# OFF

### T-Whole Economy

#### “Private sector” means all non-government businesses

Cambridge Dictionary N.D. (Cambridge Dictionary, No Date, Cambridge University Press has been publishing dictionaries for learners of English since 1995, this is the second definition, “private sector,” [https://dictionary.cambridge.org/us/dictionary/english/private-sector)](https://dictionary.cambridge.org/us/dictionary/english/private-sector)1st)

private sector

noun [[ C usually sing ]](https://dictionary.cambridge.org/us/help/codes.html)

US

 /ˈprɑɪ·vɪt ˈsek·tər/

all the [businesses](https://dictionary.cambridge.org/us/dictionary/english/business) that are not [owned](https://dictionary.cambridge.org/us/dictionary/english/own) and [controlled](https://dictionary.cambridge.org/us/dictionary/english/controlled) by the [government](https://dictionary.cambridge.org/us/dictionary/english/government):

#### Violation---the plan regulates specific businesses.

#### That’s a voting issue for limits and ground---allowing specific sectors shrinks neg ground by blasting links to core generics like business confidence and innovation---forces us to go for sketchy counterplans every round, which makes debates stale and decreases the quality of clash.

#### Independently---breaking new advantages without disclosing justifies new 2NC and 1NR arguments.

### Business Confidence DA

#### Growth thriving now---new antitrust crushes it---decks predictability and spills over.

Wright and Rybnicek 21 (Joshua D. Wright, University Professor of Law at the Antonin Scalia Law School at George Mason University; J.D. and PhD in Economics from the University of California, Los Angeles; Executive Director of the Global Antitrust Institute and former FTC Official, and Jan M. Rybnicek, Adjunct Professor at the Antonin Scalia Law School at George Mason University; JD, magna cum laude, Antonin Scalia Law School at George Mason University; member of the American Bar Association Section of Antitrust Law and Editor of the Antitrust Law Journal, Summer 2021, "A Time for Choosing: The Conservative Case Against Weaponizing Antitrust," National Affairs, <https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust>)

It has long been vogue among liberal advocates to champion expansion of government control over firms, their decisions, and internal workings. Perhaps no better present example can be found than in the area of antitrust, where the policy landscape looks eerily similar to the progressive view articulated 60 years ago, littered with a hodgepodge of proposals to “break up” large firms, prohibit all mergers and acquisitions, assign burdens of proof to the accused, and control the design of products. Today’s progressives offer much of the same medicine for what allegedly ails the modern economy. Senator Warren has proposed, for example, to “break up big tech” platforms such as Amazon, Apple, Facebook, and Google, and to make technology companies criminally liable for misinformation presented on their platforms.[ii] While the large and successful American tech firms—the envy of the global economy—make a convenient target for these proposals, do not be fooled. This wolf comes as a wolf. The modern progressive antitrust agenda is part of a broader, more radical program—self-described as Neo-Brandeisian Antitrust—to turn antitrust law upside down so that it may be weaponized to shape and plan all sectors of the economy.

These proposals, while unfortunate and misguided, draw heavily upon standard liberal orthodoxy that has tended to be largely suspect of markets and the agency of individuals. One can hardly be surprised to see a staunch progressive like Senator Warren or Bernie Sanders advocate greater government control over private life. Perhaps one even grows to expect it.

What is more surprising, however, is the company Senator Warren and the Neo-Brandeisian Antitrust movement have attracted with the siren call of using the antitrust laws to centrally plan the tech sector (among others things), and to achieve greater government control of the interactions between individuals and the technology we use in our daily lives. Stalwart conservatives like Senator Hawley, for example, among others, have offered policy proposals to “deal” with “Big Tech” that eerily mimic those of Senator Warren and the command and control left. Senator Hawley has proposed legislation that would rewrite Section 230 of the Communications Decency Act and usher in a quasi-Conservative Fairness Doctrine for the internet.[iii] Indeed, Hawley’s proposal would place the Federal Trade Commission in the Big Brother position of determining when a social media platform’s moderation decision was “designed to” or “motivated by an intent to” negatively impact a political party. Attorney General Barr has offered a similar refrain, announcing that antitrust is an appropriate tool to police political bias.[iv] And President Trump recently signed an executive order that directs the Federal Trade Commission to explore using its consumer protection authority to sue social media platforms for content moderation decisions.[v]

Without question, the emotional appeal undergirding these actions is understandable. Conservative voices and opinions too often face a stacked deck when dealing with technology companies and social media, in particular. And this bias against conservative voices has taken on new life in the Trump era. But the hallmark of conservative values has been to rightfully eschew government control over economic life and to value principle over expediency. What is at stake, however, with the current proposals to upend modern antitrust to address tech markets is more important than whatever fleeting satisfaction is gained from exacting policy revenge on firms perceived to squelch conservative voices and ideas. At stake are conservative commitments to the rule of law and the role of the judiciary—newly stocked with immense talent by the Trump administration—in preventing government expansion and overreach. And if we resign ourselves to transient political wins, and debase the belief that entrepreneurs rather than bureaucrats should shape technology markets, we risk not only undermining these great causes conservatives have championed for decades but also the enormous economic gains to Americans that arise in our highly competitive tech markets.

Readers less familiar with antitrust law may not understand its critical role in the conservative legal movement. Modern antitrust law—and its consumer welfare standard—is a complex product of powerful ideas, extant economic evidence, and jurists like Bork, Thomas, Scalia, Easterbrook, and Doug Ginsburg taking on the wobbly intellectual foundations of 1960s competition law. That their efforts were so successful in persuading their liberal counterparts on the Supreme Court and lesser federal courts to join in the dismantling of the stale and obsolete antitrust that was then the law of the land is powerful evidence of the force of their ideas. It is difficult to find an area of law where the conservative legal movement enjoyed as much success as quickly and with such resounding results.

