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#### anti-trust is capitalist---competition inevitably replicates market collapse

Richard Wolff 19 Professor Emeritus of Economics at University of Massachusetts, Amherst. Transcript from YouTube video: “Economic Update: Competition and Monopoly in Capitalism.” Democracy @ Work. December 9th, 2019. https://www.democracyatwork.info/eu\_competition\_monopoly\_in\_capitalism.

Today I'm going to devote the program to something many of you have asked me to present, to talk about, to analyze, and that is the question of monopoly. It has to do with the assertions we hear often these days that somehow our capitalist system, here in the United States and beyond, is being negatively affected because monopolies have replaced or displaced competition. The idea here is if only we can get competition back, recreate a competitive capitalism, why then the problems we face will go away. Today's program is a design to show you how and why that is not the case, to think about these things in a different way from this nice story that capitalism is basically fine; it's just the monopoly form we have to get rid of so we get back to the competition which we're all supposed to believe is wonderful and presents us with no problems to solve. So let's go, and let's do it in a systematic way.

First, it is of course easier, faced with a declining capitalism, a capitalism that's all around us with its extreme inequalities, with its instabilities – here we are, trying to cope with the effects of the Great Crash of 2008, even while we anticipate the next downturn coming down the road soon – an economic system that has shown (that is, capitalism) that it is not respectful of the natural environment; it is not, as the words now go, sustainable in a reasonable way. Yeah, we're surrounded by problems of capitalism. So it's comforting in that situation to get the idea from somewhere that this really isn't a problem of capitalism as a system but rather the problem brought in somehow from the outside – monopoly – a situation in which competition among many companies gives way in some way we're not quite sure about to a domination by one or a small handful of companies. And so the argument goes, we don't have to be critical of capitalism; we don't have to think about an alternative system. No, no, we just have to deal with this little detail, the monopoly problem. And if we can deal with that, well, we'll get back to a competition, to a competitive capitalism that is good.

There are three big mistakes involved in this way of thinking, which is nonetheless very widespread and very popular, more so now than in quite some years. First mistake: Capitalism has been wrestling with the problem of monopoly from day one. We have had repeated periods of monopoly. They have eventually led to movements, often of many people, to destroy or remove monopoly. We used to call that in America trust-busting, or antitrust. We even have a department within the Department of Justice in Washington devoted to antitrust activities. Yeah, we've been waging battles against monopoly over and over again, and you know why? Because we keep having monopolies over and over again. Google is a monopoly. Amazon is a monopoly. They're all around us: companies that have effectively no real competition. This is a problem that capitalism has always displayed. And that ought to lead you to wonder whether thinking about it as something we can do away with isn't maybe the best possible example of wishful thinking.

The second big mistake is to imagine that competition is some unmixed blessing. It never was, and it isn't today. A competitive market is a human institution. Like every other human institution, it has strengths, and flaws, and weaknesses. To think of competition as some magical perfection is a silly abnegation of your own rational capability to evaluate something. It's sort of advertising thinking. By that, I mean the advertiser tells you what's good about the product they've been told to advertise; they don't tell you what's bad about it. If you want to evaluate it, you don't talk to an advertiser because they only give you one side. The people who promote competition use advertising logic. We're not going to do that here. Competition is no unmixed blessing.

And finally, I'm going to show you that competition is itself the major cause of monopoly. So that even if we ever got back to a competitive capitalism, all that would mean is we're back in the process that produces monopoly – as it always has.

All right, so let's begin. I'm going to start with explaining how competition has all kinds of consequences that most of you, like me, don't like, don't want. It's a discussion, if you like, of competition's other side: you know, the part that the advertiser doesn't tell you about. The used-car salesman who wants you to buy that junk doesn't tell you about what happened last week in the car crash that that was part of, etc., etc.

All right, let's begin. One of the major reasons that American corporations shut down their operations in the United States and moved them to China, among other places, is because of – you guessed it – competition. They wanted to make more money than they had been before. They were afraid of other companies beating them in the competitive game, so they said wow, let's go to China, because there you can pay workers a lot less. There you don't have the same rules to obey. There they don't care that much about pollution as they do here. So we can save on all kinds of costs, and that will allow us to undercut our competitors. Yeah, one of the consequences of competition was the exodus of American companies to other parts of the world, and the enormous unemployment that resulted from it. Yeah, that was a result, among other things, of competition.

Here's another one: Capitalists, employers, seeking to compete with one another, often engage in what we call automation. They bring in machines that are cheaper to use than human laborers, and that gets them a step ahead of their competitors. Okay, if we replace people with machines, we throw those people out of work. That has an impact on them, their self-esteem, their relationship to their spouse, their relationship to their children, their relationship to alcohol – should I continue? What are the social costs of automation? They're huge. They've been documented over and over again. Competition provokes and produces automation.

Let me give you another example: Companies are competing, say, in the food business – you know, trying to get a customer like you or me to buy this kind of cereal rather than another. So they get their labs to go to work, and they discover we can replace wheat, which we used to put in our little flakes, with – Lord help us – some chemical that is cheaper than wheat. We're not going to worry about what that chemical does to your chemistry in your body because we can now lower the price of our cereal, because we're saving on wheat, and undercut the competitor. The human beings who eat this stuff will suffer, now and in the future, but competition left our producer of cereal no choice.

And in case you think I'm making some up, let me give you some concrete ones. The Boeing Corporation, the major producer of airplanes in this country, is in a crisis as a corporation. You know why? Because the 737 Max crashed a couple of times, killing hundreds of people. And you know why? It turns out they economized on safety measures, and training measures. And you know why they did that? Because they're in a very tight competition with European and other airplane manufacturers, and that leads them – as it usually does – to look to cut corners: that race for, quote, "efficiency." Yeah, it was competition that contributed to those deaths and to that problem. That's competition too. You can't whitewash this story; they're real. One of the ways Amazon beats its competition is it speeds up the work process. It has figured out ways to make people work much more intensely, using up their brains, their muscles, their nerves, in ways that cause real long-term physical damage to working people. That, too, is a result of the competitive effort.

And you know, it wasn't so long ago that children were part of the labor force. That's right, kids as young as five and six years of age. We were told they have little fingers, you see. They can be more productive than people who are adults with big fat fingers, you know – that doesn't work. And by the way, you should be grateful because poor kids are the ones we hire, and that gives their poor families more income than they would otherwise have. We heard those arguments. Competition, the companies said, required them to use the more productive, and the lower-wage, children rather than adults. So child labor was also a result of competition. It was so ugly and so troubling to so many people that finally there were movements in the United States and many other countries simply to outlaw child labor. So it became a crime for any employer to use a worker who was under 16 or 18 years of age. That was a way in which people said we are not going to allow competition among capitalists to destroy our children. They were recognizing that competition has an awful effect in what it does to children.

Well, it has many awful effects. So let's be clear: In the history of capitalism, the monopoly problem (which we're going to get to in the second half of today's program) is no worse, it's just different, from the competition problems. Capitalism goes through phases of competition and monopoly, going from one to the other, as I will explain. But we shouldn't bemoan the one in favor of the other, any more than vice-versa. These are neither of them solutions; they are both phases of the problem. And the problem is capitalism, which does its number on us both in the period when it's competitive and in the period when it's monopoly. People who want us to engage one more time in an anti-monopoly crusade are doing something that in the end evades the problem, which is the system – capitalism – not this or that form of that system, such as competition and monopoly.

We've come to the end of the first half of today's Economic Update. This gives me an opportunity to remind you, please, to sign up if you haven't already, to subscribe to our YouTube channel. It's a way easily for you to support us, doesn't cost any money, and it is a big help to us in terms of our reputation and what we can accomplish. Likewise, please make use of our websites. They are there for your communication with us. They are there for you to be able to, with a click of a mouse, to follow us on Facebook, Twitter, and Instagram. And finally, a special thanks goes, as always, to our Patreon community for their ongoing enthusiastic support. It means the world to us. My final, very final for this first half, is about a new book that we have just produced and released. It's a follow-up to an earlier volume I have spoken to you about that was called Understanding Marxism. For the same reason, we have now produced a brand-new book, just out, called Understanding Socialism. It is a response, as this program is, to issues, questions, comments you have sent to us in large numbers. It's an attempt to give an overview of the different interpretations of what socialism means, of what happened in countries like Russia and China that tried to create this – the strengths, the weaknesses, the lessons to be learned, what to do, and what not to do. Please, if you're interested and want to follow up, check us out, check the book out: lulu.com is how you find both books. And I will be right back; stay with us.

Welcome back, friends, to the second half of today's Economic Update. This program, as I explained, is devoted to the analysis of competition and monopoly as two interactive, sequential phases of capitalism as a system. The first part of the program was devoted mostly to competition, so let's turn now to monopoly. What is the basic definition and criticism of monopoly? Strictly speaking, monopoly is defined simply as a situation in which the producers of a particular commodity – shoes, software programs, haircuts, it doesn't matter – have been reduced to only one. Literally one seller – a monopolist. But in general language, it includes also situations where many producers who once competed with one another have been reduced to only a handful. The strict term for only a handful is "oligopoly," but we don't have to split hairs about this. "Monopoly" will be the word we use for either one or a very small number.

For example, there were once dozens of automobile companies, but very quickly their competition reduced them to basically three for much of the post-World War II period, and you know their names: Ford, General Motors, and Chrysler. And likewise there were once many cigarette producers, there were once many television-set producers, and they became very few, whose names, therefore, we all know.

What's the criticism of a monopoly or oligopoly situation? Again, very simple: The idea is, if there's only one seller of something, that seller can jack up the price way above what he might have otherwise because he doesn't have any competitor. If he had a competitor, if he raised the price, the competitor would get all the business because we'd all go to the competitor who hadn't raised the price rather than buy it at a higher price from the monopolist. So we don't like monopolies, because they can jack up their prices and their profits because they don't have a competitor. And if it's a few, a handful, well then we talk about things like cartels: arrangements when a few get together over dinner, or out on the golf course, and tell us what the price is. If you ever wondered why the prices of different cars, different cigarettes, and so on, are so close to one another – mm-hmm – that's because there are few sellers, and somehow they worked it all out. But the basic criticism is that a monopoly is a situation in which the seller of something jacks the price up way beyond what they could otherwise get because there are no more competitors.

So let's talk about this monopoly problem and where the monopolies come from. Well, the first and most important lesson is this: Competition produces monopoly. It's not something external, imposed on competition. It has nothing to do with human greed or anything else. Are people greedy? You betcha – some more, some less – but that's really a separate matter. It's competition that produces monopoly, and let me show you how that works. In competition, we have, by definition, a whole bunch of producers. They all produce the same thing. They compete with one another, hoping we, the consumer, will buy from one rather than the other. They compete in the quality of what they produce and in the price of what they produce. And we are supposed, as consumers, to go look for the best quality at the lowest price, and to patronize that one who offers that to us better than the others that we could buy from but choose not to.

Okay, that's a fair definition. Now let's follow the logic. Company A produces – however it manages it – a better quality and/or a lower price than Company B. So we all go to Company A. Company B can't find any buyers because it's not competitive. Or to say the same thing in other words, Company A outcompetes Company B. Here's what happens: Company B collapses. Because it can't sell its goods, we're all going to Company A. So Company B sooner or later declares bankruptcy. It can't continue. It lays off its employees, it stops buying inputs, because it can't compete. Good. Now what happens in Company A? Company A says hey, there's a whole bunch of workers that have just lost their job at Company B; they're trained in producing what we produce; let's go hire some of them. And likewise, Company A says, they're not using their computers, or their trucks, or their other inputs. They're going to have to sell them on the secondhand market. We can get some important inputs we need at a lower price than we would have to pay if we bought them new. So what begins to happen is, where before there were two companies, A and B, there's now one larger A, and B has disappeared. Or to say the same thing in simple English, A – the winner in the competitive struggle – eats, absorbs into itself, what's left of Company B.

And this process is repeated over and over, until 30, or 300, companies have become one, or two, or three. That's the result of competition. That's how competition is supposed to work. That's how competition does work. It's important to understand: Monopoly is where competition leads. And as if that weren't enough, let me make sure you understand this from the business point of view: It is the great dream of every entrepreneur to become the last one standing in the competition, to win the competition, not just because it makes you feel good you outmaneuvered your competitors, but because if you're the last one standing, you're the monopolist. The reward for having outcompeted the others is that you're now in a position to jack up the profits, and the prices, way beyond what you could have done before.

So we have a system that produces monopoly, and all the incentives for every entrepreneur in competition to work as hard as possible to become the monopolist. So why is anyone surprised that monopolies keep happening, because they're the whole point and purpose of capitalist competition. If you ever were – and we never have, but if you ever were – able to get rid of all the monopolies and re-establish competition, all you would be doing is setting this same process in motion again for the umpteenth historical time. In other words, fighting against monopoly is pointless as long as you have capitalism, because it is the endless reproducer of this problem – as it always has been.

Now, how do monopolies maintain themselves? If you're the only one standing, you're a monopolist. Or you're an oligopoly, you're a few, and you get together and jack up your prices together. The question becomes look, a monopolist makes very high profits – much higher than a competitor can achieve – and isn't that an enormous incentive for other capitalists to get in on that business? Because look at the profits they're earning, because they're the only one. Apple, Amazon, Google – the profits are staggering. Everybody wants to get in. So the way a monopolist has to think is, I've got to create obstacles that block other people from coming in to get a piece of the enormous profits my monopoly allows me to get. We call that in economics "barriers to entry." Monopolists need to create barriers. Let me give you a couple of examples.

The major soft drink makers in the United States – basically Coca-Cola and Pepsi Cola – they produce a drink that has sugar and coloring in it, and lots and lots of water. Let me assure you, there is nothing difficult or complicated about producing a mixture of sugar, color, and water. It doesn't take a genius; it never did. Pepsi and Coca-Cola make a fortune off of their product, as we know, and they have for decades. They have a virtual monopoly. Now, lots of other people could produce water, sugar, and color close to, if not identical with, whatever they produce, but they can't break through. They can't really get to that status. And you know why? Because Coca-Cola and Pepsi erected a barrier to entry. And the way they did that was with advertising. Every billboard, every magazine cover, every doorway of every institution you've ever been to has a picture of smiling, happy people drinking one or the other. You've learned: that's the drink, that's the drink. Another company might make a perfect substitute, but they can't afford the enormous cost of advertising. The advertising costs more than the water, and the sugar, and the color. What you pay for when you buy Pepsi and Coke is the advertising that got you to buy it. You're paying for being hustled. But it works, because it means other companies know that they can't get in there by cheaply producing an alternative, because you have to produce the advertising that goes with it, or else you can't do it. And so their monopoly is maintained.

Here's another way to maintain a monopoly: Get the government to step in. Here the famous example is the milk producers. Some years ago, there was a crisis with milk. There was contamination; people were getting sick. So the clever milk monopolies came in and said, we're going to support the enormously expensive, special equipment to guarantee pasteurization, and so on, of milk. Why did they support it? Because your small farmer, your small dairy producer, can't afford it, so they go out of business. Only the big, rich few that are left can afford the enormous equipment. They used governmental rules to create a barrier to entry.

Here's another way: corrupt public officials. President Trump denounces Huawei corporation because it compromises our national security. It denounces European car producers because somehow their shipping cars here compromises our security. Who cares? As long as the president blocks other companies from getting into the business that might compete with an American, a barrier to entry exists. Monopolists have been very creative in coming up with ways to preserve their monopolies.

I don't want to lose the basic point. The basic point is: Capitalism oscillates, back and forth between competition and monopoly – first this industry, then that one. For a while, Ford, General Motors, and Chrysler were the monopolies – or the oligopoly, if you like – in automobiles. But eventually, Toyota, and Nissan, and Peugeot, and Fiat broke the monopoly. In that case, it was foreigners who did it. And then we had some competition, and that, then, is now shrinking. The French – the last two producers in France – have just agreed to merge. You get the picture. Industry by industry, first this one, then that one, go through one phase or another.

The important point is: The phases are not our problem. They merge into, and incentivize, each other. Each provokes movement in the other direction. The point to understand is that the problems of a capitalist system are not about this oscillation of phases. We're not going to solve the problem of monopoly by getting rid of them and re-establishing competition. We've been there; we've done that; it reproduces monopoly; and it doesn't change the basic inequality, unsustainability, instability of capitalism. We need to get beyond that stale, old debate – competition versus monopoly – and face the underlying reality: Capitalism is the problem, and getting beyond it is the solution.

#### capitalism drives extinction and structural violence

Allinson et al 21 [Jamie Allinson is Senior Lecturer in Politics and International Relations at Edinburgh University and author of The Age of Counter-revolution. China Miéville is the author of a number of highly acclaimed and prize-winning novels including October: The History of the Russian Revolution. Richard Seymour is the author of numerous works of non-fiction, His writing appears in the New York Times, London Review of Books, Guardian, Prospect, Jacobin. Rosie Warren is an Editor at Verso and the Editor-in-Chief of Salvage. All are writing for the Salvage Collective. “The Tragedy of the Worker: Toward the Proletarocene.” Introduction. July 2021. Verso EBook. ISBN: 9781839762963 //shree]

This is the question that vexed us as we set out to write The Tragedy of the Worker. From the vantage point of the present, the history of capitalist development is, as Marx expected, the history of the development of a global working class, the proletarianisation of the majority of the world’s population. But the very same process of that development has brought us to the precipice of climate disaster. Our position, to recall Trotsky’s rationalisation of War Communism in 1920, is in the highest degree tragic.

It is now clear that we will pass what scientists have long warned will be a tipping point of global warming, accelerating the already catastrophic consequences of capitalist emissions. How do we imagine emancipation on an at best partially habitable planet? Where once communists imagined seizing the means of production, taking the unprecedented capacities of capitalist infrastructures and using them to build a world of plenty, what must we imagine after the apocalypse has befallen us? What does it mean that as capitalism has become truly global, the gravediggers it has created dig not only capitalism’s grave, but also that of much organic life on earth?

Our answers to these questions remain rooted in the politics of revolutionary communism. Our stance is not based on the fantasy of a homeostatic nature that must be defended but on the critique of the capitalist metabolism – the Stoffwechsel- that must be overthrown. Earth scientists are accustomed to speak in terms of ‘cycles’ by which substances circulate in different forms: the water cycle, the rock cycle, the nitrogen cycle, the glacial-interglacial cycle, the carbon cycle, and others. One way of registering the catastrophe of climate change is to see these cycles – most of all, but not solely, the carbon cycle – as disordered, under- or over-accumulating. But this is to ignore the more fundamental circuit of which these now form epicycles, like Ptolemy’s sub-orbits of the heavenly bodies: the circuit of capital accumulation, M-C-M′.

This circuit accumulates profit and produces death. Neither is accidental. It is for this reason that the debates that capitalist ruling classes permit among themselves on ‘adaptation’ versus ‘mitigation’ take place on false premises. What is to be mitigated is the impact of climate change on accumulation, rendered through the ideology of ‘growth’ as something that benefits everyone. What we are to adapt to are the parameters of accumulation, sacrificing just enough islands, eco-systems, indigenous – and non-indigenous – cultures to maintain its imperatives for a period of time until new thresholds must be crossed, and new life sacrificed to the pagan idol of capital. Already, capitalist petro-modernity builds a certain quantum of acceptable death into its predicates: at the very least, the 8.7 million killed by fossil fuels each year according to Harvard University are considered a price worth paying for the stupendous advantages of fossil capital. And the sky can only keep going up, as deforestation, polar melt, ocean acidification, soil de-fertilisation and more intense wildfires and storms tear the web of life into patches. If the necropolitical calculus of the Covid-19 pandemic appears crass, just wait until its premises are applied to climate catastrophe.

#### vote neg for anti-capitalist commons – collectives should refuse commitments to competitive principle and the straitjacket of what’s “realistic”

Rose 21 [Nick. PhD in Political Ecology from RMIT University. Executive Director of Sustain: The Australian Food Network. From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons.” Int J Health Policy Manag 2021. 3-31-21. DOI: 10.34172/ijhpm.2021.20 //shree]

Silvia Federici provides a longer historical perspective, noting that ‘commoning is the principle by which human beings have organised their existence for thousands of years;’ and that to ‘speak of the principle of the common’ is to speak ‘not only of small-scale experiments [but] of large-scale social formations that in the past were continent-wide.’87 Hence a commons-based society is neither a utopia or reducible to fringe projects, and the commons have persisted despite the many and continuing enclosures, ‘feeding the radical imagination as well as the bodies of many commoners.’87 Federici acknowledges that commons and practices of commoning are diverse, that many are susceptible to cooptation and many are consistent with the persistence of capitalism; indeed some, such as charities providing social services (including foodbanks) during the years of austerity budgets in the United Kingdom (2010-2015), reinforce and stabilise capitalism.87 What matters to Federici is the character and intentionality of the commons as anti-capitalist, as ‘a means to the creation of an egalitarian and cooperative society…no longer built on a competitive principle, but on the principle of collective solidarity [and commitments] to the creation of collective subjects [and] fostering common interests in every aspect of our lives.’87

Federici’s analysis resonates with the political thought and proposals developed by Dardot and Laval in their 2018 work, ‘On Common: Revolution in the 21st century.’11 For Dardot and Laval, the common is likewise understood as a principle of political struggle, a demand for ‘real democracy’ and a major driving force behind the emerging articulation of a political vision and programme that transcends and overcomes the straitjacket logic of neoliberal ideological hegemony and its ‘policy grammar’ which appears to foreclose all alternatives and lock us forever into a capitalist realism in which ‘it is easier to imagine the end of the world than it is to imagine the end of capitalism.’89 Eschewing Bollier’s ‘triarchy’ of a market/state/ commons coexistence, Dardot and Laval argue for a politics of the common based on an engaged citizenry that directly participates and deliberates in all decisions which impact it, and in the process not merely transforms the institutions responsible for the management of services and allocation of resources, but creates new institutions and new ways of being in the world.11

Dardot and Laval describe this form of politics as ‘instituent praxis’: the common, they argue, is ‘not produced but instituted.’11 This acknowledges the conventional understanding of Ostrom, Bollier and others of ‘the commons’ as residing in the rules – the laws – that a community establishes for the collective management and use of shared resources, but extends it much further and in a more radical direction. The essence of the commons, they argue, is not in the goods per se such as land or a forest or a seed bank ‘held in common,’ but rather in the process of their establishment as well as the ongoing negotiation that will surround their use and governance. Hence, Dardot and Laval distinguish the commons from the ‘rights’ tradition of property, arguing that ‘the commons are above all else matters of institution and government…the use of the commons is inseparable from the right of deciding and governing. The practice that institutes the commons is the practice that maintains them and keeps them alive and takes full responsibility for their conflictuality through the coproduction of rules.’90 To ‘institute’ in this context should not be misunderstood as ‘to institutionalise [or] render official;’ rather it is ‘to recreate with, or on the basis of, what already exists.’ 90 This messy, conflictual and evolving process is what Dardot and Laval insist will ultimately bring about a revolution, not in the form of a violent uprising or insurrection, but rather through the ‘reinstitution of society’ via the transformation of politics and economy from its current state of ‘representative oligarchy’ to full participatory and deliberative democracy.11 Such a vision is premised on a mass politicisation of society; in effect a return of mass popular political contestation and a turn away from the postpolitical era of the neoliberal consumer.91-92

### counterplan---regulations---1nc

#### counterplan: The United States federal government should:

#### 1---ban private sector business practices that are exempt from penalties via state action immunity through non-antitrust regulations; and

#### 2---ban the development of nanotechnology.

#### the counterplan pics out of anti-trust legislation and the ftc and doj as enforcers---other agencies’ regulations solve

Lawrence Fullerton et al. 08. Joel M Mitnick, William V Reiss, George C Karamanos and Owen H Smith. Sidley Austin LLP. Vertical Agreements The regulation of distribution practices in 34 jurisdictions worldwide. “United States.” https://www.sidley.com/-/media/files/publications/2008/03/getting-the-deal-through--vertical-agreements-2008/files/view-united-states-chapter/fileattachment/united-states-21.pdf

5 What entity or agency is responsible for enforcing prohibitions on anticompetitive vertical restraints? Do governments or ministers have a role?

