese play go, but Americans play checkers, as the aphorism has it.¶ It is true that autocracies are better at taking swift and bold action, but **impulsive decisions** uninformed by **vigorous public debate** often result in **spectacular failure**. Hitler, for example, was able to harness new technology to create Blitzkrieg warfare and conquer much of Europe, but he also invaded Russia in winter and needlessly declared war on the **U**nited **S**tates. Unfortunately, for autocracies, this story is **all too common**. As Machiavelli wrote in his Discourses on Livy in the 16th century: “Fewer errors will be seen in the people than in the prince—and those lesser and having greater remedies.”21 “Hence it arises that a republic has greater life and has good fortune longer than a principality.”22¶ There is good reason to hope that this argument is true because continued American leadership would be beneficial to the **U**nited **S**tates and the rest of the free world. The decline of American power would certainly be unwelcome for the **U**nited **S**tates. Americans have certainly grown accustomed to the benefits that accrue to the world’s leading power. But **billions** of others also have a **stake in America’s success**. For all of its faults, the **U**nited **S**tates has been a fairly benevolent hegemon. While far from perfect, it has gone to extraordinary lengths to provide security, promote economic development, and nurture democracy and human rights. The world is certainly safer, richer, and more free today than it was before the dawn of the American era.¶ There is little reason to believe that Russia and China will be as kind. These autocratic powers long to establish spheres of influence in their near abroad and they have shown little concern for the sovereignty or personal freedoms of their own citizens or subjected populations. If readers doubt these claims, they can simply ask citizens of American allies in Eastern Europe or East Asia whether they desire continued American leadership, or whether they would prefer to live under the thumb of Moscow and Beijing, respectively.¶ Even more consequentially for the globe, however, the decline of the **U**nited **S**tates could very well result in a **major war**. As noted above, international relations theory maintains that the decline of one dominant power and the rise of another often results in great power war.23 According to this telling, **World War I** and **World War II** were primarily the result of the decline of the British empire and the rise of Imperial and then Nazi Germany as a major competitor on the European continent. Falling powers fight **preventive wars** in a bid to remain on top and rising powers launch conflicts to dislodge the reigning power and claim their “place in the sun.”24Many fear that a power transition between Beijing and Washington would produce a **similar catastrophic result**. 25 **Continued American leadership**, therefore, **could forestall this transition** and may be a **necessary condition** for **continued world peace and stability** among the great powers.