No doubt it helped that yesteryear’s antitrust was intellectually bankrupt and an insult to the rule of law. It pursued an unfortunate amalgamation of contradictory doctrines, including undefined notions of populism, protection of individual industries, and reducing firm size, that could be used to justify nearly any result. For instance, antitrust law allowed the market-leading frozen pie manufacturer in Utah to successfully sue its three national-brand competitors for eroding its high market share through a series of price cuts—thereby preventing precisely the type of competition the law was intended to protect. Antitrust law was so unprincipled and incoherent at the time that it led Justice Potter Stewart to observe while reviewing a government suit to block a merger between two grocery stores with a combined market share of 7.5% that, “The sole consistency that I can find is that, in litigation under [the merger laws], the Government always wins.”[vi]

The conservative legal movement, powered by the intersection of economic analysis and law, brought the rule of law to the wild and untamed progressive antitrust vision of the 1960s. Grounding antitrust law in a disciplined and tractable framework not only promotes the rule of law while preventing arbitrary and capricious enforcement, it also creates a stable and predictable environment for private actors and firms to invest and innovate. Of course, no doctrine is perfect and today’s antitrust is not without its own flaws. But it is tethered to robust economic evidence and common-law developments that promote competitive outcomes and, like the common law, has built-in mechanisms to improve and evolve in response to empirical evidence. But the coherent and principled makeup of antitrust should not and cannot be taken for granted.

Proposals today that are attracting conservatives and liberals alike aim to unwind these gains in exchange for granting those who happen to have power in the government a dominant hand in controlling tech firms on the fleeting hope that the power will be deployed for the greater social good. We have experience with this approach to antitrust in the United States. It is what we used to do. And we know better. Shifting power from judges to regulators, and then allowing those regulators to pick winners and losers to achieve political and social goals, is a recipe for abandoning conservative commitment to the rule of law while simultaneously sacrificing economic growth and innovation. The price is too high, with little or nothing to offer those who value individual liberty, the rule of law, and economic growth. While progressive ideology is contiguous with increasing government control over economic and social interactions in technology markets for its own sake, conservative principles are not. The proposed bargain is also remarkably short-sighted. It should go without saying that empowering partisan regulators to enforce a Fairness Doctrine for conservatives is not likely to work out so well when the other side is in control.

Conservatives traditionally have been wary of proposals by liberals and other big government proponents seeking to substitute the judgment of regulators and bureaucrats for those of entrepreneurs and innovators. And rightfully so. Such proposals, even when well intentioned, risk making Americans worse off. Progressives and populists now seek to commandeer antitrust to usher in a new era of central planning in order to achieve social policy objectives that they could not accomplish otherwise. But at what cost? The risks are not trivial. Using antitrust to redesign tech companies and their products will undermine the competitive dynamics that have brought Americans countless modern benefits, including smartphones, fast and easy online shopping, on-demand ride hailing, easy-to-access streaming media, and a bevy of free services including email, maps, and video conferencing. It also will threaten the incredible economic growth and job creation that these companies have brought to America’s shores. And while politicians surely will make promises akin to, “if you like the digital platform you have, you’ll get to keep it,” it is all too clear that when you expand government discretion and limit judicial oversight, those in positions of power will increasingly impose their preferences on the broader society. Ask yourself, do you really want the government designing the iPhone?

The reality is that the U.S. digital economy is highly competitive and serves Americans well. Fueled by investment, innovation, and entrepreneurship, the digital economy has contributed substantially to America’s economic growth. According to the Bureau of Economic Analysis, the digital economy accounted for 6.9 percent of gross domestic product in 2017, growing at an annual rate of 9.9 percent since 1998 as compared to 2.3 percent for the economy overall.[vii] That economic growth has been driven by some of the world’s most successful tech companies, such as Amazon, Apple, Facebook, Intel, Google, and Microsoft, each of which calls the United States home. These firms are investing ever-increasing amounts on research and development to innovate new products and stay competitive. In fact, the United States leads the world in research and development spending, and tech companies lead in the United States—representing the nation’s top five spenders with investments totaling more than $75 billion in 2018.[viii] Tech companies rank second (behind the telecom sector) in U.S. capital expenditures, with Alphabet (Google’s parent company), Amazon, Apple, Facebook, Intel, and Microsoft together spending more than $45 billion in 2017.[ix] And these investment figures are only expected to continue to grow. These are hardly the actions of monopolists resting on their laurels, secure in belief that they are untouchable by competition.

And there is more good news. Tech has only touched a portion of the U.S. economy to date, meaning that there still are opportunities for tech companies to foster economic growth by transforming stagnant industries such as housing, transportation, manufacturing, and health care for the better. And where are the next generation of innovators and tech entrepreneurs calling home? The United States. Recognizing an economy that is dynamic and rewards creativity, venture capital investing has soared to record levels in the United States—surpassing $140 billion in 2018—providing startups with the capital necessary to innovate, compete, and grow.[x] Today the United States is home to half of all startups valued at more than $1 billion—so-called “unicorns”—outpacing every other country in the world by a wide margin.[xi]

Now, some conservatives chafe at recitations of facts and claim that technology companies exclusively benefit only the privileged. But this economic growth and investment have led to substantial benefits to ordinary American consumers and workers. You need only look to the numerous free services that tech has brought to consumers. Americans place significant value on these free services. One peer-reviewed study published by the National Academy of Sciences found that consumers would need to receive a yearly payment of $3,600 to give up free internet maps, $8,400 to give up free email, and $17,500 to give up free search engines.[xii]

Tech firms also have spurred change in long stagnant industries by developing new products that spark competition across quality, price, and other dimensions. Take for instance ride-sharing apps. Local cab companies long had a stranglehold on taxi services and saw little need to innovate or evolve. Ride-sharing apps like US-based Uber and Lyft disrupted the livery service industry by offering lower-cost and more convenient services. Cab companies have been forced to respond by offering easier payment methods and other innovative services that enhance the consumer experience. Proponents of using antitrust to restructure or even break up tech companies are unable to explain how their sweeping plans, however carefully scripted, would not undo the business models that made these services and their associated benefits possible. The burden should be on those seeking to use antitrust to remake the digital economy to demonstrate that the risk is justified. It is hard to believe how it could be.