The Federal Trade Commission (FTC) and the Antitrust Division of the Department of Justice (DoJ) are the two federal agencies responsible for the enforcement of federal antitrust laws. The FTC and the DoJ have jurisdiction to investigate many of the same types of conduct, and therefore have adopted a clearance procedure pursuant to which matters are handled by whichever agency has the most expertise in a particular area.

Additionally, other agencies, such as the Securities and Exchange Commission and Federal Communications Commission, maintain oversight authority over regulated industries pursuant to various federal statutes, and therefore may review vertical restraints for anti-competitive effects.

#### statistics agree regs are better

Sumit Majumdar 21. Professor of Information Systems, University of Texas, Dallas. “Stick Versus Carrot: Comparing Structural Antitrust and Behavioral Regulation Outcomes.” *The Antitrust Bulletin*. June 2021. DOI: 10.1177/0003603X211023463.

The issue is which method works better, the antitrust (structural) or the regulatory (behavioral)? Using a standard test of differences in magnitude between two variables, as natural experiment 3 I evaluate if the antitrust (structural) approach or the regulatory (behavioral) remedy has had a greater impact in enhancing efficiency. Results are in Table 4. Column (A) relates to the performance outcome variable comparatively evaluated. Column (B) reports if the antitrust (structural) impact is less than that of the regulatory (behavioral) measures, on performance, and column (C) reports if the difference has been statistically significant.

[CHART EXCLUDED]

For the productive efficiency score, the regulatory (behavioral) remedy has statistically had a greater impact than the antitrust (structural) method in enhancing efficiency. (Recollect that Tables 2 and 3 reported results on how the structural vs. behavioral remedies impacted efficiency scores. The impacts were 2.23% for the structural remedy (column [A] in panel [B] of Table 2) and 4.33% (column [A] in panel [B] of Table 3) for the behavioral remedy.)

B. Robustness Check

An evaluation of why price caps, as endogenous phenomena,64 were implemented would depend on firm-level factors, such as past performance; these would have influenced the implementation of price cap regulatory schemes for specific firms. As a robustness check, controlling for inclusion of endogenous factors, past performance variables have been included as price caps determinants for each observation, in a selection equation with the price cap variable then determining performance in an outcome equation. The results show the price cap estimates to be of relatively the same magnitude (in fact, they are larger), sign, and significance as the estimate values already reported in this article.65

C. Summary

Overall, significantly larger positive outcomes have emerged from sector-specific regulatory (behavioral) remedy applications vis-à-vis the concurrent antitrust (structural) remedy application. The use of further performance variables to comparatively test the ideas has yielded very similar results. Such additional results are available on request.

### disad---japan---1nc

#### New antitrust is applied globally---offends allies.

Herbert Hovenkamp 03. Ben V. & Dorothy Willie Professor of Law and History, University of Iowa. “Antitrust as Extraterritorial Regulatory Policy,” 48 Antitrust BULL. 629 (2003).

Today few of us are sympathetic with the view that the common law exists apart from and somehow transcends the jurisdiction of the courts that make it. Nevertheless, there is a powerful sense in which the rules of antitrust law are regarded as "natural," while explicitly regulatory rules are considered to be purely local, territorial, or political. This view is given considerable support by a powerful neoclassical economic model that views markets as natural, in the sense that they exist separate and apart from state policy making. 32

Within this model antitrust law is a kind of background umpire that does not make first instance choices about price, quantity, quality, new entry and the like, but that does limit the anticompetitive exercise of market power. Antitrust operates as a kind of "macro" version of contract law. The common law of contracts is designed to facilitate and protect the utility of individual private bargains; antitrust is designed to do much the same thing, but for markets as a whole. Under this conception a well defined set of antitrust principles always operates in the background, so to speak, permitting private bargaining to proceed without interference in the great majority of instances, but intervening when competitive processes go awry. Further, widespread agreement exists both inside and outside the United States on a set of core principles pertaining to such things as naked price fixing, market division agreements, and the like. Within this core, problems of extraterritoriality have largely been limited to the technical ones of devising appropriate jurisdictional rules and remedies.

In contrast, the power to regulate is different. Under the traditional view of regulation the power to set price, quantity, quality, or the right to enter a market emanates in the first instance from the government. Further, although there is widespread economic agreement on fundamental principles, regulatory design is much more specific to the sovereign-more likely to reflect the demographics, industrial or employment base, or politics of the particular state imposing the regulation.

For example, nearly all of the 50 states of the United States have an antitrust law. With relatively few exceptions, however, the substantive coverage of these antitrust laws is the same, and mimics federal law. Many states have court decisions or even legislative enactments stating that federal antitrust law should govern the interpretation of that particular state's antitrust law as well. 33 The result is that the coverage of state antitrust law is remarkably similar from one state to the next. But one can hardly say the same thing about each state's regulation of land use, power generation and distribution, taxicabs, liquor pricing, and the like. Whatever homogeneity regulatory theory might produce, the politics of regulation virtually guarantees jurisdiction-specific outcomes.

But homogeneity in antitrust policy also begins to break down when antitrust law moves beyond its fundamental neoclassical concern with cartels or well-defined exclusionary practices, and into areas where its role is more controversial or marginal. This is often the case when the antitrust laws are applied in recently deregulated markets. For example, a common antitrust problem that arises in deregulated industries falls under the general rubric of unilateral refusals to deal. In order to encourage competition, newly deregulated firms may be forced to share their facilities, information, intellectual property, or other assets with new rivals. Devising reasonable "nonregulatory" rules governing refusals to deal in such markets has always extended the antitrust laws to the margin of their competence.

Increasingly, American courts seem willing to apply antitrust law to markets regulated by foreign nations under circumstances where regulatory laws themselves would never reach. For example, neither Congress nor a state legislature would very likely attempt to regulate the customer service or information provision practices of a foreign national's telephone company. But both federal and state courts have done precisely that under the guise of antitrust enforcement.3 4

Antitrust policy makes this thinkable as a result of the confluence of two sets of doctrines. First is the expansive reach of our antitrust laws to practices that have a substantial effect on United States commerce. Second is the very narrow conception of comity that applies in antitrust cases.

As a general matter, comity concerns in the international conflict of laws requires the court to consider the competing interests of domestic and foreign sovereigns. 35 After a half century of debate over the meaning of comity in international Sherman Act adjudication, the Supreme Court gave the doctrine an extraordinarily narrow meaning in the Hartford Fire case.36 That case involved an alleged insurance boycott in which Lloyd's of London participated as reinsurer. Lloyd's conduct-agreeing with some United States insurers not to write reinsurance policies for other United States insurers who wanted to write policies with broader coverage-was neither forbidden nor compelled by British law. To the defendant's claim of comity the Supreme Court replied that the provisions of the Sherman Act governing jurisdiction over transactions in foreign commerce were mandatory. As a result, a federal court could not simply decline jurisdiction on the basis of some general balancing of interests. 37 Rather, "comity" permits a federal court to decline jurisdiction only when there was a "conflict" between the law of the foreign sovereign and United States law. Further, "conflict" was defined not under choice of law principles, but more absolutely, as occurring only when the foreign law compelled the conduct at issue. 38

Perhaps significantly, the activity of the London reinsurers was very likely reachable under United States antitrust law even under ordinary interest analysis principles. British law was found by the Supreme Court to be indifferent to what the London reinsurers were doing. Further, what they were doing was agreeing not to insure against liability for particular toxic pollution risks in the United States, and risk of liability is of course measured in relation to the physical environment and legal regime in which the injury occurs. 39 As a result, the London reinsurers were selling a product especially targeted for United States markets and allegedly participating in a boycott designed to keep broader coverage insurance policies out of that market.

But Hartford Fire's definition of comity is significantly problematic under deregulation. To the extent a foreign sovereign deregulates a public utility or common carrier, that firm enjoys greater discretion to make its own decisions. As a result, considerations of comity may no longer preclude a Sherman Act suit. What makes this especially problematic is the way that the Sherman Act has been used in the United States as a kind of replacement for the regulatory agency. Under comprehensive agency regulation a filed tariff plus regulatory oversight would have governed numerous acts by regulated firms, including pricing, entry into new markets, interconnection obligations and other duties to deal.40 Government relaxation of regulatory restrictions has given firms some discretion over these things but in the process has substituted the antitrust courts as governmental supervisor. In some situations this causes little difficulty because regulation may have been misapplied to a competitively structured industry to begin with.41 In other situations, such as long-distance telecommunication, a competitive environment has developed because of changes in technology, and topto-bottom price and product regulation is no longer necessary.42

But in a third class of situations the application of the antitrust laws is much more "regulatory" and more difficult to defend. These are the cases where unilateral conduct of the kind that was historically supervised by the regulatory agency now comes under antitrust jurisdiction. For example, under the essential facility doctrine a federal court of general jurisdiction may be asked to apply antitrust law to determine the scope of a formerly regulated firm's duty to interconnect with rivals. The circuit courts have applied the doctrine frequently in the telecommunications industry,43 but also to railroads" and natural gas pipelines.4 5 Problematically, supervising interconnection requirements involves the court in highly technical questions about the scope of the duty to deal and perhaps even about the price at which the deal must be made. In these cases we have not really "deregulated" at all; rather, we have simply substituted regulation by a government agency for regulation by a court, often through the highly inefficient and uncertain process of a jury trial. To do that in a purely domestic situation is ill-advised enough, but to do it abroad by taking advantage of the expansive jurisdictional reach of the Sherman Act is completely unjustified.

IV. Extraterritorial antitrust and foreign deregulation

As expansive as the regulatory power asserted by the United States sometimes becomes, it does not generally interfere directly into foreign governments' regulation of their own highly regulated industries. But to a large extent modem antitrust has inherited the regulatory attitude expressed by the Western Union decision discussed above. For several reasons, the idea that the United States Antitrust laws are jurisdictionally exceptional can produce overreaching that is offensive to foreign prerogatives. First, the United States antitrust laws are extremely general and make no distinction between ordinary competitive firms and public utilities or common carriers; the same rules purport to apply to all business firms. Second, the jurisdictional language of the antitrust laws is both mandatory and general to the same extent-that is, the "affecting foreign commerce" language of the basic Sherman Act and the export commerce language of the Foreign Trade Antitrust Improvement Act 6 do not distinguish between regulated and ordinary competitive firms. And third, the limiting doctrines of international law-namely Act of State, foreign sovereign compulsion, foreign sovereign immunity, and comity-do not distinguish among types of firms or types of antitrust complaints. They apply equally to both price fixing, which is at the core of antitrust concern, and to the essential facility doctrine, which lies at or outside its margin.

#### Ends the Japan economic alliance---they respond with diplomatic protest to new extraterritorial antitrust.

Takaaki Kojima 02. Fellow, Weatherhead Center for International Affairs, 2001-2002. “International Conflicts over the Extraterritorial Application of Competition Law in a Borderless Economy”. https://datascience.iq.harvard.edu/files/fellows/files/kojima.pdf

We are witnessing increasingly widespread and penetrating economic globalization today. As a result of trade liberalization, import restrictions or regulations on trade and investment have decreased substantially, and trans-border business activities face less barrier. At the same time, the role of trans-border business activities, especially those by so-called multinational or global enterprises, have become increasingly important and even dominant in some sectors.

As far as the territorial scope of business activities are concerned, state borders are more or less diminishing to become almost borderless; as for legal regimes, however, sovereign states retain in principle exclusive jurisdiction over their territories and nationals under international law. Business activities are regulated by the domestic laws of sovereign states or by international agreements concluded among sovereign states. The pertinent question is how to coordinate “borderless” business activities within the existing legal regimes governed by sovereign states. In the field of trade law, the measures of each state are restricted by international agreements, in particular under the GATT/WTO regime. In the field of competition law, such an international regime is lacking and the domestic laws of each state regulate private restraints of trade in the relevant markets.

Serious jurisdictional conflicts have transpired in the last several decades between the United States and other states over the so-called extraterritorial application of U.S. antitrust laws on anticompetitive conducts abroad. This problem has also caused diplomatic frictions between the United States and other states, as it concerns state sovereignty. In this essay, the author will review the historical development of international conflicts caused by the extraterritorial application of competition law and attempt to examine the options available to circumvent or solve these conflicts. The main focus will be U.S. antitrust law and its relation with other jurisdictions, mainly the European Union and Japan, considering the grave implications to competition law and policy as well as to the world economy. 2

II. Extraterritorial Application of U.S. Antitrust Laws

Problems concerning the extraterritorial application of U.S. antitrust laws have been discussed in many publications. Of the U.S. antitrust laws, the Sherman Act applies to “commerce … with foreign nations ” (Section 1) without qualifying provisions concerning its territorial scope as “within the United States” (Section 2) or “in any section of the country” (Section 3) as specified in the Clayton Act. In the past, U.S. courts interpreting the Sherman Act of 1890 and other antitrust laws commonly followed the traditional territorial principle with regard to its jurisdictional reach. In the American Banana case (213 U.S. 347 (1909)), where all the acts complained of were committed outside the territory of the United States, including the defendant’s alleged inducements of the Costa Rican government to monopolize the banana trade, the U.S. Supreme Court dismissed the complaint on the ground, inter alia, that acts committed outside of the United States are not governed by the Sherman Act. In this case, the territorial principle in the classic sense was applied.

In later decisions such as the American Tobacco case (221 U.S. 106 (1911)) and the Sisal case (274 U.S. 268 (1927)), jurisdiction was exercised over the defendants on the ground that although the agreements in question were concluded by foreigners outside the United States, jurisdiction was limited to what was performed and intended to be performed within the territory of the United States. In these cases, the territorial principle was applied more flexibly, but it has been observed that this application cannot be argued other than as a sensible and reasonable deployment of the objective territorial theory. 3

An entirely different approach was taken in the Alcoa case (148 F.2d. 416 (1944)), in which foreign companies outside the United States had concluded the agreements. The Court of Appeal for the Second Circuit held it settled law that any State may impose liabilities, even upon persons not within its allegiance, for conduct outside its borders that has consequences within its borders. It went on further to state that the agreements, although made abroad, were unlawful if they were intended to affect imports and did affect them.

This theory of the intended effect (the effects doctrine) elaborated in the Alcoa case was criticized by many as an excess of jurisdiction under public international law. For instance, R.Y. Jennings noted that “in this new guise it apparently comprehends the exercise of jurisdiction over agreements made abroad, by foreigners with foreigners provided only that the agreement was intended to have repercussions upon American imports or exports,” 4 while F.A. Mann argued that “the type of effect within the meaning of the Alcoa ruling has nothing in common with the effect which by virtue of established principles of international jurisdiction confers that right of regulation.” 5 Neverthele ss, since the Alcoa case, U.S. courts have continued to follow the new jurisdictional formula of the effects doctrine.

In response to excessive application of U.S. antitrust laws, especially with respect to courts’ orders to produce documents such as subpoena duces tecum located abroad, a considerable number of states have issued diplomatic protests. Australia, France, the United Kingdom, the Netherlands, and New Zealand have even enacted blocking legislation. 6 The protesting states maintain that taking evidence abroad, including an order to produce documents, is an exercise of extraterritorial enforcement of jurisdiction that, under international law, requires the consent of the state where the evidence is located. The United Kingdom has been one of the strongest opponents to U.S. claims of extraterritorial jurisdiction. The U.K. government stated for instance that “HM Government considers that in the present state of international law there is no basis for the extension of one country’s antitrust jurisdiction to activities outside of that country of the foreign national.” 7 The Protection of Trading Interest law was enacted in 1980, which provides to extensively thwart the extraterritorial application of U.S. antitrust laws. The U.K. government invoked the provisions in the Laker Airways case (1983 W.L.R. 413) in 1983.

Having faced the antagonistic reactions of other states, U.S. courts began to show some restraint in assuming extraterritorial jurisdiction. In the Timberlane case (549 F.2d. 9 th Cir. (1976)), the court concluded that it had jurisdiction over alleged anticompetitive conducts in Honduras but refrained from asserting extraterritorial jurisdiction after having applied three tests: first, whether the challenged conduct had had some effect on the commerce of the United States; second, whether the conduct in question imposed a burden on U.S. commerce; and third, whether the complaint’s interests of and links to the United States were sufficiently strong vis-à-vis those of other nations to justify an assertion of extraterritorial authority. The Foreign Trade Antitrust Improvements Act enacted in 1976 applies to foreign conduct that has a direct, substantial and reasonably foreseeable effect on U.S. commerce, The U.S. enforcement agencies, the Department of Justice (DOJ) and the Federal Trade Commission (FTC), have adopted this jurisdictional rule of reason formula since the Enforcement Guidelines for International Operations of 1988. However, divergent views exist as to whether the third test of balancing the interests of other states is a rule of international law or just a comity. 8 Furthermore, not all U.S. courts have consistently applied the test of balancing interests. 9

In 1993, the Supreme Court decision in the Hartford Fire Insurance case (113 S. Ct. 2891 (1993)) reaffirmed the effects doctrine, stating that the Sherman Act applies to foreign conduct that was meant to produce and did in fact produce some substantial effect in the United States. The Court then took a restrictive view on the test of balancing interests, stating that the only substantial question is whether there is a true conflict between domestic and foreign law, and held that no such conflict seemed to exist because British law did not require defendants to act in a manner prohibited by U.S. law. 10

Japan maintains the territorial principle and rejects the effects doctrine, stating that the effects doctrine cannot be regarded as an established rule of international law. In the view of the Government of Japan, the extraterritorial application of U.S. domestic laws (including U.S. antitrust laws) based on the effects doctrine is not allowed under general international law. 11 In the Nippon Paper case, where a Japanese company was prosecuted under the Sherman Act, the Japanese government submitted a brief of amicus curiae where it stated, inter alia, that the extraterritorial application of the Sherman Act to a conduct of a Japanese company engaged in business in Japan is unlawful under international law. 12 Nonetheless, the U.S. Supreme Court affirmed the Court of Appeal decision, which assumed the extraterritorial application of the Sherman Act to a criminal case for the first time (118 S. Ct. 685 (1998)).

#### Japan economic alliance is key to prevent Chinese challenges to the ILO---recovering now but smooth sailing is not guaranteed.

Shihoko Goto 21. deputy director for geoeconomics and senior associate for Northeast Asia at the Wilson Center. "When Trade No Longer Hampers U.S.-Japan Ties". 4-20-2021. https://www.wilsoncenter.org/blog-post/when-trade-no-longer-hampers-us-japan-ties

The April 16th meeting between President Joe Biden and Japanese Prime Minister Yoshihide Suga marked several milestones: not only was it the first foreign leader’s visit to the Biden White House, but it was also the first visit to the United States by Yoshihide Suga as the Japanese prime minister. It was also the first in-person summit meeting between the United States and Japan since the outbreak of a global pandemic. It marked a number of firsts in terms of content too, not least that it was the first time since the 1980s in which trade was not a sore point of contention between the two sides. Instead, trade relations projected as a way forward for further bilateral cooperation in confronting the China threat.

That isn’t to say trade relations between Japan and the United States are now smooth sailing. The U.S. trade deficit with the world’s third-largest economy runs to nearly $68 billion, and although the two sides signed a merchandise trade deal in 2019, the Japanese auto industry remains a point of contention for the United States. Indeed, Japan’s auto exports account for about $54 billion, or close to 80 percent, of the overall trade deficit. Meanwhile, the Biden administration is not expected to lift tariffs on steel and aluminum anytime soon, nor is it expected to make efforts to join the CPTPP in the near future, much to the frustration of Tokyo.

Yet instead of trying to negotiate a breakthrough on the trade front, the Biden-Suga meeting focused on bilateral economic relations based on their shared threat of dealing with China’s ambitions to challenge the regional status quo. Until recent months, Tokyo had aspired to maintain solid relations with China whilst furthering ties with the United States, most notably by endeavoring to decouple economic interests with Beijing from the security threat that China has increasingly been posing upon Tokyo. After the joint 2+2 joint security meeting in Tokyo in March, however, the two countries declared that China’s behavior is “inconsistent with the existing international order, presents political, economic, military, and technological challenges to the Alliance and to the international community.”

Since then, Tokyo has moved even closer to Washington publicly in pushing back against China, as the bilateral statement noted “the importance of peace and stability across the Taiwan Strait,” marking the first time since 1969 that Japan and the United States publicly referred to Taiwan which remains a core interest for China. In short, Japan’s hedging against the United States and maintaining a balancing act between China and the United States is now over. Not only is its security interests even more closely aligned with that of the United States, Japan’s economic interests are now more intertwined with that of the United States than ever.

Rather than focusing on the trade balance, Tokyo and Washington’s economic relations will concentrate more on economic resilience and maintaining free and fair economic rules of engagement in the Indo-Pacific. At the same time, the two countries are expected to work more closely together on competing against China in emerging technologies, from 5G to AI and information sciences.

For Japan, one of the biggest takeaways from the Biden-Suga meeting will be that the days of Japan posing an economic threat to the United States are now over. It will also be putting increasing pressure not only for Tokyo to be prepared to fight back against China on the economic as well as security fronts together with Washington, but it will also push Tokyo to step up its own efforts to compete in the innovation economy that goes beyond manufacturing.

#### ILO is sustainable and prevents great power war but can’t run on autopilot---preventing Chinese aggression is key.

Alan W. Dowd 21. Senior fellow with the Sagamore Institute, where he leads the Center for America’s Purpose. "Capstones: China’s Dream, the World’s Nightmare – Sagamore Institute". No Publication. 4-5-2021. https://sagamoreinstitute.org/capstones-chinas-dream-the-worlds-nightmare/

If China is indeed the future, if China is primed to “rule the world,” if China remakes the international order in its image, it won’t be pretty. A future dominated by the People’s Republic of China (PRC) will be demonstrably worse than the world we know. Just look at how Xi Jinping’s regime treats its own subjects—and plays its current role on the global stage.

NO RIGHTS

Those predictions aren’t outlandish. China already is the world’s top manufacturing nation, top exporting nation and second-largest economy. The PRC was the only major economy to emerge from 2020 claiming GDP growth (if we are to trust Beijing’s books). In the pandemic’s wake, China dislodged the U.S. as the world’s primary destination for foreign direct investment. PRC-backed firms are leaders in the global 5G and AI race. On the strength of a 517-percent binge in military spending since 2000, China bristles with anti-ship and anti-aircraft missiles, deploys a high-tech air force, has a growing and openly hostile presence in space, is doubling its nuclear arsenal, and boasts a 350-ship navy (now the world’s largest). Beijing’s growing cultural reach is evident in everything from its influence over Hollywood, to its puppet-master relationship with the NBA, to its 480 Confucius Institutes (designated by Washington as “part of the Chinese Communist Party’s global influence and propaganda apparatus”).

As President Joe Biden concludes, China is “the only competitor potentially capable of combining its economic, diplomatic, military, and technological power to mount a sustained challenge to a stable and open international system.”

Xi is doing exactly that. But the China challenge starts inside the PRC.

Xi is pursuing what he calls the “China Dream,” which enfolds goals such as sustained economic development, military power modeled after and matching that of the U.S., ideological conformity, “rejuvenation of the Chinese nation” and “complete unification of our country.” Making Xi’s “China Dream” come true is turning into a nightmare for his subjects.

Before leaving his State Department post, Secretary of State Mike Pompeo described what Xi is doing to Uighur Muslims as “genocide,” noting that Beijing has “forced more than a million people into internment camps in the Xinjiang region” and detailing “torture, sexual abuse…rape, forced labor…and unexplained deaths in custody.” As he took the baton from Pompeo, Secretary of State Antony Blinken agreed, affirming that “The forcing of men, women and children into concentration camps, trying to, in effect, re-educate them to be adherents to the ideology of the Chinese Communist Party—all of that speaks to an effort to commit genocide.”

The U.S. government isn’t alone. The Uighur Muslim region, according to a UN human-rights watchdog, “resembles a massive internment camp…a no-rights zone.” More accurately, all of China is a no-rights zone.

Xi’s China is a place where Christian churches are smashed and followers of Christ are sent to reeducation camps; Buddhist temples are bulldozed; Uighur men are packed into freight trains, Uighur women are forcibly sterilized and Uighur babies are forcibly aborted; and bishops and Nobel Peace Prize laureates die in prison. Under Xi, “Religious persecution has increased…with four communities in particular experiencing a downturn in conditions—Protestant Christians, Tibetan Buddhists, and both Hui and Uighur Muslims,” Freedom House reports. Amnesty International adds that “hundreds of thousands of people” are subjected to arbitrary arrest and detention in China, many of them for “peacefully exercising their rights to freedom of expression and freedom of belief.”

There’s a brutal logic to Xi’s brutal response to religious activity. The common denominator of most every religion is that there’s something above, something beyond, something bigger, more enduring and more important than the state. That notion represents a mortal threat to the legitimacy and durability of Xi’s regime, which is founded on the premise that people exist to serve the state—not to use their God-given gifts to serve others and God.

Xi’s capacity to control is growing ever more insidious. The PRC’s new “social credit system” is using mega-databases to monitor and catalogue every aspect of life of China’s 1.3 billion people—financial transactions, civil infractions, social-media postings, online activity—and then reward or sanction Xi’s subjects by feeding all that information to the National Development and Reform Commission, banking system and judicial system. PRC subjects with good social credit scores enjoy waived fees, lower utility bills, promotions and expedited overseas-travel approval, while those with poor social credit scores can be fired from their jobs, expelled from school, blocked from universities, or barred from accessing transportation.

An Orwellian surveillance state, more than a billion people denied religious freedom and other human rights, uncounted numbers tortured in reeducation camps, physicians jailed for following the Hippocratic Oath—that’s the kind of future and the kind of world Xi wants to build. As dissident leader Xu Zhangrun observed in the wake of Beijing’s criminal mishandling of COVID-19, “A polity that is blatantly incapable of treating its own people properly can hardly be expected to treat the rest of the world well.”

NO LIMITS

That idea—the notion that the PRC is incapable of treating the world any better than it treats its own—is not particularly profound. After all, this is a regime that over the decades has erased some 35 million of its subjects and tortured millions more. Regimes like this see no limits on their power. Since they believe nothing is above the state, they rationalize everything they do in the name of the state, the revolution, the Supreme Leader, the Dear Leader, the Core Leader (Xi’s new title). With no moral constraints on what they do, they believe their ends always justify their means.

That backwards worldview informs every aspect of decision-making in the PRC. This doesn’t mean Washington should refuse to talk with Beijing. But we must be ever vigilant when dealing with Xi. A regime that can justify imprisoning, torturing and killing its own people for peacefully practicing their faith can and will justify anything: seizing foreign lands, annexing international waterways, absorbing free peoples, stealing proprietary information, leveraging a pandemic to gain geopolitical advantage, breaking treaties. The godless USSR did those sorts of things, and so has the godless PRC.

“It is difficult to imagine that a government that continues to repress freedom in its own country,” President Ronald Reagan said of the USSR, “can be trusted to keep agreements with others.” And here we are yet again.

Experts in policy analysis, academia and military-security affairs conclude that Xi’s response to COVID-19 “was in breach of international law.” It pays to recall that COVID-19 was a local public-health problem that metastasized into a global pandemic due to Beijing’s incompetence or intention (either cause is reason not to entrust the future to Xi); that Xi’s regime lied about human-to-human transmission; that Xi’s regime willfully allowed millions to leave the epicenter in Wuhan for destinations around the world; that Xi’s regime carried out a premeditated plan to hoard 2.5 billion pieces of protective equipment as the virus swept the globe; that Xi’s regime blocked scientists from sharing findings about genome sequencing for weeks; that Xi’s regime continues to refuse to cooperate with international health agencies.

Xi’s intervention in Hong Kong and assertion of rule by remote-control is a brazen violation of an international treaty.

In and above the East China Sea, Beijing is constantly violating Japanese airspace and illegally loitering PRC coast guard vessels in Japanese waters. All the while, Beijing illegally claims some 90 percent of the South China Sea. Xi has backed up those claims by building 3,200 acres of illegal islands beyond PRC waters. These islands feature SAM batteries and warplanes. Xi promised the PRC wouldn’t militarize these islands. But as America and its allies learned at enormous cost last century, words don’t matter to men like Xi. Strength and the will to wield it are all that matters. Xi has both.

His goal is to control the resource-rich South and East China Seas, assert sovereignty claims in fait accompli fashion, and bring Chinese-speaking lands under his heel. Hong Kong—where only PRC-approved “patriots” are allowed to serve in government—was his first objective. Taiwan is next. Xi has made clear that democratic Taiwan “must and will be” absorbed by the communist Mainland. “We make no promise to abandon the use of force,” he warns. That explains Beijing’s ground-unit exercises, naval drills and bomber sorties around the island democracy.

Nor are Xi’s dreams and designs limited to his immediate neighborhood. Beijing is buying loyalty via development projects (see the Belt and Road Initiative), gaining a toehold in strategically located regions (see PRC control over ports in 18 countries), building an authoritarian bloc (see Russia, Serbia, North Korea, Iran, Venezuela), and fielding a power-projecting military capable of challenging the Free World across every region and every domain—land, sea, air, space and cyberspace. Xi’s relentless cybersiege of the Free World is siphoning away inventions, discoveries, technologies and wealth, penetrating defense firms, and interfering in elections.

For those with eyes to see—who know about the laogai camps and brutalization of Muslims and oppression of Tibet and assault on Christianity—none of this comes as a surprise. What’s surprising is that for 40 years, the trade über alles caucus convinced itself that such a regime could somehow be reformed by access to Buicks and Kentucky Fried Chicken.

TAKING AIM

Xi vows to build what he calls “a more just and reasonable new world order”—one that would supplant the liberal democratic order the United States and its allies began building after World War II. Importantly, the PRC not only has the intent to build a new world order; it has the resources and capabilities to do so—which helps explain why those who designed and uphold the existing world order are answering China’s challenge.

The PRC is a country of 1.3 billion people. Its GDP is already $14.1 trillion. Its economic tendrils—trade, banking, manufacturing, logistics, shipping, technology, super-computing, artificial intelligence—stretch into every part of the globe. All of this is fueling the PRC’s relentless military modernization and buildup. The PRC’s annual military expenditure is at least $261 billion. (Beijing recently announced an increase in military spending of 6.8 percent for 2021). The PRC has a 2-million-man military, the world’s largest navy and an intense focus on its neighborhood.

None of this would be a particularly worrisome if China embraced the values of liberal democracy—the rule of law, individual freedom, religious liberty, free enterprise and free trade, majority rule with minority rights. These are the foundation stones of what Churchill and FDR envisioned when they drafted the Atlantic Charter in 1941. Their vision led to what some call the “rules-based democratic order,” others the “liberal international order,” still others the “free world order.” These terms aim to describe how the peoples of the West have tried to make the world work and indeed manage the world: They embraced and encouraged democratic governance; developed rules and norms of behavior; promoted liberal (freedom-oriented) political and economic institutions; and called upon governments to live up to the responsibilities of nationhood by respecting international borders and promoting good order within those borders. The result has been an unparalleled spread of prosperity, an unprecedented expansion of free government and an unexpected remission of great-power war (which had become an increasingly-destructive feature of the centuries leading up to 1945).

To be sure, many regimes reject the values of liberal democracy. But the PRC, like the USSR before it, not only rejects those values; it possesses the military-technological-industrial-economic assets to challenge those values, erode the liberal international order built upon those values, and forge a new international order or at least bend the existing order toward its own goals. But don’t take my word for it.

“Some seek to challenge the international order—that is, the rules, values and institutions that reduce conflict and make cooperation possible among nations,” Blinken and Defense Secretary Lloyd Austin warn, pointedly adding that “China in particular is all too willing to use coercion to get its way.”

Former national security advisor Gen H.R. McMaster concludes that PRC “leaders believe they have a narrow window of strategic opportunity to…revise the international order in their favor.”

Before he retired as Indo-Pacific commander ,Adm. Phil Davidson told the Senate Armed Services Committee that Xi and his lieutenants are “accelerating their ambitions to supplant the United States and our leadership role in the rules-based international order.”

A NATO panel noted late last year that Beijing’s “approach to human rights and international law challenges the fundamental premise of a rules-based international order.”

These political, diplomatic and military leaders recognize that the liberal order has promoted the peace and prosperity of the Free World for nearly 75 years. But it doesn’t run on autopilot. If we want the benefits of a liberal order that sustains our way of life, we need to sustain the liberal order. As Robert Kagan of the Brookings Institution observes, “The present order will last only as long as those who favor it and benefit from it retain the will and capacity to defend it.” He adds, “Every international order in history has reflected the beliefs and interests of its strongest powers, and every international order has changed when power shifted to others with different beliefs and interests.”

Indeed, the liberal order and its guarantors have arrived at a turning point or breaking point: Either they will marshal the means and will to update, strengthen and preserve the existing order, or Beijing will dramatically transform it. Xi’s callous treatment of his own subjects and contempt for international norms offer a glimpse of what his “more reasonable new world order” would look like.

### disad---ftc---1nc

#### FTC’s increasing enforcement in privacy now---it’s focused on algorithmic bias.

James V. Fazio 21. Special counsel in the Intellectual Property Practice Group at Sheppard, Mullin, Richter & Hampton LLP, with Liisa M. Thomas, 3/11. “What Is FTC’s Course Under Biden?” https://www.natlawreview.com/article/what-ftc-s-course-under-biden

The new acting FTC chair, Rebecca Kelly Slaughter, recently signaled that the FTC may increase enforcement and penalties in the privacy and data security realm. Slaughter pointed to several areas of focus for the FTC this year, which companies will want to keep in mind: Notifying Consumers About FTC Allegations: Slaughter referred favorably to two recent cases: (1) the Everalbum biometric settlement from earlier this year (which we wrote about at the time); and (2) the Flo Health settlement over alleged deceptive data sharing practices (which we also wrote about at the time). In drawing on these two cases, Slaughter indicated that in future cases the FTC intends to include as part of any settlement a requirement to notify customers of any FTC allegations. This, she said, would allow consumers to “vote with their feet” and help them decide whether to recommend their services to others. FTC Intent to Plead All Relevant Violations: According to Slaughter, another lesson the FTC is taking from the Flo case is to include in the cases it brings all potentially applicable violations of all relevant privacy-related laws. In the Flo case, Slaughter said the FTC should have pleaded a violation of the Health Breach Notification Rule, which requires that vendors of personal health records notify consumers of data breaches. Focus on Ed Tech and COPPA: Given the explosive growth of education technology during COVID-19, the FTC is conducting an industry sweep of the industry. Related to this, the FTC is reviewing its Children’s Online Privacy Protection Act Rule. This goes beyond the refresh the agency did of their FAQs earlier in the pandemic (which we wrote about at the time). For now, Slaughter reminds companies that parental consent is needed before collecting information online from children under the age of 13. Examination of Health Apps: The FTC will take a closer look at health apps, including telehealth and contact tracing apps, as more and more consumers are relying on such apps to manage their health during the pandemic. Overlap Between Competition and Privacy: Slaughter also indicated that it is worth looking at situations where there may be not only privacy concerns, but antitrust as well. Because the FTC has a dual mission (consumer protection and competition) she notes that it has a “structural advantage” over other regulators in that it can look at these issues, especially since -she states- “many of the largest players in digital markets are as powerful as they are because of the breadth of their access to and control over consumer data.” Racial Equality and AI/Biometrics/Geotracking: Slaughter noted that COVID-19 is exacerbating racial inequities. She pointed to the unequal access to technology, as well as algorithmic discrimination (the idea that discrimination offline becomes embedded into algorithmic system logic). The FTC intends to focus on algorithmic discrimination, as well as on the discrimination potentially embedded into facial recognition technologies. (This mirrors concerns that gave rise to the recent Portland facial recognition law, which we recently wrote about). Finally, Slaughter commented on the use of location data to identify characteristics of Black Lives Matter protesters, and said she is concerned about the misuse of location data to track Americans engaged in constitutionally protected speech. Putting it Into Practice: Companies that operate health apps, that are in the education technology space, or that use algorithms or facial recognition tools will want to keep in mind that these are areas of focus for the FTC. And for everyone, keep in mind that the FTC has indicated it will beef up privacy law penalties and will ask for more notification to injured consumers.

#### Antitrust enforcement saps up FTC resources and personnel, which are finite.

Tara L. Reinhart, et al. 21. \*\*Head of Skadden, Arps, Slate, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*Steven C. Sunshine, Co-head of Skadden, Arps, Slat, Meagher & Flom LLP’s Antitrust/Competition Group. \*\*David P. Whales, antitrust lawyer with over 25 years of experience in both private and public sectors. \*\*Julia Y. York, partner at Skadden, Arps, Slat, Meagher & Flom LLP. \*\*Bre Jordan, associate at Skadden, Arps, Slat, Meagher & Flom LLP focusing on antitrust law. “Lina Khan’s Appointment as FTC Chair Reflects Biden Administration’s Aggressive Stance on Antitrust Enforcement.” 6/18/21. https://www.skadden.com/insights/publications/2021/06/lina-khans-appointment-as-ftc-chair

Second, like all antitrust enforcers, Ms. Khan and the FTC will face resource constraints. Bringing antitrust litigation is an expensive and laborious process, often requiring millions of dollars for expert fees and a large army of FTC staff attorneys and taking many months or even years to accomplish. Typically, the FTC can only litigate a handful of antitrust matters at a time. It seems likely that Congress will provide more funding to the FTC in the current environment, but even with these extra resources, the FTC will still have to pick its cases carefully and cannot challenge every deal or every instance of alleged unlawful conduct.

#### That trades off with the necessary resources for privacy enforcement.

John O. McGinnis\* and Linda Sun\*\* 20. \*George C. Dix Professor, Northwestern University, and Associate-Designate, Wilmer Pickering Hale & Dorr LLP. “Unifying Antitrust Enforcement for the Digital Age.” Northwestern Public Law Research Paper No. 20-20. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3669087

The FTC needs more resources to adequately address the nation’s growing privacy concerns. Currently, the FTC oversees both consumer protection—encompassing privacy—and antitrust,249 making the FTC the chief federal agency on privacy policy and enforcement250 and the nation’s de-facto privacy agency.251 The agency has long-standing experience in enforcing privacy statutes252 and also has special privacy assets, such as an internet lab capable of high-quality tech forensics to track invasions of privacy.253 The FTC, however, has failed to keep pace with the massive growth of privacy concerns—a phenomenon also driven by modern technology. Very few Americans feel conﬁdent in the privacy of their information in the digital age.254 According to a 2019 study, over 80% of Americans feel that they have little to no control over the data collected on them by companies and the government.255 To adequately address privacy concerns, the FTC needs more resources.256 The agency has been explicit that it needs more manpower to police tech companies. In requesting increased funding from Congress, FTC Director Joseph Simons said the money would allow the agency to hire additional staff and bring more privacy cases.257 A former director of the FTC’s Bureau of Consumer Protection, which houses the privacy unit, has called the FTC “woefully understaffed.”258 As of the spring of 2019, the FTC had only forty employees dedicated to privacy and data security, compared to 500 and 110 employees at comparable agencies in the UK. and Ireland, respectively.259 Without more lawyers, investigators, and technologists, the FTC will be forced to conduct privacy investigations less thoroughly, and in some cases, forgo them altogether.260 Currently, the FT C’s resources are spread thin across multiple missions, to the detriment of its privacy efforts. Removing the agency’s antitrust responsibilities would reallocate resources from the antitrust department to its privacy unit and other areas of consumer protection. Further, it would free up the scarce time of the commissioners to oversee this essential effort.261

#### Unchecked algorithmic bias risks massive inequality and extinction.

Mike Thomas 20. Quoting AI experts including MIT Physics Professors, Senior Features Writer for BuiltIn. THE FUTURE OF ARTIFICIAL INTELLIGENCE: 7 ways AI can change the world for better ... or worse, Updated: April 20, 2020, <https://builtin.com/artificial-intelligence/artificial-intelligence-future>

Klabjan also puts little stock in extreme scenarios — the type involving, say, murderous cyborgs that turn the earth into a smoldering hellscape. He’s much more concerned with machines — war robots, for instance — being fed faulty “incentives” by nefarious humans. As MIT physics professors and leading AI researcher Max Tegmark put it in a 2018 TED Talk, “The real threat from AI isn’t malice, like in silly Hollywood movies, but competence — AI accomplishing goals that just aren’t aligned with ours.” That’s Laird’s take, too. “I definitely don’t see the scenario where something wakes up and decides it wants to take over the world,” he says. “I think that’s science fiction and not the way it’s going to play out.” What Laird worries most about isn’t evil AI, per se, but “evil humans using AI as a sort of false force multiplier” for things like bank robbery and credit card fraud, among many other crimes. And so, while he’s often frustrated with the pace of progress, AI’s slow burn may actually be a blessing. “Time to understand what we’re creating and how we’re going to incorporate it into society,” Laird says, “might be exactly what we need.” But no one knows for sure. “There are several major breakthroughs that have to occur, and those could come very quickly,” Russell said during his Westminster talk. Referencing the rapid transformational effect of nuclear fission (atom splitting) by British physicist Ernest Rutherford in 1917, he added, “It’s very, very hard to predict when these conceptual breakthroughs are going to happen.” But whenever they do, if they do, he emphasized the importance of preparation. That means starting or continuing discussions about the ethical use of A.G.I. and whether it should be regulated. That means working to eliminate data bias, which has a corrupting effect on algorithms and is currently a fat fly in the AI ointment. That means working to invent and augment security measures capable of keeping the technology in check. And it means having the humility to realize that just because we can doesn’t mean we should. “Our situation with technology is complicated, but the big picture is rather simple,” Tegmark said during his TED Talk. “Most AGI researchers expect AGI within decades, and if we just bumble into this unprepared, it will probably be the biggest mistake in human history. It could enable brutal global dictatorship with unprecedented inequality, surveillance, suffering and maybe even human extinction. But if we steer carefully, we could end up in a fantastic future where everybody’s better off—the poor are richer, the rich are richer, everybody’s healthy and free to live out their dreams.”

### Counterplan---Rulemaking---1NC

#### Counterplan: The United States federal government should delegate antitrust rulemaking authority to a new expert agency. The agency should begin notice-and-comment rulemaking to increase prohibitions on anticompetitive business practices by the private sector by limiting the state action immunity doctrine.

#### Solves the case, engages notice and comment, and avoids courts disads.

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.

#### Democracy solves war

Christopher Kutz 16. PhD UC Berkeley, JD Yale, Professor, Boalt Hall School of Law @ UC Berkeley, Visiting Professor at Columbia and Stanford law schools, as well as at Sciences Po University. “Introduction: War, Politics, Democracy,” in On War and Democracy, 1.

Despite Churchill’s famous quip—“Democracy is the worst form of government, except for all those other forms that have been tried from time to time”2—democracy is seen as a source of both domestic and international flourishing. Democracy, understood roughly for now as a political system with wide suffrage in which power is allocated to officials by popular election, can solve or help solve a host of problems with stunning success. It can solve the problem of revolutionary violence that condemns autocratic regimes, because mass politics can work at the ballot box rather than the streets. It can help solve the problem of famine, because the systems of free public communication and discussion that are essential to democratic politics are the backbone of the markets that have made democratic societies far richer than their competitors. It can help solve the problem of environmental despoliation, which occurs when those operating polluting factories (whether private citizens or the state) do not need to answer for harms visited upon a broad public. And democracy has been famously thought to help solve the problem of war, in the guise of the idea of the “peace amongst democratic nations”—an idea emerging with Immanuel Kant in the Age of Enlightenment and given new energy with the wave of democratization at the end of the twentieth century.

## innovation advantage

### link turn---1nc

#### big tech drives ai innovation and r&d---antitrust fractures it

Nicole Hemsoth 20. Co-Founder and Co-Editor at the Next Platform. What Could Stifle American AI Innovation?. Next Platform. 5-21-2020. https://www.nextplatform.com/2020/05/21/what-could-stifle-american-ai-innovation/

There are many things the U.S. government can do, but innovating at a rapid pace in the ever-evolving world of artificial intelligence is not necessarily one of them.

Much of the work in deep learning hardware and software comes from the private sector, which various government agencies depend upon for their various directives. However, we are in an age of complicated antitrust conversations and unfortunately, many of the companies under the gun for such action are those who supply the feds with much-needed computational and algorithmic know-how and tools.

The Center for Security and Emerging Technology (CSET) issued a detailed brief this month reviewing the role of antitrust action and what it could mean for the Pentagon’s access to AI. Indeed, there are a number of other government entities that could feel the burn if some of the most prolific tech monopolies are divvied up, but the report is narrowly focused on the Pentagon specifically.

We talked with one of the authors of the report, Dakota Foster, a visiting researcher at CSET about the multi-layered question of antitrust, AI, and what governments stand to lose (and what smaller private companies and startups might gain).

One of the most interesting questions in the wake of potential antitrust action against some of the largest tech companies (Google Microsoft, etc.) is around innovation. How might it might stifled and what will the effect be on the agencies that rely on the swift pace of progress on strategically critical technology areas like AI?