The digital economy also has been an important source of job creation. According to one estimate, nearly 12 million people held tech jobs in the United States in 2018.[xiii] Today the largest U.S. tech companies have replaced the major American employers of the past. In just under two decades, Amazon, Apple, Facebook, Alphabet, and Microsoft have employed more than one million workers.[xiv] In 2016, Amazon became the fastest company to employ 300,000 Americans—surpassing Walmart and General Motors.[xv] Moreover, while the share of economic output going to workers has been declining steadily overall for many years both in the U.S. and globally, in the tech and telecom sectors the labor share has been steady and even has increased, suggesting improved worker welfare.[xvi]

But that is only part of the story. These major tech firms not only directly employ Americans, but through their investment and innovation, they have created entirely new markets that also have created millions of jobs. Take for instance the app economy—a more than $1 trillion global industry—that has created millions of U.S. jobs since Apple’s iPhone launched in 2007. According to one estimate, the U.S. had more than two million app-related jobs as of April 2019.[[xvii]](https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust#_edn17) America’s large tech companies also benefit small businesses in yet another way: by connecting them to new markets that they could not access before. Today small businesses are able to take advantage of the major tech firms’ size and scale to grow domestically and compete globally with affordable and secure services.  
  
None of this is lost on Americans. While politicians in Washington have used the tech industry as a punching bag, most Americans would prefer that legislators focus on other industries, including most prominently health care, an industry in which competition suffers despite (or because of) significant government involvement.[[xviii]](https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust#_edn18) In fact, a mere 17 percent of registered voters think that Congress should make regulating tech a top priority, placing it last among issues surveyed.[[xix]](https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust#_edn19) That is likely in part because Americans generally trust tech firms and acknowledge the benefits they have brought to U.S. workers and consumers. One study found that Amazon, Google, and Netflix ranked as the most loved brands in the United States.[[xx]](https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust#_edn20) Another study found that nearly 40 percent of Americans trusted Amazon and Google, which is striking given that only a mere 7 percent of Americans said they trusted the government.[[xxi]](https://nationalaffairs.com/time-choosing-conservative-case-against-weaponizing-antitrust#_edn21) It is no wonder that a majority of Americans oppose breaking up the largest tech companies: the result would be putting faith in the unlikely proposition that the government can do better.  
  
None of this means that the tech sector should be immune from antitrust scrutiny, that there are not serious economic issues facing American businesses and workers, or that certain tech platforms have shown an unmistakable bias against conservative viewpoints. Where anticompetitive conduct exists, it can and should be challenged under the existing antitrust laws and legal doctrines, which are more than capable of protecting competition in the digital economy. And the antitrust agencies are right to be vigilant against potential anticompetitive behavior by the major U.S. tech companies given their significant presence across key parts of the US economy.

But conservatives should be skeptical of attempts by politicians and bureaucrats to reorder economies simply to appease current animosity against tech firms and put at risk the substantial benefits they have brought to American consumers and workers. And that is precisely what recent radical proposals would do. These proposals include abandoning the consumer welfare standard that has helped make antitrust a coherent and principled body of law. Liberals instead seek to untether antitrust from the rule of law and return it to its Stone Age by reintroducing vague new “public interest” tests with multiple conflicting goals or by reestablishing arbitrary and obsolete market share thresholds—either of which would serve only to increase government discretion. Others have called to overturn unanimous and supermajority judicial precedent that are the foundations of the modern economic approach to antitrust. Still others seek to abandon the principle that it is the government and not business firms that bears the burden of proof of demonstrating the legality of free enterprise. These proposals require businesses to affirmatively prove to regulatory bodies that commercial conduct is not only not harmful but also that it is beneficial—beneficial to whom exactly is still unclear. And, of course, there have been calls to ban nearly all mergers, even those like Amazon’s acquisition of Whole Foods, which did not consolidate two rival companies and has brought customers lower prices and better services. These efforts inevitably will only be the starting point; and with no limiting principle will increase the government's authority to substitute its own judgement for those of entrepreneurs.

Conservatives long have believed in competition, markets, and the rule of law. The late Justice Scalia famously noted that antitrust’s signature statute, the Sherman Act, is “indeed the ‘Magna Carta of free enterprise’ … but it does not give judges carte blanche to insist that a monopolist alter its way of doing business whenever some other approach might yield greater competition.” The force of Justice Scalia’s admonition that the antitrust laws are not an appropriate vehicle for tinkering with the inner workings of private firms is even stronger when the tinkering is not even in furtherance of greater competition, but for political ends. Those core principles should not hastily be sacrificed now to achieve transient political satisfaction against America’s largest tech companies.

The tech sector is a centerpiece of the modern U.S. economy. America’s tech firms have innovated countless new products, created millions of U.S. jobs, and now are simultaneously envied and attacked by our counterparts abroad. As Ronald Reagan observed in 1964, the government rarely does anything as well or as economically as the private sector. And when the government does seek to control the economy it invariably does so through force or coercion of the people. An invitation to allow politicians and bureaucrats to use antitrust law to break up tech companies, to redesign digital products, or to moderate content for the “greater good” will end like most attempts at introducing just a little bit of liberal orthodoxy: the government’s discretion will grow and the people’s ability to check it will fade overtime until it is a figment of its former self. It is the camel’s nose under the tent. Now is the time for conservatives to choose whether they have a newfound faith in central planning or if they will recommit to principles of limited government and free markets.

#### Unpredictable shifts ruin business confidence and overall growth.

Sarah Chaney Cambon 21, Reporter on The Wall Street Journal's Economics Team, BA in Business Journalism from the University of North Carolina-Chapel Hill, “Capital-Spending Surge Further Lifts Economic Recovery”, Wall Street Journal, 6/27/2021, https://www.wsj.com/articles/capital-spending-surge-further-lifts-economic-recovery-11624798800

Business investment is emerging as a powerful source of U.S. economic growth that will likely help sustain the recovery.

Companies are ramping up orders for computers, machinery and software as they grow more confident in the outlook.

Nonresidential fixed investment, a proxy for business spending, rose at a seasonally adjusted annual rate of 11.7% in the first quarter, led by growth in software and tech-equipment spending, according to the Commerce Department. Business investment also logged double-digit gains in the third and fourth quarters last year after falling during pandemic-related shutdowns. It is now higher than its pre-pandemic peak.

Orders for nondefense capital goods excluding aircraft, another measure for business investment, are near the highest levels for records tracing back to the 1990s, separate Commerce Department figures show.

“Business investment has really been an important engine powering the U.S. economic recovery,” said Robert Rosener, senior U.S. economist at Morgan Stanley. “In our outlook for the economy, it’s certainly one of the bright spots.”

Consumer spending, which accounts for about two-thirds of economic output, is driving the early stages of the recovery. Americans, flush with savings and government stimulus checks, are spending more on goods and services, which they shunned for much of the pandemic.

Robust capital investment will be key to ensuring that the recovery maintains strength after the spending boost from fiscal stimulus and business reopenings eventually fades, according to some economists.

Rising business investment helps fuel economic output. It also lifts worker productivity, or output per hour. That metric grew at a sluggish pace throughout the last economic expansion but is now showing signs of resurgence.

The recovery in business investment is shaping up to be much stronger than in the years following the 2007-09 recession. “The events especially in late ’08, early ’09 put a lot of businesses really close to the edge,” said Phil Suttle, founder of Suttle Economics. “I think a lot of them said, ‘We’ve just got to be really cautious for a long while.’”

Businesses appear to be less risk-averse now, he said.

After the financial crisis, businesses grew by adding workers, rather than investing in capital. Hiring was more attractive than capital spending because labor was abundant and relatively cheap. Now the supply of workers is tight. Companies are raising pay to lure employees. As a result, many firms have more incentive to grow by investing in capital.

Economists at Morgan Stanley predict that U.S. capital spending will rise to 116% of prerecession levels after three years. By comparison, investment took 10 years to reach those levels once the 2007-09 recession hit.

Company executives are increasingly confident in the economy’s trajectory. The Business Roundtable’s economic-outlook index—a composite of large companies’ plans for hiring and spending, as well as sales projections—increased by nine points in the second quarter to 116, just below 2018’s record high, according to a survey conducted between May 25 and June 9. In the second quarter, the share of companies planning to boost capital investment increased to 59% from 57% in the first.

“We’re seeing really strong reopening demand, and a lot of times capital investment follows that,” said Joe Song, senior U.S. economist at BofA Securities.

Mr. Song added that less uncertainty regarding trade tensions between the U.S. and China should further underpin business confidence and investment. “At the very least, businesses will understand the strategy that the Biden administration is trying to follow and will be able to plan around that,” he said.

#### Growth solves numerous existential threats.

Zoë **Baird 20**, A.B. Phi Beta Kappa and J.D. from the University of California, Berkeley, Member of the Aspen Strategy Group, CEO and President of the Markle Foundation, Former Trustee at the Council on Foreign Relations and Partner in the law firm of O’Melveny & Myers, “Equitable Economic Recovery Is a National Security Imperative”, in Domestic and International (Dis)Order: A Strategic Response, Ed. Bitounis and King, October 2020, p. 89-90

Broadly shared economic prosperity is a bedrock of America’s economic and political strength—both domestically and in the international arena. A strong and equitable recovery from the economic crisis created by COVID-19 would be a powerful testament to the resilience of the American system and its ability to create prosperity at a time of seismic change and persistent global crisis. Such a recovery could attack the profound economic inequities that have developed over the past several decades. Without bold action to help all workers access good jobs as the economy returns, the United States risks undermining the legitimacy of its institutions and its international standing. The outcome will be a key determinant of America’s national security for years to come.

An equitable recovery requires a national commitment to help all workers obtain good jobs—particularly the two-thirds of adults without a bachelor’s degree and people of color who have been most affected by the crisis and were denied opportunity before it. As the nation engages in a historic debate about how to accelerate economic recovery, ambitious public investment is necessary to put Americans back to work with dignity and opportunity. We need an intentional effort to make sure that the jobs that come back are good jobs with decent wages, benefits, and mobility and to empower workers to access these opportunities in a profoundly changed labor market.

To achieve these goals, American policy makers need to establish job growth strategies that address urgent public needs through major programs in green energy, infrastructure, and health. Alongside these job growth strategies, we need to recognize and develop the talents of workers by creating an adult learning system that meets workers’ needs and develops skills for the digital economy. The national security community must lend its support to this cause. And as it does so, it can bring home the lessons from the advances made in these areas in other countries, particularly our European allies, and consider this a realm of international cooperation and international engagement.

Shared Economic Prosperity Is a National Security Asset

A strong economy is essential to America’s security and diplomatic strategy. Economic strength increases our influence on the global stage, expands markets, and funds a strong and agile military and national defense. Yet it is not enough for America’s economy to be strong for some—prosperity must be broadly shared. Widespread belief in the ability of the American economic system to create economic security and mobility for all—the American Dream— creates credibility and legitimacy for America’s values, governance, and alliances around the world.

After World War II, the United States grew the middle class to historic size and strength. This achievement made America the model of the free world—setting the stage for decades of American political and economic leadership. Domestically, broad participation in the economy is core to the legitimacy of our democracy and the strength of our political institutions. A belief that the economic system works for millions is an important part of creating trust in a democratic government’s ability to meet the needs of the people.

The COVID-19 Crisis Puts Millions of American Workers at Risk

For the last several decades, the American Dream has been on the wane. Opportunity has been increasingly concentrated in the hands of a small share of workers able to access the knowledge economy. Too many Americans, particularly those without four-year degrees, experienced stagnant wages, less stability, and fewer opportunities for advancement.