“We estimate that antitrust action will likely reduce the net amount and diversity of data held by firms that are broken up and could also reduce firms’ R&D budgets,” Foster says. “However, the effect these losses will have on innovation remains unclear. Similarly, we expect firms’ computing resources to diminish with yet undetermined consequences; shared compute resources could perhaps more than compensate for any loss.”

The R&D problem of any potential antitrust action down the pike would be most keenly felt in R&D, which spurs the innovation of many of the platforms that have tricked into use in hyperscale, HPC, and enterprise settings as open source or simply inspiration. While plenty of work comes out of national lab and developer communities, few things can beat a near-limitless well of R&D funds to innovative and iterate.

Foster and colleagues argue that If “R&D spending drives innovation, firms that can spend more on R&D— presumably large ones—will generally hold an edge in innovation.” They add that a “postbreakup AI sector could be less innovative as a result. Large tech companies do in fact spend more on R&D both in absolute and relative terms. According to PricewaterhouseCoopers, in absolute terms, Amazon and Alphabet were the world’s top two corporate R&D spenders in 2018, with Samsung, Intel, Microsoft and Apple in the top ten.

“The debate over breaking up Big Tech has profound national security implications. The Pentagon maintains that the innovation and acquisition of AI technologies is critical to America’s national security. Defense Secretary Mark Esper recently called AI the most significant emerging technology for warfare, predicting that “whoever masters it first will dominate on the battlefield for many, many, many years.” Although others within and beyond the Pentagon stress the limits of AI, its potential is widely acknowledged. In order to develop and deploy new, strategically decisive AI tools, the Pentagon must rely on an AI innovation ecosystem in which large private-sector companies play a critical role. At the same time, the Department of Justice, the Federal Trade Commission, Congress, and state attorneys general have targeted many of the private sector’s largest and most innovative AI companies in ongoing antitrust probes.” – Dakota Foster, Visiting Researcher, CSET

### no tech leadership impact---1nc

#### no impact to chinese tech leadership

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Beijing’s AI policy priorities are clear. The “Next Generation Artificial Intelligence Development Plan,” announced by China’s State Council in July 2017, called for China to catch up on AI technology and applications by 2020, and to become a global AI innovation hub by 2030. Chinese President Xi Jinping hammered the point home in his 19th Party Congress speech in October, when he mentioned the development of advanced manufacturing and the promotion of further integration of the Internet, big data and artificial intelligence with the real-world economy. Beijing has placed huge bets on AI for a host of political and economic reasons, from improving governance capacity to improving policy development and surveillance. The plan calls for China to lead the way in developing a regulatory environment to both encourage AI development and to mitigate the potential downsides of AI. A few months after the national plan’s announcement in July, the Ministry of Science and Technology (MOST) designated Baidu to lead the autonomous vehicle platform, Tencent for medical, Alibaba for Smart Cities, and iFlyTek for speech interfaces. These plans should be taken seriously, as the Chinese government has shown a strong track record in delivering results. For example, Beijing announced in 2010 that China would become the world’s leader in adopting high-speed rail (HSR). Today it has 60% of the world’s HSR market. In 2014, the Chinese government announced the “Mass Entrepreneurship and Innovation Plan.” Today there are business 8000 incubators in China, compared to 1400 in 2014. These plans have teeth, both due to the deadlines and metrics set out at the national level, as well as the local companies that are likely to take these directions as top priorities. We can expect a similar trajectory for China’s AI policies. Historically, the Chinese government has been open-minded towards technology development. When a new technology comes out, the government will give it the benefit of doubt and let it grow, rather than stifle it with policy or endless debates. Also, the environment in China is more conducive to fast launch and iteration. There is a general belief that it is better to launch something and then get it approved later. This allows Chinese businesses to generate real data at scale, which in turn allows technology to improve over a shorter period of time, particularly once AI is introduced into the equation. For example, while in the US, truckers’ unions are petitioning the Department of Transportation to delay autonomous truck testing, in China, the Xiong’an New Area, a planned smart city development southwest of Beijing, is being designed from the ground up with full autonomy in mind. Various highway authorities are willing to develop road augmentation, special lanes, or move warehouses near highway exits, all to facilitate faster deployment of autonomous trucks. We also see major initiatives in cities, following the central government’s call to action. Shanghai, Nanjing, Wuhan, and Tianjin are but a few of the cities coming out with their own AI initiatives. As with past policies, much of the resources will be applied at the provincial and city government levels. The types of resources may include subsidies for top talent (especially overseas talent); guidance for top VC funds, with the government playing the role of limited partner (LP) but offering some of its upside to the general partners (GPs) of the funds; special programs for top AI companies and start-ups (free rent, subsidy for local hiring, housing and private school for top talents); and technical awards for companies and individuals. Finally, the US, EU, and China will also compete to be out in front on developing a regulatory regime around AI technologies and applications. The National Plan’s explicit recognition of the need for regulatory, legal, and ethical principles for AI development and use represents an uncommonly foresighted approach. Of course, the government’s approach to AI regulation, ethics, and economic adjustment will reflect Beijing’s broader model of governance and ideology. Given its preference for a state-centric approach to international issues, for example, it is possible China will launch an initiative via the UN to establish first an automation/AI-related “code of conduct,” or basic regulatory approach, followed by a special committee on the topic and eventually an oversight body operating within a UN framework. Such an initiative would put China at the forefront of developing a global approach to these issues. Beijing has attempted a similar approach on cybersecurity issues, which it argues have a global impact and require a global regulatory response.

#### violent China rise scenario is wrong

Koh King Kee 20. President, Centre for New Inclusive Asia (CNIA). Associate Fellow, Institute of China Studies, University of Malaya. “China’s Rise Is No Threat to the Liberal International Order “ China Focus. 01-22-2020. http://www.cnfocus.com/china-s-rise-is-no-threat-to-the-liberal-international-order/

China has given the world a sterling report card for its economic reform over the last four decades. Its achievements have won admirations and applauses across the world, from men on the street to political elites. Its success stories are inspirations to leaders of the emerging economies who see in China an alternative development model, a growth path that is strikingly different from the conventional economic text. But its meteoric rise has also **stirred concerns and fears in the West**. To the advocates of Western democracy, China is a centralized authoritarian regime, the rise of which is a threat to the liberal international order. Particularly, America views China as a revisionist power that poses an imminent challenge to its global hegemony. In a radio interview last year, U.S. Secretary of State Mike Pompeo alleged that China is “buying an empire” with its Belt and Road Initiative, and America intends to “oppose them at every turn”. **Are such allegations justified** or misguided? What sets China’s political system apart from the rest of the world? China’s centralized system is rooted in its history “The Chinese tradition of order imposed by a centralized system” is “a pattern that goes back at least 3,500 years”, says Newt Gingrich, former US House Speaker in his newly published book “Trump Vs China: Facing America’s Greatest Threat”. Newt Gingrich, a harsh critic of the Communist Party of China (CPC) has no empathy for China. However, he is right in pointing out that China’s political system under CPC is rooted in thousands of years of its history, a system that is inextricably embedded in its millennial-old civilization. Centralization has been China’s mainstream political philosophy spanning from the ancient dynasties to modern days. China has remained a unified nation after Qinshihuang’s conquest of the Warring States more than 2,000 years ago despite the rise and fall of the dynasties, thanks to the centralized system. It glues the immense territory together and prevents China from falling into the fate of Europe – disintegration into small nation states. China’s centralized system of governance is run based on meritocracy – a key tenet of Confucianism, which is the **bedrock of Chinese civilization**. “When the Great Principle prevails, the world belongs to all, rulers are selected according to their wisdom and ability (⼤道之⾏也，天下为公，选贤与能),” said Confucius. In ancient China, talents were picked based on the principle of meritocracy through an open imperial examination system to serve the ruler of the day. Likewise, in present day China, leaders are selected after they have passed through tiers of ability and loyalty mill tests. Centralization and meritocracy are the foundation of Chinese polity. Despite regime change, they have remained China’s unchanged statecraft throughout its history. CCP’s consultative democracy is, in fact, a blend of centralization and meritocracy. Advantages of China’s political system Many factors have contributed to China’s startling economic rise. Free trade and globalization are unequivocally important drivers. However, many countries with a huge population or immense territory such as India, Russia and Indonesia have not been able to achieve the same economic growth as that of China, even though the same international environment and opportunities were availed to them. Many political pundits and economists have failed to recognize that what sets China apart from others in its development path is, in fact, its unique political system. China’s centralized CPC-led system has obvious advantages over electoral democracy as it allows the government to formulate long-term economic development plans for the country as opposed to focusing on short term populist policies for voters’ satisfaction. It is not uncommon for a new government to reverse development policies of the previous regime due to different ideologies in a parliamentary democracy. Meritocracy and political stability enhance government efficiency and accountability. China is well acknowledged for its high efficiency in delivering mega infrastructure projects. It builds highways, railways, bridges, dams, power plants, airports and other infrastructure projects in record time, now come to know as “China Speed”. Typically, a HSR project in China takes about 4 years to complete irrespective of its size, whilst in other countries, a similar project may take up to a decade to build. “China Speed” speeds up China’s economic growth as infrastructure is not only the prerequisite, but also the catalyst for economic development. BRI – a platform for international cooperation China’s Belt and Road Initiative (BRI) is the biggest infrastructure built out in the history of mankind. It is a mammoth transcontinental development project that aims to build connectivity across the Eurasian landmass based on the principles of mutual consultation, joint contribution and shared benefits. “China will actively promote international cooperation through the Belt and Road Initiative. In doing so, we hope to achieve policy, infrastructure, trade, financial, and people-to-people connectivity and thus build a new platform for international co-operation to create new drivers of shared development,” said President Xi Jinping at the 19th CPC National Congress. Sound infrastructures are the prerequisite for economic development. According to ADB’s estimate, Asia alone requires $26 trillion of infrastructure investment from 2016 to 2030 in order to maintain its growth momentum, eradicate poverty and respond to climate change. China is well positioned to contribute to the global infrastructure investment needs in view of its technology and expertise in building infrastructure projects, coupled with its huge pool of foreign reserves. To deepen its reform, China must move up the global value chain, migrate its low technology industries and alleviate its excess industrial capacities by opening-up new markets. BRI connects China’s landlocked northwest provinces to the world with overland highways and railways. It opens a safe passageway to the Indian Ocean through the China-Pakistan Economic Corridor. BRI is thus a **win-win transnational development project** benefiting China and the partner countries. However, in the eyes of Washington, BRI is China’s grand strategy to project its global influence and a challenge to America’s world supremacy. Washington accused China of coercive economic diplomacy by indiscriminate lending to developing countries with poor repayment ability, eventually seizing the strategic assets of the recipients when they failed to repay the loans – a scheme propagated by the West as “debt trap”. China is developing through interaction with the world China is a member of the global village. It is developing through interactions with the world. “China has been seeking development with its door open. China has **embraced the world**, learned from the world, and contributed to the world, **through positive interaction** and shared development.” China sums up its relationship with the world in “ China and the World in the New Era”, a White Paper commemorating the 70th Anniversary of the founding of the People’s Republic of China. China promotes interconnected development and **benefits from the existing international order.** It advocates **free trade and multilateralism.** When China started its reform and opening-up to the world, the West cast a mould, expecting China to grow accordingly. However, China took a path not traversed by others – a mixed economy under the centralized authoritarian system, or as CPC puts it, Socialism with Chinese Characteristics. It is a system rooted in thousands of years of its history and civilization, a development model that suits China and produces an economic miracle never seen in human history. The Belt and Road Initiative is China’s mega initiative for globalization **aiming at win-win outcome.** It is China’s offer of public goods to the world as an emerging economic superpower, a manifestation of its age-old philosophy, “When you are rich, share your wealth with the world (达则兼济天下）.” China is now the second largest economy and top trading nation in the world, contributing about 30 percent to global growth. Inevitably, the international order should reflect the new economic dynamics of the 21st century. While China’s economic achievements offer valuable lessons to the world, it has no messianic aspirations. As President Xi Jinping has categorically said, “We will not import other countries’ models, and will not export the China model.” China’s growth is being realized within the existing international order. China has **no reason to sabotage** it nor the intention to supplant America’s global preeminence. **China’s rise is no threat to the liberal international order!**

### no innovation internal link---1nc

#### pharma monopolies don’t stifle innovation

Joanna Shepherd, 18 (Professor of Law, Emory University School of Law. " Consolidation and Innovation in the Pharmaceutical Industry: The Role of Mergers and Acquisitions in the Current Innovation Ecosystem," *Journal of Health Care Law and Policy*, 8-28-18, <https://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1356&amp;context=jhclp>

Note: M&A = Mergers & Acquisitions

Despite concerns among some researchers and competition agencies that consolidation in the pharmaceutical industry reduces innovation, aggregate innovation has held strong notwithstanding dramatic increases in M&A activity. The years 2014 and 2015 generated both record numbers of new drug approvals and record pharmaceutical M&A.152 In fact, although M&A deals and new drug approvals vary slightly year-to-year, the general pattern has been increasing aggregate innovation alongside increasing consolidation.153 Although trend data is not enough to prove a causal relationship between innovation and consolidation, when considered alongside the evolving innovation ecosystem, it suggests that M&A does not stifle drug innovation. Today, most drug innovation originates outside of traditional pharmaceutical companies, in biotech companies and smaller firms, where a culture of nimble decision-making and risk-taking facilitates discovery and innovation. In the later stages of the drug development process, the biotech companies routinely partner with large pharmaceutical companies to advance through late-stage clinical trials and produce, market, and distribute the drugs. 154 In this current ecosystem, biotech and pharmaceutical firms are able to specialize in what they do best, bringing expertise and efficiencies to the innovation process. The specialization has led to an environment in which approximately three-fourths of new drugs are externally-sourced. 155 Internal R&D is no longer the primary source, or even an important source, of drug innovation.

#### No internal link---the 1AC evidence that says disruptive healthcare innovation solves disease outbreaks is from 2015---Covid disproves

### big pharma good---1nc

#### Big Pharma solves disease

Sandip **Shah 19**. State Public Health Lab Director and Administrator at State Department of Health. "Opinion: Big Pharma doesn't deserve all the hate.". 11-21-2019. https://www.naplesnews.com/story/opinion/contributors/2019/11/21/opinion-big-pharma-doesnt-deserve-all-hate/4267640002/

This **scorn** is **misplaced**. It's true that the biopharmaceutical sector contains a few bad actors who price gouge and cut regulatory corners. But the majority of drug companies are **responsible** corporate citizens that **spend billions** to **invent lifesaving medicines**. If we let our **collective resentment** turn into tangible, **anti-innovation policies** – such as drug price controls – we'll end up **worse** off. American **pharmaceutical** researchers deserve credit for the **lion's share** of **medical progress**. In 2017, drug firms poured $97 billion into research and development operations in the United States. That's more than double the U.S. government's spending on scientific research. Scientist

s in U.S. labs are currently developing 4,500 experimental drugs – more than half of all medicines in development worldwide. Thanks to these efforts, Americans are **beating deadly diseases** in record numbers. Cancer death rates have declined close to 30% since the 1990s. Researchers credit nearly three-quarters of these **survival gains** to **groundbreaking new drugs**. Biopharmaceutical research also **revolutionized** the treatment of **HIV/AIDS**. Just 30 years ago, a diagnosis was a death sentence. In the mid-1990s, scientists developed **highly active** antiretroviral therapies. These drugs caused HIV/AIDS death rates to plummet 88%, and have averted close to 1 million premature deaths in the United States alone. Scientists have recently turned their attention to **new types** of drugs, such as **gene and immunotherapies**, that reprogram patients' own bodies to fight disease. Doctors are already using these **cutting-edge medicines** to treat **hemophilia**, **leukemia** **and blindness**. Progress like this doesn't come easy. Each new drug is the result of millions of man-hours of research and testing. It takes over a decade to turn a promising lab compound into a marketable medicine. For every experimental drug that makes it to patients, nine others fail in clinical trials. Taking this **failure rate** into consideration, it costs more than $2 billion on average to bring a **new treatment** to market.

### no disease impact---1nc

#### Disease impact card sucks---not peer-reviewed and just spewing hypotheticals

#### Diseases don’t cause extinction

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For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, less than 4% (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is very numerous, globally dispersed, and capable of a rational response to problems, is very unlikely to be killed off by a natural pandemic.

One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a selective pressure for pathogens not to be highly lethal. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

## federalism advantage

### no modelling---1nc

#### no modeling---1ac dennis says federal government sets the standard---plan fuels state regs

#### norms fail

Edward M. Geist 16. Policy Analyst at RAND, former MacArthur Nuclear Security Fellow at Stanford, and a PhD in history from UNC. “It’s already too late to stop the AI arms race—We must manage it instead.” *Bulletin of the Atomic Scientists* 72(5): 319-20. Emory Libraries.

Norms are not enough

One goal of the campaign against autonomous weapons is to forestall state and non-state actors from weaponizing artificial intelligence by establishing a norm among AI researchers against contributing to socially undesirable uses of their work, as biotechnology researchers did at the 1975 Asilomar Conference on Recombinant DNA (Russell 2015; Grace 2015). While it is laudable to discourage artificial-intelligence practitioners from contributing to morally dubious projects, experience with other potentially dangerous emerging technologies indicates that merely establishing such norms may prove inadequate. The researchers’ open letter from last year approvingly invokes “international agreements that have successfully prohibited chemical and biological weapons,” but the USSR secretly developed a massive biological weapons program despite signing the 1972 Biological Weapons Convention (Leitenberg and Zilinskas 2012). While Western biologists demonstrated their concern about the possible hazards of genetic engineering at the 1975 Asilomar Conference, this did not prevent their Soviet counterparts from trying to create apocalyptically dangerous bioweapons using the technology (Grace 2015; Leitenberg and Zilinskas 2012). Attempts to forestall the creation of AI weapons relying primarily on the establishment of unverifiable cultural norms are liable to repeat this same lamentable pattern.

### experimentation bad---1nc

#### experimentation approach is bad

1AC Bostrom 2 – Nick Bostrom, Professor of Philosophy at Oxford University, “Existential Risks: Analyzing Human Extinction Scenarios and Related Hazards”, Journal of Evolution and Technology, 9(1), http://www.nickbostrom.com/existential/risks.html

The special nature of the challenges posed by existential risks is illustrated by the following points: · Our approach to existential risks cannot be one of trial-and-error. There is no opportunity to learn from errors. The reactive approach – see what happens, limit damages, and learn from experience – is unworkable. Rather, we must take a proactive approach. This requires foresight to anticipate new types of threats and a willingness to take decisive preventive action and to bear the costs (moral and economic) of such actions. · We cannot necessarily rely on the institutions, moral norms, social attitudes or national security policies that developed from our experience with managing other sorts of risks. Existential risks are a different kind of beast. We might find it hard to take them as seriously as we should simply because we have never yet witnessed such disasters.[5] Our collective fear-response is likely ill calibrated to the magnitude of threat. · Reductions in existential risks are global public goods [13] and may therefore be undersupplied by the market [14]. Existential risks are a menace for everybody and may require acting on the international plane. Respect for national sovereignty is not a legitimate excuse for failing to take countermeasures against a major existential risk. · If we take into account the welfare of **future generations**, the harm done by existential risks is **multiplied** by another factor, the size of which depends on whether and how much we discount future benefits [15,16]. In view of its undeniable importance, it is surprising how little systematic work has been done in this area. Part of the explanation may be that many of the gravest risks stem (as we shall see) from anticipated future technologies that we have only recently begun to understand. Another part of the explanation may be the unavoidably interdisciplinary and speculative nature of the subject. And in part the neglect may also be attributable to an aversion against thinking seriously about a depressing topic. The point, however, is not to wallow in gloom and doom but simply to take a sober look at what could go wrong so we can create responsible strategies for improving our chances of survival. In order to do that, we need to know where to focus our efforts.

### china solves---1nc

#### 1AC Work evidence says China is the alternative---that solves

Kai-Fu Lee and Paul Triolo 17, Kai-Fu Lee, Ph.D., is a Co-Founder, Chairman, President, Chief Executive Officer, and Managing Partner of Sinovation Ventures, Paul Triolo is a China Digital Economy Fellow at New America and the geo-technology practice head at the Eurasia Group, “China’s Artificial Intelligence Revolution: Understanding Beijing’s Structural Advantages”, <https://www.eurasiagroup.net/files/upload/China_Embraces_AI.pdf> //AP

Beijing’s AI policy priorities are clear. The “Next Generation Artificial Intelligence Development Plan,” announced by China’s State Council in July 2017, called for China to catch up on AI technology and applications by 2020, and to become a global AI innovation hub by 2030. Chinese President Xi Jinping hammered the point home in his 19th Party Congress speech in October, when he mentioned the development of advanced manufacturing and the promotion of further integration of the Internet, big data and artificial intelligence with the real-world economy. Beijing has placed huge bets on AI for a host of political and economic reasons, from improving governance capacity to improving policy development and surveillance. The plan calls for China to lead the way in developing a **regulatory environment** to both encourage AI development and to **mitigate the** potential **downsides of AI.** A few months after the national plan’s announcement in July, the Ministry of Science and Technology (MOST) designated Baidu to lead the autonomous vehicle platform, Tencent for medical, Alibaba for Smart Cities, and iFlyTek for speech interfaces. These plans should be taken seriously, as the Chinese government has shown a strong track record in delivering results. For example, Beijing announced in 2010 that China would become the world’s leader in adopting high-speed rail (HSR). Today it has 60% of the world’s HSR market. In 2014, the Chinese government announced the “Mass Entrepreneurship and Innovation Plan.” Today there are business 8000 incubators in China, compared to 1400 in 2014. These plans have teeth, both due to the deadlines and metrics set out at the national level, as well as the local companies that are likely to take these directions as top priorities. We can expect a similar trajectory for China’s AI policies. Historically, the Chinese government has been open-minded towards technology development. When a new technology comes out, the government will give it the benefit of doubt and let it grow, rather than stifle it with policy or endless debates. Also, the environment in China is more conducive to fast launch and iteration. There is a general belief that it is better to launch something and then get it approved later. This allows Chinese businesses to generate real data at scale, which in turn allows technology to improve over a shorter period of time, particularly once AI is introduced into the equation. For example, while in the US, truckers’ unions are petitioning the Department of Transportation to delay autonomous truck testing, in China, the Xiong’an New Area, a planned smart city development southwest of Beijing, is being designed from the ground up with full autonomy in mind. Various highway authorities are willing to develop road augmentation, special lanes, or move warehouses near highway exits, all to facilitate faster deployment of autonomous trucks. We also see major initiatives in cities, following the central government’s call to action. Shanghai, Nanjing, Wuhan, and Tianjin are but a few of the cities coming out with their own AI initiatives. As with past policies, much of the resources will be applied at the provincial and city government levels. The types of resources may include subsidies for top talent (especially overseas talent); guidance for top VC funds, with the government playing the role of limited partner (LP) but offering some of its upside to the general partners (GPs) of the funds; special programs for top AI companies and start-ups (free rent, subsidy for local hiring, housing and private school for top talents); and technical awards for companies and individuals. Finally, the US, EU, and China will also compete to be out in front on developing a regulatory regime around AI technologies and applications. The National Plan’s explicit recognition of the need for regulatory, legal, and ethical principles for AI development and use represents an **uncommonly foresighted approach.** Of course, the government’s approach to AI regulation, ethics, and economic adjustment will reflect Beijing’s broader model of **governance and ideology**. Given its preference for a **state-centric approach** to international issues, for example, it is possible China will launch an initiative via the UN to establish first an automation/AI-related “code of conduct,” or basic regulatory approach, followed by a special committee on the topic and eventually an oversight body operating within a UN framework. Such an initiative would put **China at the forefront of developing a global approach to these issues.** Beijing has attempted a similar approach on cybersecurity issues, which it argues have a global impact and require a global regulatory response.