Since COVID-19 hit, millions have lost their jobs or income and are struggling to meet their basic needs—including food, housing, and medical care.1 The crisis has impacted sectors like hospitality, leisure, and retail, which employ a large share of America’s most economically vulnerable workers, resulting in alarming disparities in unemployment rates along education and racial lines. In August, the unemployment rate for those with a high school degree or less was more than double the rate for those with a bachelor’s degree.2 Black and Hispanic Americans are experiencing disproportionately high unemployment, with the gulf widening as the crisis continues.3

The experience of the Great Recession shows that without intentional effort to drive an inclusive recovery, inequality may get worse: while workers with a high school education or less experienced the majority of job losses, nearly all new jobs went to workers with postsecondary education. Inequalities across racial lines also increased as workers of color worked in the hardest-hit sectors and were slower to recover earnings and income than White workers.4

The Case for an Inclusive Recovery

A recovery that promotes broad economic participation, renewed opportunity, and equity will strengthen American moral and political authority around the world. It will send a strong message about the strength and resilience of democratic government and the American people’s ability to adapt to a changing global economic landscape. An inclusive recovery will reaffirm American leadership as core to the success of our most critical international alliances, which are rooted in the notion of shared destiny and interdependence. For example, NATO, which has been a cornerstone of U.S. foreign policy and a force of global stability for decades, has suffered from American disengagement in recent years. A strong American recovery—coupled with a renewed openness to international collaboration—is core to NATO’s ability to solve shared geopolitical and security challenges. A renewed partnership with our European allies from a position of economic strength will enable us to address global crises such as climate change, global pandemics, and refugees. Together, the United States and Europe can pursue a commitment to investing in workers for shared economic competitiveness, innovation, and long-term prosperity.

The U.S. has unique advantages that give it the tools to emerge from the crisis with tremendous economic strength— including an entrepreneurial spirit and the technological and scientific infrastructure to lead global efforts in developing industries like green energy and biosciences that will shape the international economy for decades to come.

### Regulations CP CP

#### The United States Federal Government should

Set 1

#### -- tie federal agricultural subsidies to the adoption of environmentally beneficial farming practices such as conservation measures, crop rotation, cover cropping, zero or minimal tillage, reductions in application of antibiotics, remediation and prevention of animal waste pollution

#### -- eliminate ethanol blending mandates

#### -- substantially narrow eligibility for the Price Loss Coverage and Agriculture Risk Coverage programs and eliminate historical base acreage as a basis for payments

#### -- expand crop insurance eligibility to all food crops, and provide discounted rates to farmers that implement regenerative practices

#### -- require concentrated animal feeding operations to comply with relevant provisions of the Clean Air Act and Clean Water Act

Set 2

#### --fund rural development projects, including by subsidizing rural communities and funding rural broadband

#### --raise the minimum wage in the agricultural industry

#### --subsidize small farms

#### CP revolutionizes U.S. ag toward sustainability

Katherine L. Oaks 20, Global Energy Fellow and LL.M. Candidate, 2020, Vermont Law School, Spring 2020, “THE PUBLIC VALUE OF ECOLOGICAL AGRICULTURE,” Vermont Journal of Environmental Law, 21 Vt. J. Envtl. L. 544

American agriculture has grown up within a framework of industrialism, contextualized by the federal programs that define modern farming. While subsidies and many government programs discussed here contribute to a precarious situation for agricultural producers and the nation as a whole, pulling out the rug from beneath the system would be devastating to the agricultural sector and would not bring about the reforms that advocates of less government involvement hope for in the end. However, programs do interfere with the growing interest in ecological food production from consumers, investors, and new farmers. Therefore, a balance must be struck that provides support for a transition away from a farming system that threatens the health and resilience of our nation, while returning the bulk of decision-making power and farming practice to farmers. In this paper, I have described the problem and its origin, arguing that the strength of this nation and the well-being of its citizens depend critically on diversification of our food supply, production methods, and opportunities for farmers. The path to achieving these goals is through a deeply reintegrated commitment to conservation and fierce championship for the ecological management of our most vital natural resources, and for those who steward them.

It is difficult to contemplate such profound reimagination of our agricultural system and the daunting work of transition. While there are billionaire recipients of federal farm payments and many more millionaire beneficiaries of subsidies, the reality is that the vast majority of American [\*586] farmers depend in some fashion on the reliability of federal support, and tragically, in many cases face bankruptcy or land forfeiture anyway, through no fault of their own. 318 The loss of farmland, diminishing numbers of farmers, and the depletion of natural resources are amongst the greatest challenges of our time, exacerbated by global warming, rising sea levels, desertification, and biodiversity loss. Congressional exercise of the federal spending power to serve the general welfare must be redirected from harmful methods towards addressing these national threats and transitioning to an ecological food system. Although proponents of "free market agriculture" argue public money should not be spent on something like soil health that already provides private benefits, the Supreme Court rejected this argument in its landmark spending clause decision in United States v. Butler. 319 In Butler, the Court held that so long as private benefits are incidental to the object of achieving a benefit to the general public, such spending is constitutional. 320 In conclusion, the following comments are offered in recognition that our country collectively and urgently needs federal reform of our food system.

Federal programs should reflect both the public value of ecological agriculture, and the hidden costs of industrial farming. Subsidies should take into consideration the influence they have on market signals and pricing impacts and contemplate the harm caused by incentivizing both underproduction and overproduction, as well as monocultures and expansion. Conservation programs should incorporate conservation as a farming strategy to support the development of ecological systems, rather than serve as band-aids, or worse, perpetuate harmful operations. Crop insurance premium rates and eligibility should reflect the benefits of soil-building practices and ecological management that protect yields and whole landscapes from pests, pathogens, and severe weather. According to one Midwestern farmer, "unless crop insurance is restructured to benefit farmers doing things that are good for the farmland, good for the environment, and good for their yields, the federal government is going to continue subsidizing the degradation of American soil." 321 Farmers who integrate conservation into their systems of production should receive a "good farmer" discount, no matter what crops they grow, which markets they utilize, or how many acres they farm.

[\*587] Additionally, eligibility provisions and expansive definitions that enable unverified payment eligibility for wealthy and remote beneficiaries, to the disadvantage and insult to qualifying and at-risk farms and farmers, must be revised. Similarly, environmental statutes should be modified to reflect their stated goals, rather than the goals of agribusiness and industrial interest groups uninterested in the health of the nation. The promotion of ecological conservation should be applied consistently and rigorously across American landscapes whether developed, natural, or agricultural. Destructive farming practices should not be exempt from statutes and regulations, CAFOs should be required to report their emissions, and irrigation agriculture should be regulated as the point source of pollution that it is. Without honesty in legislation and integrity in administration, unnecessary conflicts will continue to grow--between agriculture and the environment, and between the public and America's farmers.

From a conservation perspective, the central objective of crop production is to maximize the transformation of solar energy and other resources into useful (ideally edible) products. Rather than promote, for example, the inefficient and wasteful production of corn ethanol, the government should advance regulation that encourages ecological farming. Ethanol production incentivizes overproduction, expansion, large-scale monocultures, and intensive chemical use, and ignores the fact that the inefficiency of biomass production for energy was one reason we switched to fossil fuels in the first place. 322 Given its energy inefficiency, it is remarkable that the United States has selected corn ethanol production to reduce national dependence on fossil fuels, especially considering that sugar cane and other crops offer a much higher energy return on investment. Instead of paying farmers to burn fuel to produce less-efficient fuel, on vast amounts of prime farmland, we need to start paying farmers to produce a diversity of nutrient-rich food and to protect our clean water, fresh air, and healthy soil.

American farms provide a striking exposé of the growing precarity of our agricultural, environmental, and political systems. The vast majority of the nation's farms are industrial, depending on chemicals and fossil fuels, rather than solar energy, to maximize production. Consideration of the industrial model's enormous waste and costs reflects its inefficient use of energy, land, and resources. According to Wendell Berry, the problem with an industrial approach to agriculture is that rather than imply a limit at all, industrialism "rests instead upon the premises of limitless economic growth and limitless consumption, which of course implies limitless waste, and final [\*588] exhaustion." 323 Relentlessly taxing the capacity of the land pollutes and destroys natural ecosystems, inflicts devastating impacts on public health, and poses a grave ecological threat to the nation. Instead, valuing resiliency and diversity as much as productivity can produce a food system that is stable, fruitful, and lasting. Policies should reflect that farming is not inherently extractive nor is food production at odds with stewardship, and invest in ecological farming, which offers a stable climate, food security and nutrition, and a clean and reliable water supply. It is time to reconsider our self-destructive investment in industrial agriculture and revive our longstanding commitment to conservation, which is the key to well-managed farms and a well-governed nation.

### Infrastructure DA

#### Biden is investing all his PC on halting warming – it’ll narrowly pass

Romm, 10-28-2021 – Tony Romm, Sean Sullivan and Tyler Pager, "Biden unveils revised spending plan, expecting Democrats to back it," Washington Post (original), SF Gate (republished), <https://www.sfgate.com/news/article/Biden-crafts-new-spending-package-aimed-at-16571097.php> -- Iowa