### no nano---1nc

#### Nano-weapons impact is hype

Matthew Hull, 2017. Associate Director for Entrepreneurship and Business Engagement with Virginia Tech’s National Center for Earth and Environmental Nanotechnology; PhD, civil and environmental engineering, Virginia Tech. “National Security and the Nano Factor.” Homeland Defense & Security Information Analysis Journal 20: 16-21. <https://www.hdiac.org/system/files/HDIAC%20Journal_Special%20Nanotechnology%20Issue_HDS_National%20Security%20and%20Nanotechnology_0.pdf>.

Practical Nano Security Scenarios As best we can tell, current to near-term nano security scenarios are much more limited and manageable than those that can be imagined based on the trajectories of nano- as well as other emerging and converging technologies. But it is a waiting game, and the gap between science fiction and reality has shrunk rapidly over the last decade. The tangible progress in molecular machines noted earlier is proof enough of that. For the most part though, current embodiments of nanoscale materials appear more like building blocks for increasingly sophisticated material and devices of the future, and less like the “grey goo” they were once feared to be. [16] Nevertheless, present day nano security concerns do exist, and we consider three of these below: Nano-enhanced delivery of chemical and biological agents: Chemical and biological agent attacks remain a very real threat to global and national security. The potential for nanoscale agents to be deployed to enhance the efficacy of such attacks is one practical and near-term concern. As noted earlier, researchers have already demonstrated that nanoscale particles can act as ubiquitous carriers of toxic chemicals. A NATO report on the security implications of nanotechnology noted that: “The potential for [nanotechnology] innovations in chemical and biological weapons is particularly disquieting, as NT can considerably enhance the delivery mechanisms of agents or toxic substances. The ability of nanoparticles to penetrate the human body and its cells could make biological and chemical warfare much more feasible, easier to manage and to direct against specific groups or individuals. Dr. Sean Howard, in his work on NT security implications, has even called the threat of chemical and biological warfare a ‘real nano goo.’” [17] Limited nano detection/forensic capabilities: A major security concern and unmet need lies in our limited ability to determine forensically, whether and to what extent a particular nano threat may have been deployed. Additionally, there exists a clear lack of field deployable and scalable tools capable of detecting and monitoring nanoscale threats beyond laboratories and clean-rooms. Scientific and engineering-based approaches can be taken to address these gaps. For now, capabilities suitable for enhanced detection/ mitigation of nanoscale tracking devices or nano-enabled “Trojan Horse” delivery threats, for example, remain limited. Complacency amidst a silent arms race: The number of state-sponsored nanotechnology initiatives globally signifies a clear arms race to assume a dominant position in nano-enabled science and technology. While not as visible as the nuclear threat, this race is every bit as important to national and global security. A major threat to U.S. national security on this front is the potential to become complacent and to prematurely reduce federal investments into nano and convergent technologies. The United States has established itself as a global leader in nanoscale science and engineering research, scholarship and commercialization. Nevertheless, failure to maintain strategic, long-term investments in these areas, particularly rapidly evolving infrastructure and human capital, could severely impact U.S. innovation in nano-enabled industries and many other emerging technology fields that are simultaneously enhanced by progress in nanotechnology. Attrition of U.S. intellectual and infrastructural capabilities across nanotechnology-related programs would weaken U.S. defense and security interests in the future, when strategic nanoscale science and engineering investments are expected to yield their greatest payoffs. Off Buttons and Erasers: Integrating Security Features into Nano-enable

d Technologies A critical security feature of any technology is the ability to turn it off, undo it, deactivate it or otherwise separate the harm it might cause from those it might harm. Even the humble pencil has evolved to include an eraser for undoing its mistakes. But, mankind has endured a host of challenges that arise when new technologies yield unintended consequences – the persistence of consumer plastic goods has left debris scattered across the Earth’s oceans; the use of nuclear weapons and runaway reactor cores have rendered cities uninhabitable for thousands of years; and the use of CFCs in coolant systems migrated unabated to the stratosphere where they’ve depleted the earth’s ozone layer. The recent Galaxy Note 7 battery fire controversy coupled with growing use of lithium ion batteries in mobile devices underscores the importance of technology that can be turned off. At present, it is unclear how persistent nanostructures and the unique behaviors that may accompany them will be in biological and environmental systems, and that should be alarming. An unprecedented dialogue around responsible nanotechnology has yielded progress, but feasible safeguards have been limited at best. Researchers have called for more green chemistry/nanotechnology approaches to help address some of these issues, [18] but those are likely to be effective only in situations where they clearly do not compromise performance of nano-enabled materials and devices. Nano and National Security: Key Considerations for the Future Looking ahead, nanoscale science and engineering will continue to impact security both nationally and globally in significant and far-reaching ways. The following list summarizes some key opportunities for the nano defense and security community: Translate nano properties to human scale devices and systems. Much of the hype surrounding nanotechnology has been muted by a lack of real-world examples demonstrating how unique nanoscale material properties can be translated into materials and devices with performance capabilities that are vastly enhanced relative to their bulk counterparts. Perfect nanoscale power systems. Realization of some of the most exciting security and defense applications of nanotechnology requires innovative strategies to power and mobilize nano devices against ambient molecular forces that are far greater at the nanoscale than they are at the human scale. To nanomachines, molecules of air, water and biological fluids appear as impenetrable walls of infinite thickness.

### no grey goo---1nc

#### No impact to grey goo

Jeremy Shere 16, a science writer who has written and produced for some of public radio's top nationally syndicated science programs, including Sound Medicine, Earth & Sky, and A Moment of Science. His work has appeared in Talking Points Memo, Reuters, Matter Network, The Jerusalem Report, Bloom, and Reform Judaism, among others. He is the author of Renewable: The World-Changing Power of Alternative Energy. Shere teaches journalism and magazine writing at the School of Journalism at Indiana University in Bloomington, “Grey Goo Attack”, 4/2/2016, http://indianapublicmedia.org/amomentofscience/grey-goo-attack-2/

Attack of the Killer Robots Nanotechnology scientists dream of some day creating robots the size of molecules, or even turning molecules into machines that could roam the human body and perform all sorts of useful tasks. But some nanotechnology theorists and science fiction aficionados imagine a more ominous possibility. What if one of these tiny robots were given the ability to self-replicate? All it would take is a single malfunction and the robots would consume everything in the galaxy as they multiply out of control until all that was left was a shapeless, robotic mass called “grey goo.” Worst Case Scenario Now, before you go heading for the hills with a year’s supply of water and a survival guide, understand that the death-by-robot scenario is just that—a scenario, and a pretty fanciful one to boot. First, we’re nowhere near the point of being able to create a self-replicating nano-machine. But even if such machines do one day exist, they would have a hard time taking over the universe for one simple reason: **fuel**. Even microscopic machines need an energy source. Inorganic matter such as rocks and minerals wouldn’t do the trick because they just **don’t contain stuff that the machines could break down and use for power.** But what if a mad scientist created a robot that fed on organic materials such as sunlight and living things? **Not to worry**. Natural life forms have had around four billion years of training to compete

for resources; the killer robots probably **wouldn’t stand much of a chance** against such streamlined competitors. Plus, if the robots were made from organic materials, they might be **preyed on by bacteria or other predators.**

# 2nc---kentucky r3

## cap k

#### turns case---competition fails

Alan Maass 21. Communications staff for Rutgers AAUP-AFT. Marxism Shows Us How Our Problems Are Connected. Jacobin. 1-5-2021. https://jacobinmag.com/2021/01/marxism-capital-socialism-capitalism-book-review

When Things Fall Apart

Marxist economics explains not only how capitalism works but why it regularly doesn’t — during the periodic economic busts that inevitably follow the booms. As Marx and Engels wrote:

Society suddenly finds itself put back into a state of momentary barbarism; it appears as if a famine, a universal war of devastation had cut off the supply of every means of subsistence; industry and commerce seem to be destroyed. And why? Because there is too much civilization, too much means of subsistence, too much industry, too much commerce.

Of course, in a world where billions go without enough food, there’s no such thing as “too much means of subsistence.” There’s only too much from the point of view of the capitalists — too much to sell their products at an acceptable profit.

Thier introduces the chapters on capitalist crisis by unpacking a long quotation from Engels that ends: “The contradiction between socialized production and capitalistic appropriation is reproduced as the antagonism between the organization of production in the single factory and the anarchy of production in society as a whole.”

Under capitalism, production within workplaces is generally highly regimented, but the economy as a whole is a free-for-all. Businesses make their investment decisions behind closed doors, each hoping to get a leg up on the competition — by introducing the most popular model, the new product, the next trend. Success means a greater share of the market and therefore more profits.

All the important questions for society as a whole — how much food should be produced, how many homes to build, what kind of drugs to research and manufacture, how to generate electricity — are decided by the free market.

In economic good times, success seems contagious. Companies make ambitious investments, produce more and more, and watch the money roll in. But when enough companies jump in, the market gets saturated, sales slump, debts grow, and the record profits start to sink. The effects spread from part of the economy to the next, as Thier explains, using the example of oil:

If refineries sit idle because there is an overproduction of oil, the workers are laid off, and the creditors, who financed the investment, are dragged down as well. But as future oil extraction and refining projects are pulled back, so too is demand for the raw materials (steel, concrete, plastics, electricity, etc.) and engineering necessary for the production of oil rigs, pipelines, and so on. The construction business and service and retail companies, which had benefited from the springing up of oil boomtowns, suffer as well.

Because of the complexity of the international capitalist economy, the boom-slump roller-coaster ride can look and feel different each time around. Thier devotes a chapter to analyzing the crash last time: the Great Recession of 2008–9. She explains why and how the parasitical realm of banking and finance was the detonator of this slump but looks beyond popular left explanations about “financialization” to reveal the underlying crisis of global overproduction.

Among Marxist economics writers, there are some disagreements about the details here, specifically about “which aspects of Marx’s writing — falling profitability, overproduction (or in some cases, underproduction), disproportionality among branches, the role of credit — are emphasized and how these pieces fit together,” Thier writes.

In her account, Thier tends to stress overproduction, to the disappointment of those who emphasize falling profit rates. This focus on overproduction crucially emphasizes how an organic mechanism of capitalism — inevitable in a system driven by exchange, exploitation, and competition — repeatedly causes crisis.

#### knowledge policing disad: frames standards---capitalist economics coalesce through discursive realism

McCarraher 19 [Eugene; 11/12/19; Associate Professor of Humanities at Villanova University, PhD in US Cultural and Intellectual History from Rutgers University; The Enchantments of Mammon: How Capitalism Became the Religion of Modernity, p. 15-18]

Words such as “paradise” or “love” or “communion” are certainly absent from our political vernacular, excluded on account of their “utopian” connotations or their lack of steely-eyed “realism.” Although this is a book about the past, I have always kept before me its larger contemporary religious, philosophical, and political implications. The book should make these clear enough; I will only say here that one of my broader intentions is to challenge the canons of “realism,” especially as defined in the “science” of economics. As the master science of desire in advanced capitalist nations, economics and its acolytes define the parameters of our moral and political imaginations, patrolling the boundaries of possibility and censoring any more generous conception of human affairs. Under the regime of neoliberalism, it has been the chief weapon in the arsenal of what David Graeber has characterized as “a war on the imagination,” a relentless assault on our capacity to envision an end to the despotism of money.24 Insistent, in Margaret Thatcher’s ominous ukase, that “there is no alternative” to capitalism, our corporate plutocracy has been busy imposing its own beatific vision on the world: the empire of capital, with an imperial aristocracy enriched by the labor of a fearful, overburdened, and cheerfully servile population of human resources. Every avenue of escape from accumulation and wage servitude must be closed, or better yet, rendered inconceivable; any map of the world that includes utopia must be burned before it can be glanced at. Better to follow Miller’s wisdom: we already inhabit paradise, and we can never make ourselves fit to live in it if we obey the avaricious and punitive sophistry professed in the dismal pseudoscience.

The grotesque ontology of scarcity and money, the tawdry humanism of acquisitiveness and conflict, the reduction of rationality to the mercenary principles of pecuniary reason—this ensemble of falsehoods that comprise the foundation of economics must be resisted and supplanted. Economics must be challenged, not only as a sanction for injustice but also as a specious portrayal of human beings and a fictional account of their history. As a legion of anthropologists and historians have repeatedly demonstrated, economics, in Graeber’s forthright dismissal, has “little to do with anything we observe when we examine how economic life is actually conducted.” From its historically illiterate “myth of barter” to its shabby and degrading claims about human nature, economics is not just a dismal but a fundamentally fraudulent science as well, akin, as Ruskin wrote in Unto This Last, to “alchemy, astrology, witchcraft, and other such popular creeds.”25

#### innovation link---their approach fails and causes extractivism---turns advantage 1

Francisco Durante et. al. 21. Markus Kröger, and William LaFleur. PhD candidate in the Political, Societal, and Regional Change Doctoral Programme in affiliation with the Aleksanteri Institute and Faculty of Social Sciences, University of Helsinki. Associate Professor of Development Studies, University of Helsinki and Academy of Finland. PhD candidate in the Political, Societal, and Regional Change Doctoral Programme, Faculty of Social Sciences, University of Helsinki. OUR EXTRACTIVE AGE Expressions of Violence and Resistance. Routledge. 2021. Pg. 20-21.

Extractivism characterizes the modern era. We define extractivism in this publication as a particular way of thinking and the properties and practices organized towards the goal of maximizing benefit through extraction, which brings in its wake violence and destruction. Extractivism plays out particularly brutally at resource frontiers, invisible to the majority of the distant users of the commodities appropriated under this frontier logic (Moore, 2015). Yet globalization has made the effects—physical, social, and mental—of the ever-intensifying extractivisms more visible, as they increase in scale and scope to maintain the global rush into modernity (Kröger, 2015). Ignorance about the tolls of extractivism and an increase in hyper-extractive activity is no longer an excuse. Nonetheless, the violence played out against humans and other living beings, as well as against lived environments on the multiple frontiers of extractivisms need to be further scrutinized (Acosta, 2013; Taylor, 2015; Gudynas, 2015; McNeish, 2018; de la Cadena and Blaser, 2018; Svampa, 2019; Kröger and Nygren, 2020). The modern era has seen a rise in the scope and scale of extractivist violence. A major driving factor has been the global expansion of extractive activities by traditional powers and rising economic powers, such as China (see Li and Shapiro in this volume). However, technological advances have played a significant role in transforming ontologies, practices, and spiritual, reciprocal, or sacredness-based relations with the environment and the planet (Merchant, 1983). In addition, these technological advances support an increased volume of extraction (Gudynas, 2015; Dunlap and Jakobsen, 2020) and allow a window into the extractivist activities taking place. In previous eras these activities might have remained unseen, playing out at frontiers in marginalized spaces (Peluso and Watts, 2001; Arboleda, 2020). However, the logic of extractivism is still firmly in place. The violent logic of taking resources—without reciprocity, without stewardship—has gained traction in the past two decades, despite an increase in on-the-ground resistance and some localized regulatory attempts to hamper its operations and impacts (Jalbert et al., 2017; Willow, 2018; Kröger, 2013; 2020a). In addition to the evident push for natural resource extraction, the underlying logic of extractivism is increasingly revealed to be a fundamental driving force of capitalism—as well as of other modern world-systems (Szelényi and Mihályi, 2020). In fact, the extractivist logic, operating through depletion, has been in operation for thousands of years (e.g. over-logging, deforestation, etc.), as empires have been built and capital amassed for wealthy families, enterprises, and colonizing powers (Frank and Gills, 1993; Perlin, 2005). While empires have been resisted by local communities for thousands of years, less has been written about this because history tends to be written by the winners, the established “civilizations,” and states. This kind of resistance based on rooted dwelling and anti-state attitudes is still visible, as e.g. Scott (2017), de la Cadena and Blaser (2018), and Kröger (2020a) have elucidated ethnographically. As non-modernist framings stemming from these communities have proliferated (Kröger, 2013), sectors of the global economic system that have not historically been directly associated with the concept of extractivism, such as the financial and digital sectors, are now increasingly being understood as “extractive,” “colonial,” and a feature of contemporary capitalism(s) (Thatcher et al., 2016; Gago and Mezzadra, 2017; Mezzadra and Neilson, 2017; Couldry and Meijas, 2019; Sadowski, 2019; Dunlap and Jakobsen, 2020). These new arenas of extractivism are multi-faceted and change rapidly as the technological capability and creativity for their myriad uses (and abuses) continues to evolve, as we see in chapters in this volume by Chagnon et al., Li and Shapiro, and Nicholson.

#### Commons develop break-through innovation. Focus on competition causes them to be commercialized for profit.

Silke Helfrich & David Bollier 19. Helfrich studied romance languages and pedagogy at the Karl-Marx-University in Leipzig, served as head of Heinrich Böll Foundation Thuringia and head of the regional office of Heinrich Böll Foundation for Central America, Cuba and Mexico. Bollier worked in policy advocacy with a Member of Congress, the auto safety regulatory agency, and public-interest organizations, and co-founded Public Knowledge, a Washington advocacy organization for the public’s stake in the Internet, telecom and copyright policy.“ Free, Fair, and Alive : The Insurgent Power of the Commons” July 2019.

Modern industrial culture has placed such a premium on “innovation” — fueled in large part by an endless quest for competitive advantage — that innovation is often seen as an absolute good in itself. In such a world, its general goal is to help businesses prevail against competitors in the marketplace, improve return on investment, and entice consumers to buy an endless stream of “new and improved” products. By contrast, the commons as a system of provisioning is often considered backward, premodern, or tribal — ways of producing things that are seen as static, stodgy, and not innovative. This is a gross caricature if not untruth because many commoners are extremely capable of adapting to changing needs, including the need to reduce one’s ecological footprint. In a commons, there is no imperative to constantly expand production and profit, and so creativity can be focused on what really matters — ameliorating quality, durability, resilience, and holistic stability. Innovation need not be linked to boosting market sales and ignoring planetary health. Countless commons exhibit the pattern of Creatively Adapt & Renew as part of their everyday activity. As Eric von Hippel shows in his book Democratizing Innovation, all sorts of practitioner-communities — bicyclists, hang-gliders, skiers, extreme sports buffs — have developed breakthrough ideas that were later commercialized by conventional businesses.26 Indigenous peoples, too — long considered fixed and traditional in their ways — have shown immense creativity over the centuries in co-creating robust ecosystems through seed-breeding and animal domestication. The fertile soil in the Amazon region known as terra preta do indio — “dark earth of the Indians” — writes political economist James Boyce, “is not a random anomaly, but rather a deliberate creation of Indigenous farmers who long ago practiced ‘slash-and-char’ agroforestry in the region. A noteworthy feature of terra preta is its remarkable capacity for self-regeneration, which scientists attribute to soil microorganisms.”27 Such practices can also be seen in the creation of gravity-fed acequia irrigation in the upper Rio Grande valley, which transformed the semi-arid region into a rich landscape of wetlands, cultivated fields, and riparian corridors that allowed many animal species to flourish. The ETC Group, an organization that studies technological innovation, has called such creativity “Indigenous innovation” and “cooperative innovation”28 because Indigenous peoples have made countless ethnobotanical and ecological discoveries that transnational corporations have later sought to appropriate for free and privatize (“biopiracy”). Commoners survive through creative adaptation and renewal. It is in their blood. They habitually have to make do with what is available and improvise. Among peasants and poor people in India, there is a word for such innovation — jugaad — the Indian practice of slapdash innovation from whatever is at hand.29 Creative adaptation, in truth, is a part of the human condition. Struggle and need induce creativity as a matter of survival.

#### pandemics

Rose 21 [Nick. PhD in Political Ecology from RMIT University. Executive Director of Sustain: The Australian Food Network. From the Cancer Stage of Capitalism to the Political Principle of the Common: The Social Immune Response of “Food as Commons.” Int J Health Policy Manag 2021. 3-31-21. DOI: 10.34172/ijhpm.2021.20 //shree]

Such suffering at the individual and population level is, however, a significant commercial opportunity for the corporate players in the global healthcare market, valued at $US8.45 trillion in 2018, and, with an anticipated compounding annual growth rate of nearly 9%, expected to reach nearly $US12 trillion by 2022.23 In a revealing statement, a recent Businesswire commentary on this booming sector noted that:

“Going forward, faster economic growth, technological developments and the increasing prevalence of diseases due to rising busy and sedentary lifestyles will drive the growth [of the global healthcare market]. Factors that could hinder the growth of this market in the future are rising interest rates, increasing awareness of alternative therapies and natural remedies, government provisions in healthcare services, and stringent government regulations”23 (emphasis added).

The implication here is that greater public spending on healthcare and better public health generally are, from the perspective of the private healthcare market, unwelcome, insofar as they inhibit increasing profit. From the standpoint of ethics and a commitment to basic human rights, including the right to the highest attainable standard of health, such reasoning can only be described as perverse. And yet it is widely accepted as the ‘common sense’ of industry and financial markets, as well as being reinforced in a directly material sense by highly effective lobbying efforts aimed at inhibiting public health measures such as a sugar tax.24

In terms of the ecological impacts, large-scale industrialised monocultures and the deforestation and land-use change that they entail are major drivers of anthropogenic climate change, with the food system accounting for as much as 37% of all greenhouse gas emissions, according to the Intergovernmental Panel on Climate Change.25 Such practices are also major drivers of the ‘unprecedented’ rapid decline in ecosystems and accelerating rate of species extinction, leading to humanity ‘eroding the very foundations of our economies, livelihoods, food security, health and quality of life worldwide;’ this being the conclusion of the most comprehensive assessment of the state of planetary ecosystems ever undertaken by the world’s leading scientists in their respective fields.26

#### 4---space debris and war

Jocelyn Wills et al 20. Professor of History, Brooklyn College, CUNY. Joseph Entin, Professor of American Studies, Brooklyn College, CUNY. Richard Ohmann, Professor Emeritus of English, Wesleyan University. “’Resist, Rethink, and Restructure’: Teaching About Capitalism, War, and Empire in a Time of COVID-19.” *Radical Teacher* (117): 3-4. DOI: 10.5195/rt.2020.792.