WASHINGTON - President Joe Biden on Thursday unveiled a new $1.75 trillion package to overhaul the country's health-care, education, climate and tax laws, muscling through a slew of policy disagreements and internecine political feuds that had stalled his economic agenda for months. The announcement marked a critical moment in Biden's tenure, prompting the president to pay a visit to Capitol Hill and call on Democrats to adopt the spending along with a second, roughly $1.2 trillion package to improve the country's roads, bridges, pipes, ports and Internet connections. "We spent hours and hours and hours over months and months working on this," Biden said in televised remarks. "No one got everything they wanted, including me, but that's what compromise is. That's consensus, and that's what I ran on." Biden's moves reflected a pivotal decision to assume ownership of the sweeping safety-net proposal in a new way. He is investing enormous political capital in the new plan, following days of intensive, secretive meetings with key lawmakers, and ratcheting up his warnings that gun-shy Democrats risk damaging him and the party if they do not get on board. "I don't think it's hyperbole to say that the [Democratic] House and Senate majorities - and my presidency - will be determined by what happens in the next week," he told House Democrats in a closed-door meetings, according to one person in the room, who spoke on the condition of anonymity because of the sensitivity of the discussions. The president added that he expected the framework to gain the Democrats' support, emphasizing the framework had 50 votes in the Senate and telling reporters, "Everyone's on board," as he arrived on Capitol Hill. The call to action appeared to galvanize some Democrats, and the $1.75 trillion framework soon generated praise - crucially from the party's moderate and liberal ranks. Even former president Barack Obama, who has largely stayed out of the day-to-day political battles, put out a statement in support of the framework, calling it a "giant leap forward." One of the longtime holdouts, Sen. Kyrsten Sinema, D-Ariz., quickly offered positive comments about the deal, but without committing to vote for it. "After months of productive, good-faith negotiations with President Biden and the White House, we have made significant progress on the proposed budget reconciliation package," Sinema said in a statement. "I look forward to getting this done, expanding economic opportunities and helping everyday families get ahead." Sen. Joe Manchin III, D-W.Va., the other centrist holdout, similarly offered little comment, saying only, "In the hands of the House" when asked about the new framework in the Capitol on Thursday. The proposal did contain some longtime Democratic priorities, including universal prekindergarten, new sums to combat climate change and additional taxes on the ultrawealthy. But it jettisoned other items, including a plan to provide paid leave to millions of Americans. The president made the cuts to satisfy Sinema and Manchin, who were concerned about overspending, though some liberal Democrats later said they had not given up fighting for those items. With a potential end to the logjam in sight, the framework prompted House Speaker Nancy Pelosi, D-Calif., to move toward holding a vote on the companion infrastructure bill as soon as Thursday. That plan had been held up by House liberals who insisted on seeing an acceptable version of the safety-net plan first. Pelosi cited the president's planned travel to two global summits this week as a reason for swift action, suggesting that Biden's credibility on the world stage would be undermined if his legislative agenda was mired down. But forcing a vote on the infrastructure bill appeared politically risky. Liberal-leaning lawmakers reaffirmed an earlier threat that they would not vote for it unless they were satisfied with the safety-net bill, and in a closely divided Congress, their votes are pivotal. Rep. Pramila Jayapal, D-Wash., who heads the Congressional Progressive Caucus, said she expected liberal lawmakers to "enthusiastically endorse" Biden's new plan and that ultimately "we intend to vote for both bills." But progressives also said they were determined to see the final version of the safety-net bill, not just an outline, before committing to the infrastructure bill. The House Rules Committee released legislative language, but progressives feared it could still be weakened. That prompted them to say they would only vote on the two bills - the infrastructure plan and the safety-net bill - in tandem, as part of a linked package. The timing of the votes remained uncertain as House members departed for the weekend. The architect of the original $3.5 trillion plan, Sen. Bernie Sanders, I-Vt., encouraged House Democrats to hold off on voting until "clear language" is finalized on the safety-net bill with the support of 50 senators. He said he continues to work to advance issues including a more robust expansion of Medicare, but he also described the $1.75 trillion compromise as transformational, saying it is "the kind of legislation [that hasn't] passed in Congress since the 1960s." Democrats are hopeful that another $100 billion will be included in the package for immigration measures, bringing its total cost to $1.85 trillion, but that money could be excluded for procedural reasons. The plan includes a provision for undocumented immigrants who arrived before 2010 to apply for a green card, a precursor to citizenship. The Senate parliamentarian has previously rejected such an item, but some Democrats view its inclusion as a placeholder of sorts, potentially to be replaced by a narrower measure that would provide protected status but not a path to citizenship. With details of the bill still to be filled in, it was far from clear whether the White House had fully locked in the deal. Biden, however, still projected confidence as he exited the roughly hour-long gathering with House Democrats. "I think we're going to be in good shape," he told reporters. Many of the components in the retooled blueprint originate in the proposals Biden put forward in the spring. The ideas correspond with promises the president and other Democratic candidates made in the course of the 2020 election, when Biden ran on a refrain to Build Back Better. But the policy framework that White House aides unfurled Thursday is a significant departure from the roughly $3.5 trillion that the president and many top party lawmakers initially sought. Many of the cuts reflected a deep ideological divide between Democratic liberals, who saw this as a fleeting chance to enact an ambitious agenda, and moderates, who repeatedly tried to dial back the spending. Left-leaning lawmakers led by Sanders initially hoped to leverage their rare - if razor-thin - majorities in the House and Senate to reshape broad swaths of the U.S. economy. In the earliest days of the debate, they had even envisioned a $6 trillion package that they likened to the Great Society and New Deal programs of generations past. But the party's liberal bloc ultimately had no choice but to scale back some of its ambitions to assuage Sinema and Manchin. The duo demanded steep spending cuts and other policy changes in exchange for their votes in the Senate, which is divided 50-50 between the parties and where Vice President Kamala Harris would break any tie. Thursday's new framework includes prekindergarten programs that White House aides described as part of the largest one-time education investment since the creation of public high school. The $1.75 trillion plan also includes new aid to help families afford child care and extends tax credits that millions of parents are receiving in the form of monthly checks. When it comes to health care, the White House plan expands Medicare to cover new hearing benefits. The plan would lengthen the life of tax credits that have helped roughly 9 million Americans afford health insurance purchased on the Affordable Care Act exchanges. And it would provide new tax credits to help roughly 4 million low-income people afford health insurance in a dozen states that have not expanded Medicaid under the ACA. The White House has endorsed roughly $555 billion to address climate change, including tax changes that officials said would help the country reach Biden's goal to halve carbon emissions by 2030. That part of the package is especially critical to the president as he takes part in a major global climate summit next week. In unveiling the details of its new spending plans, White House officials took great care to stress that the entire $1.75 trillion is financed in full. They aim to pay for the package through a variety of new tax policies, including newly proposed rules that require companies to pay a minimum 15% tax - seeking to address the fact some profitable, multinational corporations use creative accounting to lower their tax burdens to zero. The idea is a significant departure from the rate increases Biden initially sought as part of a campaign pledge to unwind the tax cuts enacted under President Donald Trump in 2017. The White House also backed off a plan to apply a new billionaires' income tax to roughly 700 Americans, including Amazon founder Jeff Bezos and Tesla founder and CEO Elon Musk. (Bezos owns The Washington Post.) Instead, they proposed a special 5% rate for Americans with income above $10 million and an additional 3% surtax for those above $25 million. A long slog still awaits lawmakers to turn their deal into a bill, then shepherd it through Congress, a fraught process where the Democrats' slim majorities still leave little room for political error. Pelosi has just a three-vote margin, and Senate Majority Leader Charles Schumer, D-N.Y., possesses only a tiebreaking advantage, meaning Democrats must stay together if they hope to deliver a package that Biden in recent days has described as transformational.

#### Antitrust decks PC and tanks agenda

Carstensen, 21 – Peter C. Carstensen is Chair in Law Emeritus, University of Wisconsin Law School. “The “Ought” and “Is Likely” of Biden Antitrust,” Concurrences, February, N° 1-2021 On-Topic The new US antitrust administration, <https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en#carstensen> – Iowa

12. But given a hostile judiciary, the agencies are likely to limit their challenges to the most obvious cases. Important cases will die on the courthouse steps without ever getting into court. To be sure, the agencies are less likely to waste time investigating minor marijuana mergers and to focus resources on more important matters. The emergent judicial demands for detailed proof of actual adverse competitive effects will limit the scope of what can be done. The resources to develop a major case in light of these expectations will be significant and so constrain the agencies further. Thus, while merger enforcement may see an uptick especially where the merger involves two major direct competitors in more than moderately concentrated markets, the incentives to pursue vertical or potential competition cases will be very limited. Similarly, despite the growing recognition of how dominant firms, especially in the high-tech arena, buy up nascent competitors, the current standards for merger analysis will make such challenges very unlikely.

13. Given the American Express decision, the burden of challenging anticompetitive vertical restraints is likely to deter the enforcers from following up on the Dentsply [89] and McWane [90] cases except, where, as in those cases, a clear monopoly existed. Given existing market concentrations in many industries, this will result in the continuation of a plethora of harmful restraints.