Side-lining epidemiologists and other health specialists, particularly when they reminded all of us about U.S. incompetence, Trump trotted out the usual suspects— military commanders, corporate CEOs, and himself, none of whom have any expertise in finding a cure but who promise to “wage a war” against the pandemic so everyone can “get back to work.” Trump, then Congress, also invoked a “Cold War” relic: the “Defense Production Act,” to “mobilize” the nation to make up for shortages in medical supplies and personal protective equipment that the government failed to provide and no large U.S. corporation seemed able to produce because it had few incentives to do so. The U.S. military proved itself incompetent as well. Among other things, the Pentagon and its agencies and departments have spent millions of dollars on fly-overs to salute doctors and nurses rather than helping them, steaming ships to ports that did little more than take up dock space, conducting raids on vulnerable populations, keeping children in cages, and attempting to silence those who alerted top commanders that COVID-19 was overwhelming and killing military personnel. Trump once again doubled down: unveiling “Operation Warp Speed” and a new flag for his “Space Force,” embracing NASA’s latest space launch as a “MAGA moment,” and signaling that his administration plans to conduct the United States’ first nuclear test since 1992. Although the U.S. media has criticized some of these moves, they continue to applaud space exploration, obscuring its linkages to the U.S. military and its war-making and surveillance contractors. Over the past fifty years, that “exploration” has both escalated the commercialization and militarization of Outer Space, as well as created dangerous orbital debris. Together, these too threaten the sustainability of the Earth and its people.6

Such posturing, mismanagement, and inabilities to focus on the pandemic have confirmed to the world that the U.S. is a hegemon in a downward trajectory, one that can still inflict great violence across the world and beyond but remains ill-equipped to meet its domestic never mind international obligations. If ever there was a time to teach the fraught and interconnected themes of capitalism, war, and empire, it is now.

#### semiconductor shortages---filters aff offense

David Atkins 6-19. President of the Pollux Group, a Qualitative Research Firm. The Semiconductor Crisis Is a Failure of Modern Capitalism. Washington Monthly. 6-19-2021. https://washingtonmonthly.com/2021/06/19/the-semiconductor-crisis-is-a-failure-of-modern-capitalism-it-may-require-new-answerTop of Form

Bottom of Form

But there’s increasingly an argument to be made that a just-in-time lowest-cost supply system may not just be bad for the climate or for domestic employment. It may also in many cases be bad for business. The semiconductor crisis tells an exemplary tale. As information technology becomes essential to daily life in developed countries, semiconductors are essential for making the world go round. Phones, computers, gaming consoles and automobiles all require increasingly sophisticated semiconductors. And most of them are made by a single company: Taiwan Semiconductor. Indeed, Taiwan Semiconductor is so dominant in the field that few competitors can match them, and they’re falling farther behind.

Analysts say it will be difficult for other manufacturers to catch up in an industry that requires hefty capital investments. And TSMC can’t make enough chips to satisfy everyone—a fact that has become even clearer amid a global shortage, adding to the chaos of supply bottlenecks, higher prices for consumers and furloughed workers, especially in the auto industry.

The situation is similar in some ways to the world’s past reliance on Middle Eastern oil, with any instability on the island threatening to echo across industries. Companies in Taiwan, including smaller makers, generated about 65% of global revenues for outsourced chip manufacturing during the first quarter of this year, according to Taiwan-based semiconductor research firm TrendForce. TSMC generated 56% of the global revenues.

Being dependent on Taiwanese chips “poses a threat to the global economy,” research firm Capital Economics recently wrote.

The semiconductor shortage is harming vehicle production lines. It’s why the next generation gaming consoles that were supposed to be available last Christmas are still in vanishingly short supply. It is starting to impact smartphones and personal computers as well.

There are many correlated aspects to this problem. It’s partly a matter of national security: what does the global economy do when it relies so heavily on a single actor in a location of geopolitical instability? It’s partly a problem of monopoly: is the market truly free or stable if so many essential products depend on the fate of a single company? How can there be genuine competition if the cost of entry makes establishing new competition prohibitive? It’s partly a matter of the pandemic: Taiwan Semiconductor and other manufacturers have been struggling to meet production targets due to reduced capacity from COVID restrictions.

We have seen global supply chain failures hurt consumers frequently, especially when domestic production of essential goods are eliminated in favor of easily disrupted or costly global trade. Haiti, for instance, has been particularly victimized by the destruction of its domestic food production as the U.S. subsidized its own rice exports. The blocking of the Suez Canal by the Ever Green earlier this year was in part the result of larger and larger ships being forced through waterways that were not built to sustain them.

But the scale of the semiconductor issue raises the question of whether unregulated global capitalism is really the best way to run essential services in a world economy. Consider these staggering numbers from the same Wall Street Journal story:

Semiconductors have become so complex and capital-intensive that once a producer falls behind, it’s hard to catch up. Companies can spend billions of dollars and years trying, only to see the technological horizon recede further.

A single semiconductor factory can cost as much as $20 billion. One key manufacturing tool for advanced chip-making that imprints intricate circuit patterns on silicon costs upward of $100 million, requiring multiple planes to deliver.

TSMC’s own expansion plans call for spending $100 billion over the next three years. That’s nearly a quarter of the entire industry’s capital spending, according to semiconductor research firm VLSI Research.

#### 3---speculation---market overload

Nick Beams 21. Member of the International Editorial Board of the World Socialist Web Site and former longtime national secretary of the Socialist Equality Party in Australia. "Rampant Wall Street speculation: The fever chart of a terminally diseased system." World Socialist Web Site. 5-6-2021. https://www.wsws.org/en/articles/2021/05/07/pers-m07.html

Over the past year, the global financial system, above all Wall Street, has been in the grip of a speculative mania, the like of which has never been seen before in economic history. Two questions therefore immediately arise: how has this situation come about and what are its implications?

In March 2020, as the COVID-19 pandemic began to make its effects felt and workers undertook wildcat strikes and walkouts to demand health measures to protect their lives and those of their families, the financial markets plunged.

Wall Street was concerned that any effective health measures to contain the spread of the pandemic would result in a collapse in the bloated price of financial assets, above all stocks, that had been boosted by the trillions of dollars poured into the financial system by the US Federal Reserve and other central banks following the crash of 2008.

The US government and the Fed rode once again to the rescue of Wall Street. The Trump administration organised a multi-billion-dollar bailout of the corporations under the CARES Act while the Fed stepped in to provide trillions of dollars of support for all areas of the financial system, including for the first time the purchase of stocks.

Since then, on the back of this $4 trillion intervention and rising, as the Fed continues to purchase financial assets at the rate of more than $1.4 trillion a year, the world has seen an unprecedented orgy of financial speculation.

Wall Street’s main stock index, the S&P 500, has risen by some 88 percent since its March 2020 lows, reaching record highs on multiple occasions throughout the past year. Margin debt, used to finance the speculation in shares, has reached record levels, and the yield on the lowest-rated corporate junk bonds—barely one step away from default—has fallen to historic lows.

But the most egregious expression of the speculation has been the rise of the cryptocurrency market. Over the past year the most prominent cryptocurrency, Bitcoin, has risen by 600 percent, rising from about $7,000 per bitcoin to $54,000, reaching a high of $65,000 in the middle of last month.

Last month Coinbase, a trading exchange for cryptocurrencies, launched itself on Wall Street with a floatation that put its market value at $85 billion, compared to its valuation of $8 billion in 2018, exceeding that of some of the world’s major banks and the valuation of the NASDAQ exchange on which it was launched.

However, in recent days, even the level of bitcoin speculation has been put in the shade by another cryptocurrency, Dogecoin.

It was created in 2013 as a joke. Whereas the promoters of Bitcoin insist that it has some intrinsic value because it may be used to organise financial transactions without the intervention of a bank or some other third party via a blockchain ledger system, no such claims are made for Dogecoin.

Despite being worthless, Dogecoin has risen in price 11,000 percent this year alone. This week its market value reached $87 billion compared to $315 million a year ago. And as one cryptocurrency enjoys a rapid rise, speculators start a search for the next “big thing.”

The Dogecoin phenomenon is not an isolated event. It seems to be an expression of what could be described as a new operating principle in the world of speculation—the more worthless the so-called asset, the higher its price.

A little sandwich shop in Paulsboro, New Jersey, with sales of just $13,976, has made financial news after it was revealed that its parent company, Hometown International, achieved a market valuation of $100 million last month. Two of its biggest shareholders are Duke and Vanderbilt universities.

The rise of Dogecoin also reveals the high-level intervention of hedge funds and other financial institutions seeking to take advantage of its price momentum.

Then there is the case of non-fungible tokens (NFTs). These are images of pieces of art, a sports photo, or even a tweet—the first ever tweet issued by Twitter founder Jack Dorsey was sold as an NFT for $2.9 million—that are stored on a blockchain ledger. They are like a collector’s item but are not stored physically but digitally.

The class dynamics of this speculative orgy, fuelled by the endless supply of virtually free money by the Fed, are revealed in the escalation of the wealth of the world’s billionaires.

In the last year, as COVID-19 brought untold pain, suffering and economic distress for billions of the world’s people, the combined wealth of the global billionaires rose by 60 percent, from $8 trillion to $13.1 trillion. The number of billionaires rose by 660 to 2,775—the highest rate of increase and the largest number ever.

In the US, Amazon CEO Jeff Bezos and Tesla CEO Elon Musk have wealth of $177 billion and $151 billion respectively.

The speculative frenzy has extended into the broader economy. The prices of major industrial commodities, such as steel, lumber, copper, and soybeans, which feed into inflation for workers and consumers, are rapidly rising.

But the financial authorities, having created this frenzy by the endless outflow of cheap money since the crash of 2008 and the near collapse of March 2020, are caught in a trap of their own making. They fear that any move to try to bring it under control, with even a slight tightening of the financial spigots, will set off a financial crisis.

The extreme nervousness over such an outcome was revealed earlier this week when US Treasury Secretary Janet Yellen, a former Fed chief, raised the prospect that the central bank may have to tighten interest rates at some point. Almost immediately, fearing market reaction, she walked back the comment saying she was neither advocating nor predicting a rise in rates.

The incident has cast a revealing light on one of the most significant developments in the US—the open advocacy of unionisation of the workforce by the Biden administration.

Last month in an executive order, Biden created a “White House Task Force on Worker Organizing and Empowerment” which includes as members Yellen, Defense Secretary Lloyd Austin and Homeland Security Secretary Alejandro Mayorkas. The “empowerment” of government-sponsored unions takes place under the direction of cabinet officials responsible for military operations, economic policy and domestic repression.

The administration is fearful that the pent-up anger in the working class over the pandemic and the enrichment of the financial oligarchy at the expense of hundreds of thousands of lives, will be further fuelled by the escalation of inflation, leading to an uncontrolled eruption of the class struggle that will come into headlong conflict with the institutions of the capitalist state.

In times past, the Fed would have moved to contain such an upsurge by lifting interest rates and inducing a recession. But that road is now fraught with danger because even a relatively small increase threatens to bring down the speculative financial house of cards.

Hence the Biden administration has moved to set up a state-sponsored industrial police force, based on the trade unions, to carry out an organised suppression of the working class in the interests of finance capital.

The rampant speculation of the past year and the accelerated siphoning of wealth to the upper levels of society amid death and economic devastation must be the occasion for the drawing up by the working class of a balance sheet of the experiences through which it has passed.

There is no prospect for reform of the present capitalist socio-economic order towards meeting social need—the illusion peddled by the Democrats and their ardent supporters in the pseudo-left organisations. The past year has demonstrated that everything in society—including the very right to life itself—is subordinated to the insatiable demands of finance capital.

The present speculative bubble, like all others before it, is destined to burst. The financial oligarchs have already prepared their exit plans and golden parachutes as they have done in the past. The working class, however, has no escape. The collapse will bring an even greater economic disaster on top of what has already taken place.

The only viable, realistic solution to the terminal disease that has gripped the capitalist socio-economic order is the fight for a socialist program to wrest the commanding heights of the economy and its financial system out of the hands of the present-day ruling class and begin the economic reconstruction of society to meet social needs.

#### 4---soil erosion---independently causes extinction

Ken Boettcher 21. M.A. in History, California State University, Stanislaus. “Seeing Red Over the Climate Crisis: Ecosocialism as Emergency Brake.” *California State University Library*. 40-44. https://scholarworks.calstate.edu/downloads/gh93h4190.

Take the accelerating crisis of soil depletion and erosion, for example, and its threat to food production, especially given other factors which multiply that threat, including climate-crisis driven water and drought problems and massive damage to arable land due to the increasing frequency and severity of floods. According to David R. Montgomery in his history titled, Dirt: The Erosion of Civilizations, “[w]e are degrading and eroding the world’s soils far faster than they form.” He writes, “[w]e are running down our stock of fertile topsoil, the one thing we absolutely need to support civilization in the long run.” Montgomery documents the role of soil erosion and depletion in the collapse of several ancient civilizations in human history, noting that his historical studies showed that “the state of the land—the state of the soil—directly affects the health and resilience of societies.” He observes that, while “individual droughts, wars, and economic disruptions or dislocations” can serve as triggers for the collapse of a society, “the state of the land loads the gun.” Erosion and soil degradation “help explain why particular events or circumstances take down societies,” says Montgomery.1

The state of the soil today under world capitalism is thus at a critical stage. In Dirt, Montgomery notes research reported in the 1990s which showed that worldwide, “since the Second World War, soil erosion caused farmers to abandon an area equivalent to about one-third of all present cropland.” That is an area larger than the subcontinent of India. At that rate the world will be out of topsoil from soil loss alone, not counting nutrient depletion, in barely a hundred years.

The whole history of capitalist agriculture is characterized by its perennial treatment of soil and many other natural resources as free gifts from nature to be exploited and abused for private profit. In the United States, for example, plantation agriculture—whether for rice, sugar, tobacco or cotton—was typified by monocrops (with little to no crop rotation or manuring) for sale and profit that depleted the land within just a few years, at which time slaves were forced to move most plantation operations to new lands. Repeatedly, the most profitable, and increasingly ruthless, path was to throw more Native Americans off their lands a bit farther west, through bloody violence or trickery. The land was simply expropriated by the plantation owners, who forced slaves to clear more forests. The whole ugly process would then start all over again.1

The costs for rebuilding nutrient-depleted soil, where possible, are externalized by individual capitalists and left to be absorbed by the next owner or by society as a whole. As environmental historian Jason W. Moore writes in “The Rise of Cheap Nature,” ecological economist “William Kapp...famously characterized the modern economy as a system of ‘unpaid costs.’” Continuing, Moore asserts that today, “we know this all too well—heavy metals in children’s bloodstreams and Arctic ice, massive garbage patches in the oceans, agro-toxic overload in our soil and water, never mind that small matter of climate change.”2

In fact, as Immanuel Wallerstein observed in World-Systems Analysis: An Introduction, most capitalists do not pay all the costs that are really involved in production. Wallerstein wrote that “[t]he least expensive way for a producer to deal with waste is to cast it aside, outside its property.” Moreover, he writes, “the least expensive way to deal with transformation of the ecology is to pretend it is not happening.” Both methods work well to lower production costs. However, he added, “these costs are then externalized ...either immediately or, more usually, much later.” Many times the negative consequences are never adequately dealt with by those who cause the damage.3

In Dirt, Montgomery argues that there are new (or renewed ancient) agroecological methods that can make modern agriculture sustainable. “The philosophical basis of the new agriculture lies in treating soil as a locally adapted biological system rather than a chemical system,” he writes. Agroecology does not just mean small rather than large, or simply organic, or simply manual rather than mechanized. The main point is that soil must be protected: “agricultural land should be viewed —and treated—as a trust held by farmers today for farmers tomorrow.”1 Generally, agroecological approaches accent no- till methods to minimize soil erosion with little use of heavy equipment, more use of local composting to halt nutrient depletion, biological pest management, and minimal use of chemical fertilizers. They are more labor-intensive but are being successfully used in many places in the world—notably in Cuba, which embraced them after the collapse of the Soviet Union and the loss of its support for the Cuban economy. They mark a break from the still dominant cookie-cutter agribusiness approach to industrial agriculture.

With less than a century of soil left, to leave the needed worldwide transformation to the private interests of agricapitalists whose focus on short-term profits brought us to this critical point in the first place is drastically irresponsible.2 For his part, Montgomery does not believe that food production should be left to the profit-motivated markets of capitalism. “Sustaining our collective well-being requires prioritizing society’s long- term interest in soil stewardship,” he writes. “We simply cannot afford to view agriculture as just another business,” Montgomery maintains, “because the economic benefits of soil conservation can be harvested only after decades of stewardship, and the cost of soil abuse is borne by all.”1

#### uniqueness frames solvency---market management’s collapsing

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Postcapitalism is possible because of three major changes information technology has brought about in the past 25 years. First, it has reduced the need for work, blurred the edges between work and free time and loosened the relationship between work and wages. The coming wave of automation, currently stalled because our social infrastructure cannot bear the consequences, will hugely diminish the amount of work needed – not just to subsist but to provide a decent life for all. Second, information is corroding the market’s ability to form prices correctly. That is because markets are based on scarcity while information is abundant. The system’s defence mechanism is to form monopolies – the giant tech companies – on a scale not seen in the past 200 years, yet they cannot last. By building business models and share valuations based on the capture and privatisation of all socially produced information, such firms are constructing a fragile corporate edifice at odds with the most basic need of humanity, which is to use ideas freely. Third, we’re seeing the spontaneous rise of collaborative production: goods, services and organisations are appearing that no longer respond to the dictates of the market and the managerial hierarchy. The biggest information product in the world – [Wikipedia](https://www.theguardian.com/technology/wikipedia) – is made by volunteers for free, abolishing the encyclopedia business and depriving the advertising industry of an estimated $3bn a year in revenue. Almost unnoticed, in the niches and hollows of the market system, whole swaths of economic life are beginning to move to a different rhythm. Parallel currencies, time banks, cooperatives and self-managed spaces have proliferated, barely noticed by the economics profession, and often as a direct result of the shattering of the old structures in the post-2008 crisis. You only find this new economy if you look hard for it. In Greece, when a grassroots NGO mapped the country’s food co-ops, alternative producers, parallel currencies and local exchange systems they found more than 70 substantive projects and hundreds of smaller initiatives ranging from squats to carpools to free kindergartens. To mainstream economics such things seem barely to qualify as economic activity – but that’s the point. They exist because they trade, however haltingly and inefficiently, in the currency of postcapitalism: free time, networked activity and free stuff. It seems a meagre and unofficial and even dangerous thing from which to craft an entire alternative to a global system, but so did money and credit in the age of Edward III.New forms of ownership, new forms of lending, new legal contracts: a whole business subculture has emerged over the past 10 years, which the media has dubbed the “sharing economy”. Buzzwords such as the “commons” and “peer-production” are thrown around, but few have bothered to ask what this development means for capitalism itself. I believe it offers an escape route – but only if these micro-level projects are nurtured, promoted and protected by a fundamental change in what governments do. And this must be driven by a change in our thinking – about technology, ownership and work. So that, when we create the elements of the new system, we can say to ourselves, and to others: “This is no longer simply my survival mechanism, my bolt hole from the neoliberal world; this is a new way of living in the process of formation.”

#### too small, failed tests, funneled money to petro capital

Black 21 [Emma, Educational Background in continental philosophy and is a member of Socialist Alternative. Capitalism’s fake solutions to the climate crisis. 5-23-2021. https://redflag.org.au/article/capitalisms-fake-solutions-climate-crisis]

While the disappearance of the outright climate denialism of the Trump era might seem cause for celebration, the new trend for spruiking the magical power of technology to solve the climate crisis is cause for serious concern. When you look beyond the headline-grabbing announcements of increased long-term ambition, the Earth Day summit amounted to little more than another case of government greenwashing of the business as usual of fossil-fuelled capitalism.

Instead of detailing the changes to be made in the here and now to reduce emissions, Biden and other world leaders instead promoted faith in the capacity of science and technology to come to the rescue at an indeterminate point in the future.

Australian Prime Minister Scott Morrison was among them. While the media highlighted the supposed gulf between a progressive, “green” Biden and the conservative, fossil-fuel-loving Morrison, they both promoted the same faith in the powers of technology. Like Biden, Morrison has vowed to invest tens of billions of dollars in developing carbon capture and storage technologies, “clean” hydrogen, “blue” carbon and “green” steel—among other colourful innovations.

In May’s federal budget, the Coalition allocated more than half a billion dollars to developing the first two of these technologies—$263.7 million for carbon capture and storage (CCS) and $275.5 million for “clean” hydrogen.

CCS mostly involves capturing C02 emissions at their source—in mines, power stations and so on—and pumping them deep underground (so the theory goes) to be permanently stored in appropriately porous and stable rock formations. But despite politicians and business leaders spruiking CCS as an easy fix for the climate crisis for decades, it has never been shown to work on anything near the scale required.

Australia already boasts the world’s largest, supposedly functional, CCS facility at Chevron’s Gorgon gas project in Western Australia. However, according to the Climate Council, “the Gorgon CCS trial has been a big, expensive failure ... capturing less than half the emissions needed to make CCS viable”. In what is only the latest in a series of problems since it became operational in 2019, Michael Mazengarb reported in Renew Economy earlier this year that pumping equipment required to clear water from the undersea formation into which the C02 is to be injected had become clogged with sand.

However, while CCS may be useless for addressing climate change, it remains an extremely useful political tool for the government—providing it with green cover while it continues to funnel money to Coalition supporters in the coal and gas industries. And of course, it’s also useful for those companies on the receiving end of the government’s “green” largesse.

Bernard Keane was right in his assessment of it as a scam in Crikey. “Fossil fuel interests”, he wrote in 2019, “sense the opportunity to extract some taxpayer funding from a government worried it might have to pretend it believes in climate change”. With this year’s budget, they hit the jackpot.

But if CCS is a scam, what about “clean” hydrogen? In his speech to the Earth Day summit, Morrison vowed to rival US innovation by investing billions in high-tech “hydrogen valleys”. “In the United States you have the Silicon Valley”, he said. “Here in Australia we are creating our own ‘Hydrogen Valleys’, where we will transform our transport industries, our mining and resource sectors, our manufacturing, our fuel and energy production.”

Hydrogen is potentially a clean energy source, but only if it’s produced using renewable energy. And to be produced at the scale required to transform the economy in the way Morrison is implying would require a lot of electricity.

In his recent contribution to the Quarterly Essay, Australia’s former chief scientist, Alan Finkel, calculates that to produce the equivalent volume of hydrogen to what Australia currently exports in liquefied natural gas would require “approximately 2,200 terawatt-hours” of electricity. This, Finkel notes, “is about eight times Australia’s total electricity generation in 2019”.

If Morrison genuinely believes the “hydrogen boom” he envisages will be based on production of renewable energy on that kind of scale, the government would have provided increased funding for renewables in the budget. None was forthcoming.

The reality is that Morrison sees the talk of “hydrogen valleys” as a way of greenwashing the same old “gas-fired recovery” he was promoting last year. The government doesn’t envisage producing hydrogen with electricity from renewables, but rather from gas. The focus on CCS gives the game away. The “hydrogen valleys” of the future will be criss-crossed with pipelines and peppered with gas-fired power stations with (we’re supposed to believe) the magic of CCS ensuring that the whole operation can nevertheless be run green and guilt-free.

#### 3---causes pay-to-pollute

Schmidlehner ‘21 [Michael F. Schmidlehner. Research Nucleus on Work, Territory and Politics in Amazonia, Brazil. Analysing the Discourse of ‘Green’ Capitalism: The Meaning of Nature in ‘Nature-Based.’ World Rainforest Movement, Bulletin 255. 5-18-21. <https://wrm.org.uy/articles-from-the-wrm-bulletin/section1/analysing-the-discourse-of-green-capitalism-the-meaning-of-nature-in-nature-based/> //shree]

The typical sustainable development projects of the 1990s, following the motto “use it or lose it”, sought to make economic use of nature by physically extracting products from protected areas, like non-timber forest products (e.g. latex, brazil nuts) or ‘sustainably harvested’ timber. Projects in the last decade, by contrast, are increasingly driven by interests in environmental and climate compensation. By this logic, in protected areas, in order for them to serve as a pawn for destruction or pollution in other areas, any human interference with so-called ‘ecosystem services’ (e.g. carbon stockage, biodiversity preservation) that are to ‘compensate’ for destruction of the same ‘service’ elsewhere, must be minimised or interdicted. What distinguishes current projects from previous ones are new mechanisms of appropriation. Environmental and climate compensation extract commercial value from nature by ‘virtualizing’ it. The so-called ‘ecosystem services,’ once quantified, are considered interchangeable. By this means, without anything being physically extracted or produced, ‘financial assets’ are created from the land in the form of certificates.

The foundational logic of such projects is not only flawed (since pay-to-pollute is not a solution), (7) but also deeply inhumane, once it ultimately aims at the criminalization and eviction of traditional peoples from their land.

In order to conceal this hardly defensible underlying rationale and its flaws, the discursive production has to be split: On the one hand, there is the highly technical jargon in technical papers, largely incomprehensible to lay people, about assessing ‘anthropic impact’ (i.e. human-induced disturbances) in ecosystems, along with calculations of emissions or biodiversity losses supposedly reduced or avoided by a project. This discursive strand is understandable only for a small group of consultants and technicians tasked with making this new form of extraction happen.

On the other hand, for the broad public the superficial euphemistic discourse of ‘nature-based solutions’ is produced. Here, the romanticisation of untouched nature goes along with a happy talk about new solutions and ‘win-win’ situations. The win-win fantasy can easily be sustained for the general public, as long as the factual loss, the destruction of livelihoods that takes place, where the impacted subaltern communities are not in a position to make themselves heard, remains hidden.

An extensive study from Brazilian researchers (8) evidenced this kind of split in the context of a prominent REDD+ project in an Amazonian indigenous territory. (9) The technical descriptions of the project, in order to ‘prove’ that the project measures will avoid deforestation that otherwise would have taken place, depict the indigenous community as notorious forest-destroyers. This information is held on the back stage, or, as the authors put it, concealed in the ‘black box’ of expert language.

On the front stage – in popular YouTube videos, glossy brochures etc. – the narrative of the indigenous people as nature-loving forest guardians is exploited. While the forest-destroyer narrative is the technical requisite for selling ‘avoided emissions’ as carbon credits, the forest-guardian narrative is necessary in order to effectively greenwash the image of the buyer, in this case a large cosmetics industry.

The mechanisms of appropriation of nature for the purpose of environmental and climate compensation are so obscene and violent, and so far from contributing to the resolution of the crises, that the general public, if they were transparent, would not accept them.

Another effective strategy to hide something is to put it in a haystack. Terms like ‘green economy’ or ‘nature-based solutions’ cover a very wide range of initiatives, programmes and projects, blurring the distinctions between them. They function as an all-encompassing label that lumps predatory offset programmes together with initiatives such as urban building greening and small-scale agroecological projects. The use of a common label suggests that all these initiatives – despite some of them seem more ‘technically complex’ than others – strive in the same direction and must ultimately have the same goal, namely preservation of the environment and climate. The purely commercial interests that are driving the compensation projects and their exclusionary nature thus remain unrecognized by much of society.

The broadness of the new terms and the ‘positivity’ of the discourse serve to further neutralise critical voices. Those who reject these terms automatically fall into the disrepute of being against any constructive contribution and can therefore easily be excluded from the discussion as notorious ‘naysayers’.

The expression ‘nature-based’ conveys the idea that the supposedly new ‘solutions’ arise from a new relationship with nature, that humans are now coming to peace with nature and learning from it. Of course, the exclusionary and predatory character of the projects behind this term makes a mockery of this notion. But the expression ‘nature-based’ in the context of such projects reveals something more fundamental.

#### 4---no incentive

Schutz 19 [Schultz, Professor of Economics, Rollins College of Arts and Sciences. “Planetary Eco-Collapse and Capitalism: A Contemporary Marxist Perspective.” *Forum for Social Economics* 49(3): 257-280. DOI: 10.1080/07360932.2018.1556177]

5. CAPITALIST CLASS AND PLANETARY ECO-COLLAPSE

Thorstein Veblen added in his account on the conservatism of the rich (Veblen, 1899) the observation that they are unfortunately emulated by the rest of the population, an insight that contemporary marxists have noted helps to explain the often confounding conservative politics of working class people that so frequently contradicts the latters’ own self interests. Nowhere is this clearer than in Veblen’s own America today, 120 years after he wrote: ours is another Gilded Age indeed, the rich oligarchs currently running our government are totally out of touch with the realities of environmental collapse, realities increasingly felt by the rest of the population, despite the many distractions of life in capitalism today—even though in the U.S. a major portion of that population still refuses to acknowledge the human sources of climate change (around half, according to the latest polls as of this writing), or even that climate change is occurring at all (about 30%), or that if it is, it constitutes a peril (Aton, 2017).

Veblen added another pertinent and closely related insight acknowledged by contemporary marxists’ in the latters’ understanding of the roots of the current eco-crisis: the idea that people emulate not only the conservatism of the rich but also their conspicuous consumption.7 Today’s consumerism—again, the ultimate fuel of the engine of the capitalist earth-eating machine—thus derives not only from a deeply human need for fulfillment in an otherwise all too alienating life system; and not only from the capitalist sales-effort’s continual and ever-present, literally mind-boggling harangue; but also from a perfectly normal tendency of people to emulate that which is conspicuously comfortable, i.e., here the consumption of the rich, which is broadcast everywhere as exemplary in that sales-effort harangue and displayed continually also in every other possible medium and venue.

6. AVOIDING ECO-COLLAPSE, DEMOCRATIZING THE ECONOMY

The U.S. has long been the world’s leading capitalist nation but its empire seems now nearing collapse. Governance is in such disarray in this country as of this writing as to seem completely hopeless of providing any direction to the world capitalist order whatsoever—our time recalls the times of Caligula and Nero during the fall of that earlier empire! It is a dangerous time we are entering, with a truly capricious incompetent in our Presidential office and a Congress divided as it has never been before between a thus-far subservient pro-Presidential wing, another bunch of total-wing-nuts, and several contending but confused traditionalist wings that together cannot decide which way is up. Still, at least many Americans may have finally had amply demonstrated, despite having been long convinced otherwise, that theirs too is truly a class system. The upshot, as Marx was so pained to show for his own time, is that in this system, like in all others to date, it is elites who actually run the important things, democracy notwithstanding. That is most unfortunate for the concerns at hand in this essay.

For what will be required to mitigate the planetary catastrophe of eco-collapse, with all that it entails for human life and indeed all of life, is staggering both in breadth and complexity and in its urgency, and clearly capitalists and their system are not going to provide it. A de-automobilized, de-sprawled-out, de-globalized, de-consumption-addicted life-world is not the kind that capitalist elites in charge of things will provide for themselves and their own nations, nor for the impoverished rest of their world to ever hope to achieve. The global economy must be fairly quickly and relatively painlessly transitioned (1) away from fossil fuels and toward alternative renewable energy sources; (2) out of the private automobile and into massand pedestrian-based transit; (3) out of the suburbs and exurbs and into more humane urban neighborhoodand village-based residential life; (4) out of the agricultural, resource and manufacturing export-based global economy and into a more locally based one; and (5) into expanding environmental repair and resource recycling far beyond what has yet been attempted. Social control over critical economic investments will clearly be necessary, and while Marx and marxists have highlighted and often extolled in capitalism its socialization of production and investment processes (e.g., Engels, 1880, p. 702), they decry that it is not a democratic socialization but one transfixed by the capitalist quest for profit.

#### 5---we access---alt can do growth---that’s rose and…

Victor Wallis 21. Professor of Liberal Arts at the Berklee College of Music. “Technology and Ecosocialism.” *Perspectives on Global Development and Technology* 20(1): 13-29. DOI: 10.1163/15691497-12341580.

How will the battle of the contending technologies – capitalist and ecosocialist – play itself out in practice? As we have already noted, the ecosocialist approach has no choice but to take capitalist technology as its point of departure. It will then selectively embrace, add to, or reject the various specific technologies bequeathed by capital. The technologies themselves are in turn defined only in part by particular physical devices; more important is the way the various devices, together with their spatial and physical infrastructures, fit into a larger configuration, which determines how they will be deployed (in what quantities, in what proportions and with what implications for the natural environment and for social life).

Transportation technology is a case in point. Every type of device, from bicycles to cars to trains to planes, is already in existence,4 but system-configuration based on market pressures and corporate lobbying is sharply skewed – especially in the United States, where capital is least restrained – to favor planes and cars over trains and bikes. Any move to invert this pattern would necessarily involve shifts not only in the spatial layout of human settlements, but also in the cultural assumptions guiding both public policymaking and personal choices. There is a long tradition of debate on these issues, going back to early critiques of the automobile (Mumford 1963), extending forward to unmasking the ideological agenda behind suburbanization (Baxandall and Ewen 2000), and now, in recent years, surveying significant steps taken in certain locales to implement healthier, safer, and less wasteful approaches based on free public transit (Dellheim and Prince 2018).

#### Cap turns oil crisis – profit motive ensures endless war

Bates 20 [Sarah. Writer and political journalist for *Socialist Worker*. “Capitalism—a system rigged for oil.” *Socialist Worker*. February 11th, 2020. <https://socialistworker.co.uk/art/49591/Capitalism+a+system+rigged+for+oil>]

But capitalism is driven forward by competition among rival corporations. If bosses didn’t try to maximise profits, they would be driven out of business and replaced by another company.

This means the short-term drive for profits comes ahead of planet and people. So the problem is not just the fat cats who sit in the boardrooms or the politicians who protect their wealth and power.

It’s the entire system that to blame—and the oil and fossil production are central to it.

Fighting for a greener version of capitalism doesn’t confront the social, economic and political forces behind it.

It’s not eating hamburgers or flying abroad for a holiday that powers the utter devastation seen by the floods in Jakarta, cyclone Idai in southern Africa or the bushfires in Australia. These events are a result of a climate catastrophe powered by a system built in the interests of the billionaires.

Time is running out to take meaningful action for the future of the planet. Before capitalism ruins it, we should burn down the system and create a new socialist society from the ashes.

Oil demand grows even though the planet burns

If oil extraction continues at the same pace, the results will be disastrous. If it increases, the consequences are unfathomable.

Yet demand for oil is rising and the development of renewable energy doesn’t come anywhere close to matching capitalism’s need for petrol.

Global demand for oil will continue to grow until 2030, according to the International Energy Agency.

That’s the year the Intergovernmental Panel on Climate Change (IPCC) said was the last opportunity to prevent the worst-case scenario for the planet.

The IPCC said that oil and gas production needs to fall by about 20 percent by 2030 and by about 55 percent by 2050 to stop the critical above 1.5 degree level.

But the US was pumping 17.8 million barrels a day in November 2019—up from an average of 15.5 million the previous year. ExxonMobil is planning to pump 25 percent more oil and gas in 2025 than in 2017. Rising anger over climate change is pushing the fossil fuel firms to appear as though they are changing.

At a shareholders meeting in May 2019, over 99 percent of BP shareholders voted in a favour of a resolution by the Climate Action 100+ group. It called on the firm to make greater disclosures on its emissions and show how investments agree with the Paris climate agreements.

But bosses were quick to point out that any changes wouldn’t be hurting their bottom line.

BP chairman Helge Lund said, “My mission is to see BP advancing the transition while remaining an attractive investment proposition.”

Firms are also grabbing new opportunities to build fracking or tar sands operations.

Tar sands is extracted through “strip mining”, where everything on the surface is removed to get to the oil. It releases even more emissions than other types of mining.

Oil firms dependent on the states

The bosses that sit in oil and gas boardrooms are some of the most powerful people in the world.

Their power and influence guides prime ministers, presidents and kings.

With one of the largest reserves of oil in the world, the Middle East is a critical prize for Western imperialist powers. They bomb, invade and try to control states in order to maintain control of the oil fields.

Century-old dodgy deals cooked up a by Western governments, oil barons and local rulers still shape the region today.

In the wake of the First World War oil consortiums made agreements with British and French government to secure access to oil-rich territories. This was important because oil in the Middle East was cheaper to extract than in the US.

And it was also beneficial for imperialist powers looking for allies to back up domination of the region.

After the Second World War, the US doubled down on its attempts to control the Middle East.

It backed Arab rulers it could count on to clamp down on political ferment. From the 1970s free market policies were imposed by US-backed governments and wealth generated from oil was grabbed by Arab ruling class and multinational corporations.

Energy companies don’t directly fight wars to maintain control of their interests—but back up states that can guarantee the pro

fits keep rolling in.

Western governments cloak these manoeuvres in the language of “liberation” and “freedom”.

Its vast oil reserves—and how central it is to capitalism—means the Middle East is a battleground for imperial rivalries. Securing control of the region is important for solidifying their military, political and economic dominance within the global economy.

Each company and each state is locked into an eternal competition with their rivals to gain a bigger slice of the pie. They’re all fighting not get swallowed up or driven out of business.

So it’s capitalism—and specifically the competition inherent in it—that drives these conflicts.

Oil isn’t just careering us towards climate catastrophe. At every stage of its extraction, production and combustion, the industry symbolises not only capitalism’s disregard for the planet, but for the people who live on it.

#### The Anthropocene exhausts all knowable resources – capitalism is a system of relations that ensures the perpetual destruction of nature itself – it’s inevitable to capitalism.

Anna Agathangelou 21. Professor of Politics, York University, Canada. “On the question of time, racial capitalism, and the planetary.” *Globalizations*. DOI: 10.1080/14747731.2021.1906006.

Tsing argues the Anthropocene is entangled with the history of capitalism: ‘the most convincing Anthropocene timeline begins not with our species but rather with the advent of modern capitalism, which has directed long-distance destruction of landscapes and ecologies’ (Tsing, 2015, p. 19). For Tsing, this is the time to reimagine beyond Cartesian structures: ‘without Man and Nature, all creatures can come back to life, and men and women can express themselves without the strictures of a parochially imagined rationality’ (Tsing, 2015, p. vi). Her vision asks the reader to focus on the contemporary political reality and its contingent forms of violence, including how the material effects and the ‘time of climate change’ are themselves an extension of capitalism. Capitalism and its contingent forms of temporal power should be the focus of critique in our contemporary moment (Moore, 2015; Tsing, 2015).

The Marxist radical tradition engages this critique. Some theorists examine ‘ecological rifts’ by challenging the thesis of the Anthropocene, taken for granted by writers like Oreskes and Conway. They argue the Anthropocene has attributed responsibility to humanity without accounting for racial capitalism (Robinson, 1983; Kelley, 2017; Verges, 2017), evading that this responsibility and indeed the crisis of social reproduction and exhaustion of nature ‘is the result of a minority of humanity’ (Hornborg, 2019; Mann, 2019). Ideas and language about depletion, acceleration, and exhaustion have recently been taken up by Jason Moore, who attempts to provide a view from the future to mobilize peoples to collectively challenge the ways we understand the historical nature of exhaustion. It is not capital or nature that is exhausted, he says, but ‘regionally specific relations of capitalization and appropriation’ (Moore, 2015, p. 123). For him, ‘exhaustion happens when particular natures–crystallised in specific re/production complexes–can no longer deliver more and more work/energy’ (Moore, 2015, p. 124).

Maria Mies has spoken extensively about the exploitation at the centre of the global structure of capitalism. For Mies, women, nature, and colonies are penetrated, expropriated, and even obliterated through the co-production of primitive accumulation and the modern ecological-capitalist order (Mies, 1986, p. 77). Ahead of her time, Mies argues the history of capitalism was always globally ecological; it did not begin with Europe but was co-produced with colonization, nature and patriarchy on a world scale. Her analytics anticipate recent debates about the Anthropocene and how this patriarchal homosocial contract has not reckoned with the ways exploitation structures the uneven distribution of climate shifts and their catastrophic effects.

In Fossil Capital, Andreas Malm examines the accelerating exhaustion of nature by an indifferent capitalism. This process, Malm argues, is spiral; the ‘more biophysical resources [capitalism] has withdrawn for profit-making, the more it is able to withdraw in the following round’ (2018, p. 284). Moreover, ‘dissipation is not castigated or checked, but positively rewarded. The more the capitalist successfully exploits and wastes, the more he will be able to continue to do so – capitalist growth has ecological crisis wired into its DNA’ (Malm, 2018, p. 284, cited in Toscano, 2018, p. 13).

## innovation advantage

#### coop now

Will Knight 18 (Will Knight, Will Knight is MIT Technology Review’s Senior Editor for Artificial Intelligence. He covers the latest advances in AI and related fields, including machine learning, automated driving, and robotics. Will joined MIT Technology Review in 2008 from the UK science weekly New Scientist magazine., 9-18-2018, "China’s leaders are softening their stance on AI," MIT Technology Review, https://www.technologyreview.com/s/612141/chinas-leaders-are-calling-for-international-collaboration-on-ai/, Accessed: 10-7-2018 /Kent Denver-YBJL)

China might be at loggerheads with the United States over trade, but it is calling for a friendlier approach to the development of artificial intelligence. Speaking at the World Artificial Intelligence Conference in Shanghai this week, China’s vice premier, Liu He, said that AI would depend heavily on international cooperation. “We’re hoping that all countries, as members of the global village, will be inclusive and support each other so that we can respond to the double-edged-sword effect of new technologies,” He said through a translator. “AI represents a new era. Cross-national and cross-discipline cooperation is inevitable.” President Xi Jinping delivered a similar message in a letter presented at the same conference. Xi said that China would “share results with other countries in the field of artificial intelligence.” He also called for collaboration between nations on AI topics such as ethics, law, governance, and security. This new, softer approach to artificial intelligence comes just over a year after the Chinese government announced an ambitious and aggressive AI plan. This blueprint called for Chinese AI researchers to lead the world by 2030, and for domestic companies to build an industry worth more than $150 billion. China’s tech industry has already embraced machine learning and AI at an impressive rate (see “China’s AI awakening”).

#### Their evidence assumes a level of virulence that has literally never occurred

Wendy Orent 15, anthropologist and freelance science writer whose work has appeared in The Washington Post, The LA Times, The New Republic, Discover, and The American Prospect, instructor in science journalism @ Emory, Ignore predictions of lethal pandemics and pay attention to what really matters, LA Times, 1/3/15, http://www.latimes.com/opinion/op-ed/la-oe-orent-pandemic-hysteria-20150104-story.html

Prophets of doom have been telling us for decades that a deadly new pandemic — of bird flu, of SARS or MERS coronavirus, and now of Ebola — is on its way. Why are we still listening? If you look back at the furor raised at many distinguished publications — Nature, Science, Scientific American, National Geographic — back in, say, 2005, about a potential bird flu (H5N1) pandemic, you wonder what planet they were on. Nature ran a special section titled — “Avian flu: Are we ready?” — that began, ominously, with the words “Trouble is brewing in the East” and went on to present a mock aftermath report detailing catastrophic civil breakdown. Robert Webster, a famous influenza virologist, told ABC News in 2006 that “society just can't accept the idea that 50% of the population could die. And I think we have to face that possibility.” Public health expert Michael T. Osterholm of the University of Minnesota, at a meeting in Washington of scientists brought together by the Institute of Medicine, warned in 2005 that a post-pandemic commission, like the post-9/11 commission, could hold “many scientists … accountable to that commission for what we did or didn't do to prevent a pandemic.” He also predicted that we could be facing “three years of a given hell” as the world struggled to right itself after the deadly pandemic. And Laurie Garrett, author of what must be the urtext for pandemic predictions, her 1994 book “The Coming Plague,” intoned in Foreign Affairs that “in short, doom may loom.” Although she followed that with “But note the may,” the article went on to paint a terrifying picture of the avian flu threat nonetheless. And such hysteria still goes on: Whether it's over the MERS coronavirus, a whole alphabet of chicken flu viruses, a real but not very deadly influenza pandemic in 2009, or a kerfuffle like the one in 2012 over a scientist-crafted ferret flu that also was supposed to be a pandemic threat. Along the way, virologist Nathan Wolfe published “The Viral Storm: the Dawn of a New Pandemic Age,” and David Quammen warned in his gripping “Spillover” that some new animal plague could arise from the jungle and sweep across the world. And now there's Ebola. Osterholm, in a widely read op-ed in the New York Times in September, wrote about the possibility that scientists were afraid to mention publicly the danger they discuss privately: that Ebola “could mutate to become transmissible through the air.” “The Ebola epidemic in West Africa has the potential to alter history as much as any plague has ever done,” he wrote. And Garrett wrote in Foreign Policy, “Attention, World: You just don't get it.” She went on to say, “Wake up, fools,” because we should be more frightened of a potential scenario like the one in the movie “Contagion,” in which a lethal, fictitious pandemic scours the world, nearly destroying civilization. But there were fewer takers this time. Osterholm's claims about Ebola going airborne were discounted by serious scientists, and Garrett seemingly retracted her earlier hysteria about Ebola by claiming that, after all, evolution made such spread unlikely. The scientific world has changed since 2005. Now, most scientists understand that there are significant physical and evolutionary barriers to a blood- and fluid-borne virus developing airborne transmission, as Garrett has acknowledged. Though Ebola virus has been detected in human alveolar cells, as Vincent Racaniello, virologist at Columbia University, explained to me, that doesn't mean it can replicate in the airways enough to allow transmission. “Maybe … the virus can get in, but can't get out. Like a roach motel,” wrote Racaniello in an email. H5N1, we understand now, never went airborne because it attached only to cell receptors located deep in human lungs, and could not, therefore, be coughed or sneezed out. SARS, or severe acute respiratory syndrome, caused local outbreaks after multiple introductions via air travel but spread only sluggishly and mostly in hospitals. Breaking its chains of transmission ended the outbreak globally. There probably will always be significant barriers preventing the easy adaptation of an animal disease to the human species. Furthermore, Racaniello insists that there are no recorded instances of viruses that have adapted to humans, changing the way they are spread. So we need to stop listening to the doomsayers, and we need to do it now. Predictions of lethal pandemics have — since the swine flu fiasco of 1976, when President Ford vowed to vaccinate “every man, woman and child in the United States” — always been wrong. Fear-mongering wastes our time and our emotions and diverts resources from where they should be directed — in the case of Ebola, to the ongoing tragedy in West Africa. Americans have all but forgotten about Ebola now, because most people realize it isn't coming to a school or a shopping mall near you. But Sierra Leoneans and Liberians go on dying.

## federalism advantage

#### [2ac/1ar] 1---china’s fine---i did half of this above---it solves gray goo---ai development and un framework proves, that’s lee and…

Phoebe Zhang 19-2019, South China Morning Post, "China’s top AI scientist drives development of ethical guidelines," <https://www.scmp.com/news/china/science/article/2181573/chinas-top-ai-scientist-drives-development-ethical-guidelines>) CC

China is playing catch-up in the development of ethical guidelines in the field of artificial intelligence, with the establishment of an ethics committee. Chen Xiaoping – inventor of Jia Jia, the realistic humanoid “Robot Goddess”, and KeJia, an intelligent home service robot – is leading the committee, which held its first conference last year and is due to meet again in May. Chen, professor and director of the Robotics Laboratory at the University of Science and Technology of China, said AI in China had developed to a point where ethical guidelines were now necessary to address potential risks in large-scale applications. “If the technology was far off being applied there would be no need to talk about ethics research, but there is value in this research into technologies that might be applied on a large scale in the next 10 or 20 years,” he said. Beijing turns to facial recognition to combat public housing abuses Chen was appointed to establish the ethics committee by the Chinese Association for Artificial Intelligence, the country’s only state-level AI body. The complexity of the subject means the committee’s discussions include experts from AI research and industry, as well as sociology and the law. “Furthermore, we need to discuss what risks these technologies might bring, as well as what preventive measures we can take,” Chen said. The committee was looking into sectors such as data privacy, AI in medicine, self-driving vehicles, and – of particular urgency, Chen said – AI in senior care. Privacy is another area of high public concern in China, where AI and facial recognition technology are already deployed at subways, pedestrian crossings and some supermarkets. The technology has even helped police catch criminals on the run at concerts.

#### 1---Laundry list of already implemented policies

Jia He 17, “The Next Generation AI Development Development Plan — What’s inside?”, <https://medium.com/@jiahe/the-next-generation-ai-development-plan-whats-inside-72824a9bcc3> //AP

●China will have established a number of world-leading AI talent centers for technology innovation and training, and will have created and implemented more comprehensive system of AI laws and regulations, ethical norms and policy. The plan has analyzed the advantages and weakness of China to develop AI, and has prioritized the technologies and tasks for developing technology and applications. Beyond this, China has recognized that society and technology should be taken into account together to ensure that AI could be healthily and rapidly developed in safe, secure, reliable and controllable systems. According to the plan, socio-economic impact research of AI is listed as one of the state key scientific research programs that will be released soon afterwards. The plan is equipped with six supporting actions to ensure the achievement of the goals, including rules, open and inclusive international environment and make sure the society is well prepared for the next generation of AI. The issues of employment will be taken into account for the short-term, and the issues of ethics will be taken into account for the long-term.

(1) Make the framework of laws, regulations and ethics

●Conduct research on legal issues related to the application of AI such as identifying civil liability and criminal liability, privacy and property protection, information security. Establish traceability and accountability. Clarify the legal entity of AI, as well as its related rights, obligations and responsibilities.

● Accelerate progress by studying AI laws and create relevant regulations on safety and security, especially focus on the subdivided areas with great potential for a wide application such as automatic driving and service robots. The regulations are the basis for rapid application of new technology.

● Conduct the research on behavior science and ethics issues of AI, make a decision-making framework with multi-level ethical and moral choices, and make a theoretical framework of human-machine collaboration.

● Establish moral norms and a code of conduct for R&D designers of AI products, strengthen the assessment of the potential hazards and benefits of AI, and make a solution-oriented framework for emergent and complex scenarios of AI.

● Pro-actively participate in global governance of AI, strengthen research on shared international issues including robotics alienation and safety and security regulations, deepen the international cooperation in laws & regulations, international rules and other aspects of AI, and work through global challenges together.

(2) Create incentive policies to accelerate the development of artificial intelligence ● Implement tax incentives for small and medium enterprises and start-up enterprises. For example, there are tax incentives for high-tech enterprises, R&D costs deduction for AI enterprises. ● Revise the policies of open data and data protection and put it into practice. Launch pilot projects to open public data, and the public and private sectors to fully mine the commercial value of public data, and promote the innovation of AI applications. ● Conduct policy analysis on the areas such as education, medical care, insurance and social assistance, make those policies adaptive to the rapid development of AI and could effectively deal with the social issues brought by AI. (3) Build up AI technology standards and intellectual property system. ● Strengthen the research on the framework of AI standards. ● Keep the principles of safety and security, availability, interoperability, and traceability. Gradually establish and revise the technical standards including general technology, interconnectivity, industry applications, cyber security, and privacy protection. ● Rapidly promote industry associations and alliances to develop relative standards for its specific industry such as autonomous driving or service robots. ● Encourage AI enterprises to participate in and/or lead the development of international standards. Advise enterprises to take the approach of promoting the technical standards first, then the AI products and services in overseas market. ● Strengthen the protection of intellectual property in the field of AI, improve the mechanism of technology innovation, patent protection and interactive support of standardization to turn the result of innovation into intellectual property rights.

● Build up a public patent pool of AI to promote the use and spread of new AI technologies.

(4) Build up safety & security regulation and assessment system

● Strengthen the research and assessment of the impact of AI on national security and secrecy, improve the defense system set with skilled people, technology, resources and management, and build up the AI security monitoring and warning mechanism.

● Strengthen the foresight, analysis and follow-up of the development of AI technology, take a problem-oriented approach, and accurately understand the developing trends of technology and industry.

● Enhance risk awareness, paying attention to risk assessment, prevention and control, and strengthen the prospective prevention and restraint guidance.

● Revise and make transparent AI regulation with two approaches: accountability by design and application in supervision. This is to ensure that the whole process from algorithm design to product development and application will be regulated.

● Promote the self-discipline in the AI industry and related enterprises, and improve penalty measures for abuse of data, violations of privacy, contrary to immoral behavior.

● Strengthen the cybersecurity R&D efforts of AI, and strengthen the security protection of AI products and systems network.

● Concentrate on the issues of AI design, product and system, including complexity, risk, uncertainty, interpretability, potential economic impact, build up dynamic AI R&D assessment mechanism, systematic measurement approach and criteria, cross cutting platform for AI test, and promote safety and security certification and assess the key performances of AI products and systems.

#### 2---Guidance and have a long-term plan

Karch et al. 18, JD from Stanford law, “Covington Artificial Intelligence Update: China’s Vision for The Next Generation of AI”, <https://www.insideprivacy.com/artificial-intelligence/chinas-vision-for-the-next-generation-of-ai/>

Artificial intelligence promises to be a paradigm shift for many applications from manufacturing to finance, and from defense to education. Given the vast potential, focus on AI has sharpened around the world, including in China. Decision makers in Beijing and around the country are paying attention and have begun shaping a legal and policy regime that favors the development of AI. Research and investment in AI on both sides of the Pacific has led to cross-border collaboration – both in terms of talent and capital. Last December, Google announced that it will open an AI research center in Beijing, in part to leverage AI talent there. A month earlier, San Diego-based Qualcomm announced a strategic investment in SenseTime, a Chinese company specializing in facial-recognition software. China’s technology giants, including Tencent and Baidu, already have AI research labs in the US. And Didi Chuxing, China’s leader in ride-hailing technology and which has a lab in Silicon Valley, on January 26 officially launched its “AI Labs” research initiative, boasting a team of over 200 AI scientists and engineers. But how does the Chinese legal and regulatory environment affect the development of these technologies? Last summer, the State Council released “A Next Generation Artificial Intelligence Development Plan” (“Plan”), which sets the goal of having China become the world leader in AI by 2030. The Plan divides China’s AI goals into three “Strategic Objectives” to be met by 2020, 2025, and 2030, respectively. By 2020, the Plan aims to bring China’s AI up to global standards, with important achievements in AI applications and theory, as well as a “core AI industry” of at least 150 billion RMB. By 2025, it aims to begin the establishment of AI laws and regulations, as well as a core AI industry of at least 400 billion RMB, including sectors such as intelligent manufacturing, medicine, agriculture, and urban planning. Finally, by 2030, the Plan aims for China to become the world’s leading AI developer, with AI deeply embedded in daily life and a core industry exceeding one trillion yuan. To accomplish these quantitative goals, the Plan outlines a number of “focus tasks” that touch on the application of AI to social, economic, and national security challenges. The Plan also lays out several “guarantee measures” intended to support and guide the development and application of AI, such as necessary laws and regulations, ethical frameworks, and resource allocation principles. While the Plan is scant on concrete details, its ambitious agenda and discrete policy tasks point toward significant industry, legal, and regulatory developments in the near future. Building on the State Council’s Plan, on December 13, 2017 the Ministry of Industry and Information Technology (“MIIT”) released the “Three-Year Action Plan to Promote the Development of a New Generation of the Artificial Intelligence Industry (2018-2020)” (“Action Plan”). The Action Plan encourages efforts in key areas, including autonomous vehicles, intelligent service robots, intelligent unmanned aerial vehicles, medical image diagnosis assistance systems, video and imaging identification systems, intelligent voice interactive systems, intelligent translation systems, and smart home products. It also calls for making breakthroughs in “core foundational” technologies, including intelligent sensors, neural network chips, and open source platforms. Finally, the Action Plan calls on the government and the financial industry to support AI initiatives. Even at this early stage, there are signs that these initiatives are moving forward. Bloomberg reported last October that Megvii Inc., a Chinese facial recognition company, had set a new record for the largest single-round investment in an AI company, raising $460 million from investors, including one of China’s largest state-backed venture funds. In early January, the city of Beijing announced plans to build a $2.12 billion (13.8 billion RMB) AI development park and also released plans for a dedicated zone to test autonomous vehicles. And the Nieman Foundation reported that China’s state news agency, Xinhua, will be rebuilding its newsroom to integrate AI into the newsmaking process.

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gic nanoscale science and engineering investments are expected to yield their greatest payoffs. Off Buttons and Erasers: Integrating Security Features into Nano-enabled Technologies A critical security feature of any technology is the ability to turn it off, undo it, deactivate it or otherwise separate the harm it might cause from those it might harm. Even the humble pencil has evolved to include an eraser for undoing its mistakes. But, mankind has endured a host of challenges that arise when new technologies yield unintended consequences – the persistence of consumer plastic goods has left debris scattered across the Earth’s oceans; the use of nuclear weapons and runaway reactor cores have rendered cities uninhabitable for thousands of years; and the use of CFCs in coolant systems migrated unabated to the stratosphere where they’ve depleted the earth’s ozone layer. The recent Galaxy Note 7 battery fire controversy coupled with growing use of lithium ion batteries in mobile devices underscores the importance of technology that can be turned off. At present, it is unclear how persistent nanostructures and the unique behaviors that may accompany them will be in biological and environmental systems, and that should be alarming. An unprecedented dialogue around responsible nanotechnology has yielded progress, but feasible safeguards have been limited at best. Researchers have called for more green chemistry/nanotechnology approaches to help address some of these issues, [18] but those are likely to be effective only in situations where they clearly do not compromise performance of nano-enabled materials and devices. Nano and National Security: Key Considerations for the Future Looking ahead, nanoscale science and engineering will continue to impact security both nationally and globally in significant and far-reaching ways. The following list summarizes some key opportunities for the nano defense and security community: Translate nano properties to human scale devices and systems. Much of the hype surrounding nanotechnology has been muted by a lack of real-world examples demonstrating how unique nanoscale material properties can be translated into materials and devices with performance capabilities that are vastly enhanced relative to their bulk counterparts. Perfect nanoscale power systems. Realization of some of the most exciting security and defense applications of nanotechnology requires innovative strategies to power and mobilize nano devices against ambient molecular forces that are far greater at the nanoscale than they are at the human scale. To nanomachines, molecules of air, water and biological fluids appear as impenetrable walls of infinite thickness.

# 1nr

## notice and comment

#### Link alone turns case; anything else causes long-term circumvention.

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

Lastly, the current approach deprives both the public and market participants of any real opportunity to participate in the creation of substantive antitrust rules.23 The exclusive reliance on case-by-case adjudication leaves broad swaths of market participants watching from the sidelines, lacking an opportunity to contribute their perspective, their analysis, or their expertise, except through one-off amicus briefs.24 Nascent firms and startups are especially likely to be left out—despite the vital role they play in the competition ecosystem—given that they do not comprise a significant portion of the parties represented in litigated matters, and they usually lack the resources to engage in amicus activity. Furthermore future entrants, whose interests should be carefully considered in all aspects of competition law and policy, have no voice.

Firms, entrepreneurs, workers, and consumers across our economy vary wildly in their experiences and perspectives on market conduct. Enforcement and regulation of business conduct can more successfully promote competition when it incorporates more voices and evidence from across the marketplace.

The ambiguity of the laws, the administrative and resource burdens of enforcing them, and the exclusivity of the current process tend to advantage incumbents and suppress market entry. For example, when courts disagree with one another on the legality of particular conduct, new entrants are likely to eschew the practice, since the threat of litigation could prove fatal at an early stage. Incumbents, by contrast, will be more likely to conduct a cost-benefit analysis of engaging in a potentially unlawful practice, since they are likely to have higher tolerance for protracted litigation and deeper pockets to fund it. Continued ambiguity and complexity also create business opportunities for lawyers, economists, and lobbyists, who effectively profit from the lack of clarity.

#### The turn outweighs solvency---process is more important than law.

Ganesh Sitaraman 18. the Co-founder and Director of Policy for the Great Democracy Initiative. He is also a professor of law at Vanderbilt University. Sitaraman served as policy director to Senator Elizabeth Warren during her Senate campaign, and then as her senior counsel in the U.S. Senate. “Taking Antitrust Away from the Courts: A Structural Approach to Reversing the Second Age of Monopoly Power”. https://ir.vanderbilt.edu/xmlui/bitstream/handle/1803/9447/Taking%20Antitrust%20Away%20from%20the%20Courts.pdf?sequence=1&isAllowed=y

Reversing the second age of monopoly power requires a complete re-thinking of both what antimonopoly law should achieve and how it should be enforced. This includes reforming the ideology that drives antimonopoly policy and the substance of the laws, as well as rethinking the structure of antitrust agencies and the role of other arms of government in promoting antimonopoly policy. There is an emerging body of work on the substance of antitrust laws, but little thought has been given to how the structure of antitrust policymaking and enforcement should change. Even the best antitrust laws will fail if we do not reverse the unaccountable and diffuse system of implementation and enforcement.

This report offers a blueprint for reforming the structural aspects of antitrust lawmaking. The central philosophy behind these reforms is to replace the common-law, court-centered process of making antitrust policy with a politically-accountable process that relies on expertise and transparent, reasoned decision-making through an agency. Taking antitrust away from the courts means reforming the structure of the antitrust agencies and clarifying the authorities those agencies have. Power and accountability should be aligned, as is the case in most other parts of the Executive Branch, and the agency that makes competition policy should have both the authority to act and should be held more readily accountable for its actions.

#### Antitrust notice-and-comment key to prevent incumbent capture.

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

Incumbent operators ask for the establishment of vertical/sector-specific agencies, the conferral of all regulatory powers on those agencies, and for a low level of procedural and transparency constraints. All these factors would favor spontaneous alignment and regulatory capture. Newcomers, on the contrary, will ask for wide intervention by horizontal agencies, such as antitrust authorities, and for stricter notice-and-comment procedures. All that would prevent regulatory capture, allow regulatory competition between sector-specific and antitrust agencies, and enhance representation of alternative operators’ interests.23

#### Notice-and-comment key to prevent business collusion.

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

Sometimes incumbent and alternative operators alike can ally at the expense of consumers or third parties’ interests. For instance, they can collude in order to obtain from regulatory agencies a full transfer of investment costs onto end consumers. That’s why consumers and environmental associations ask for institutional and procedural devices as ex ante insurance against a regulation distorted in favor of enterprises and firms. Two types of such association are particularly relevant. The first is the establishment of consumers’ watchdog groups in the institutional framework of regulation. Consumers’ representative bodies, public or quasi-public in nature, must be heard or give advice before any regulatory decision is taken.24 The second one is “deck stacking.” Statutes must recognize ex ante the right of consumers and environmental associations to benefit from notice and comments procedures in the same way as regulated industries do.25

#### 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.

#### 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.

#### Perms sever the mandate of the plan---counterplan doesn’t fiat antitrust law but recommends a rule---process could result in no change---makes the affirmative conditional and a moving target.

[IF NOT READ YET]

Justia 21. "Notice and Comment Process for Agency Rulemaking". Updated: May 2021. Accessed: 8/26/2021. https://www.justia.com/administrative-law/rulemaking-writing-agency-regulations/notice-and-comment/

Agencies must consider all “relevant matter presented” during the comment period, and they must respond in some form to all comments received. They are not, however, required to take any specific action with regard to the rule itself. The publication of the final rule must include analyses of any relevant data or other materials submitted by the public and a justification of the form of the final rule in light of the comments the agency received.

If opposition to the proposed rule is exceptionally large or strident, the agency may decide to make substantial modifications and start the process over by publishing a new notice and opening a new comment period. Otherwise, the agency will publish its final findings along with the rule, which is codified in the Code of Federal Regulations.

#### Severs “anticompetitive:” competition policy doesn’t go through notice and comment.

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 question of judicial deference to a FTC decision is a more complicated matter. The FTC is an independent regulatory agency established by Congress with powers over both consumer protection and competition matters. 2 00 The FTC Act prohibits both unfair methods of competition, and unfair and deceptive acts and practices. 2 0 1 The FTC also enforces a wide variety of other statutes that relate to consumer protection and privacy.202 The FTC engages in notice and comment rulemaking in consumer protection, but not in competition matters. 2 03

#### “Expansion” to “antitrust law” must be binding and immediate.

Anu Bradford and Adam Chilton 19. Anu Bradford, Henry L. Moses Professor of Law and International Organization, Columbia Law School. Adam S. Chilton, Assistant Professor of Law and Walter Mander Research Scholar. “Competition Law Gone Global: Introducing the Comparative Competition Law and Enforcement Datasets.” Codebook for Version 1. “Comparative Competition Law Dataset”. “CCL\_Law\_Data\_Ver1.dta”. Journal of Empirical Legal Studies 16(2): 411-443.

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| --- | --- |
| Threshold for a “law” that triggers coding | Code all laws, regulations, and constitutional provisions on competition that appear to be legally binding. Ask yourself whether the competition agency could rely on this particular document as a legal basis for bringing an enforcement action or reaching a certain decision. If the document is a mere notice of enforcement priorities, a white paper on planned (future) changes in remedies, or a guideline elaborating on how the agency approaches the questions of market definition, etc., exclude the document from the set of laws that you code. As the name of the document (Regulation v. Guideline) is not always conclusive in revealing its legal status, this may require you to read through the text of a document, or do some additional background investigation to determine whether it should be coded. If you are uncertain, reach out to Lead Coders for guidance – this can be very tricky to determine, particularly as you get used to the survey instrument and coding procedure. |

#### Severs “resolved:” means certain.

Webster’s Revised Dictionary 1996 ((1.) RESOLVED MEANS “HAVING A FIXED PURPOSE; DETERMINED; RESOLUTE”)

#### Severs “should:” mandates certainty and immediacy.

Summers 94 (Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13)

4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling *in praesenti*.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record.[16](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn16)  [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. Certain contexts mandate a construction of the term "should" as more than merely indicating preference or desirability. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) ("should" would mean the same as "shall" or "must" when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) *In praesenti* means literally "at the present time." BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance the phrase denotes that which in law is *presently* or *immediately effective*, as opposed to something that *will* or *would* become effective *in the future [in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

#### “Substantial:” means full not merely possible.

Words & Phrases 64 (40 W&P 759)

The words “outward, open, actual, visible, substantial, and exclusive,” in connection with a change of possession, mean substantially the same thing. They mean not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; in full existence; denoting that which not merely can be, but is opposed to potential, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; real at present time, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

#### “Prohibitions:” eliminates all possibility that the activity is legal. The counterplan is a restriction.

PEDIAA 15. “Difference Between Prohibited and Restricted”. https://pediaa.com/difference-between-prohibited-and-restricted/

Main Difference – Prohibited vs. Restricted

Prohibited and Restricted are used in reference to limitations and prevention. However, they cannot be used interchangeably as there is a distinct difference between them. Prohibited is used when we are talking about an impossibility. Restricted is used when we are talking about something that has specific conditions. The main difference between prohibited and restricted is that prohibited means something is formally forbidden by law or authority whereas restricted means something is put under control or limits.

What Does Prohibited Mean

Prohibited is a variant of the verb prohibit. Prohibited can be taken as the past tense and past participle of prohibiting as well as an adjective. Prohibited means that something is formally forbidden by law or authority. When we say ‘smoking is prohibited’, it means that smoking is not allowed at all, there are no exceptions. Prohibit indicates an impossibility. This gives out the idea that it is not at all possible under any condition or circumstance. The term Prohibited goods is used to refer to items that are not allowed to enter or exit certain countries. For example, the government of South America lists Narcotic and habit-forming drugs in any form, Poison and other toxic substances, Fully automatic, military and unnumbered weapons, explosives and fireworks as prohibited goods. The following sentences will further explain the use of prohibited.

Inter-racial marriages were not prohibited by the government.

He was proved guilty of using prohibited substances.

No one was allowed to enter the grounds; entry was prohibited.

Prohibited imports are the items that are not allowed to enter a country.Difference Between Prohibited and Restricted

What Does Restricted Mean

Restrict means to put under limits or control. Restricted can be either used as the past tense of restrict or as an adjective meaning limited. When we say something is restricted, it means that limits or conditions have been added to it. It does not mean that it is completely impossible. For example, Restricted goods are allowed to enter or exit a country under certain circumstances. A written permission can help you to import or export that item. Likewise, a restricted area does not mean that people are not allowed to enter; it means that a special permission is required to enter the place. Restricted information refers to information that are not disclosed to the general public for security purposes.

The new regulations restricted the free movement of people.

The club was restricted to its members and their family members.

Only the highest military personnel had access to the restricted area.

American scientists had only restricted access to the area.Main difference - Prohibited vs Restricted

Difference Between Prohibited and Restricted

Meaning

Prohibited means banned or forbidden.

Restricted means limited in extent, number, scope, or action

Possibility

Prohibited means that there is no possibility of doing something.

Restricted means that something can be done under certain conditions.

Adjective

Prohibited functions as an adjective derived from prohibit.

Restricted functions as an adjective derived from restrict.

Past tense

Prohibited is the past tense and past participle of prohibit.

Restricted is the past tense and past participle of restrict.

#### “Expand the scope”---doesn’t occur until a case is won.

Gibson Dunn 21. Lawfirm. Gibson Dunn partner Howard S. Hogan served as an expert witness for 1-800 Contacts. "Second Circuit Issues Important Ruling on Trademark Settlements and Antitrust/IP Interface". Gibson Dunn. 6-14-2021. https://www.gibsondunn.com/second-circuit-issues-important-ruling-on-trademark-settlements-and-antitrust-ip-interface/

Finally, the decision in 1-800 Contacts also serves as a reminder that, in an era in which commentators are encouraging more aggressive and novel antitrust enforcement, the federal judiciary remains the ultimate arbiter of federal antitrust policy. Enforcers seeking to expand the scope of U.S. antitrust law must do more than bring novel cases—they must also prove their cases with hard facts in a court of law.

#### 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.

#### 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 most, 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.