14. Similarly, despite bipartisan murmurs about competitive issues, the potential in a closely divided Congress that any major initiatives will survive is limited at best. In part the challenge here is how the Biden administration will rank its commitments. If it were to make reform of competition law a major and primary commitment, it would have to trade off other goals, which might include health care reform or increases in the minimum wage. It is likely in this circumstance the new administration, like the Obama administration’s abandonment of the pro-competitive rules proposed under the PSA, would elect to give up stricter competition rules in order to achieve other legislative priorities.

15. Another key to a robust commitment to workable competition is the choice of cabinet and other key administrative positions. Here as well, the early signs are not entirely encouraging. In selecting Tom Vilsack to return as secretary of agriculture, the president has embraced a friend of the large corporate interests dominating agriculture who has spent the last four years in a highly lucrative position advancing their interests. Given the desperate need for pro-competitive rules to implement the PSA and control exploitation of dairy farmers through milk-market orders, the return of Vilsack is not good news. Who will head the FTC and who will be the attorney general and assistant attorney general for antitrust is still unknown, but if those picks are also centrists with strong links to corporate America the hope for robust enforcement of competition law will further attenuate!

16. In sum, this is a pessimistic prognostication for the likely Biden antitrust enforcement agenda. There is much that ought to be done. But this requires a willingness to take major enforcement risks, to invest significant political capital in the legislative process, and to select leaders who are committed to advancing the public interest in fair, efficient and dynamically competitive markets. The early signs are that the new administration will be no more committed to robust competition policy than the Obama administration. Events may force a more vigorous policy—I will cling to that hope as the Biden administration takes shape.

#### PC is make or break for meaningful climate action

Okun and Ross, 9-7-21 – Eli Okun and Garrett Ross, POLITICO Playbook (PM), “Playbook PM: Biden’s climate/infrastructure challenge,” <https://www.politico.com/newsletters/playbook-pm/2021/09/07/bidens-climate-infrastructure-challenge-494225> -- Iowa

President JOE BIDEN is putting climate change and his infrastructure agenda front and center today as he journeys to New Jersey and New York to survey Ida’s devastating damage across several communities.

It’s a moment that lays bare both the power and the pitfalls of Biden’s approach to this global existential threat.

First, the power: This summer, nearly a third of Americans suffered an extreme weather event fueled by climate change — massive fires in California, flooding throughout the Midwest and Northeast, supercharged hurricanes on the Gulf Coast and so on.

All of which means that as Biden marshals the bully pulpit to spotlight the ways in which climate change is already altering our lives, he has plenty of tangible examples to draw from.

“For decades, scientists have warned of extreme weather — would be more extreme, and climate change was here. And we’re living through it now,” Biden said in New Jersey this afternoon. “We don’t have any more time. … We’re at one of those inflection points where we either act, or we’re gonna be in real, real trouble.”

Now, the potential pitfalls: As congressional Democrats gear up for a crucial few weeks in which they’ll craft their massive $3.5 trillion reconciliation bill, the White House is linking climate disaster directly to its Build Back Better policy agenda — both the spending package and the bipartisan infrastructure bill that already passed the Senate.

That’s where things get dicier. We don’t need to remind you how difficult it will be for Democrats to thread the needle and get these bills to the president’s desk.

— If Biden and Democratic leaders go too big with their climate planks in the infrastructure bill, they risk losing the support of the moderate JOE MANCHIN types. (That, too, faces its own political obstacles: Speaker NANCY PELOSI this morning, when a reporter indicated she’d have to lower the reconciliation price tag to accommodate moderates, simply responded: “Why?”)

— The perils of going too small, on the other hand, are neatly exemplified by this NYT story about electric cars , a key piece of the economy-wide shift ahead that’s necessary to tamp down emissions and combat climate change: “The country has tens of thousands of public charging stations — the electric car equivalent of gas pumps — with about 110,000 chargers. But energy and auto experts say that number needs to be at least five to 10 times as big to achieve the president’s goal,” write Niraj Chokshi, Matthew Goldstein and Erin Woo. “Building that many will cost tens of billions of dollars, far more than the $7.5 billion that lawmakers have set aside in the infrastructure bill.”

With a crammed legislative calendar, the White House will have to keep the pressure on to make sure meaningful climate provisions don’t fall by the wayside — as seems likely to happen with legislation concerning abortion rights, police reform, immigration reform and raising the minimum wage.

— Our colleagues Anita Kumar and Chris Cadelago have more on “Biden’s growing policy backlog” — and the political risks for Democrats if they let down key constituencies.

Asked this morning how he’d win over Democrats on infrastructure, Biden said simply, “[T]he sun is going to come out tomorrow,” per pooler Brian Bennett of Time. That’s true. But he’s just gotta make sure it’s not warming the earth too quickly.

#### Warming causes extinction

Bryce, 20 – Emma, citing Nelson, Roman, and Kemp---Cassidy *Nelson* is Co-lead of the biosecurity team at Oxford), Sabin *Roman* earned a PhD in Complex Systems Simulation from the University of Southampton, and both Roman and Luke *Kemp* are research associates at the Cambridge University. "What Could Drive Humans to Extinction?" Real Clear Science, 7-27-2020, <https://www.realclearscience.com/articles/2020/07/27/what_could_drive_humans_to_extinction.html> -- Iowa

Nuclear war

An existential risk is different to what we might think of as a "regular" hazard or threat, explained Luke Kemp, a research associate at the Centre for the Study of Existential Risk at Cambridge University in the United Kingdom. Kemp studies historical civilizational collapse and the risk posed by climate change in the present day. "A risk in the typical terminology is supposed to be composed of a hazard, a vulnerability and an exposure," he told Live Science. "You can think about this in terms of an asteroid strike. So the hazard itself is the asteroid. The vulnerability is our inability to stop it from occurring — the lack of an intervention system. And our exposure is the fact that it actually hits the Earth in some way, shape or form."

Take nuclear war, which history and popular culture have etched onto our minds as one of the biggest potential risks to human survival. Our vulnerability to this threat grows if countries produce highly-enriched uranium, and as political tensions between nations escalate. That vulnerability determines our exposure.

As is the case for all existential risks, there aren't hard estimates available on how much of Earth's population a nuclear firestorm might eliminate. But it's expected that the effects of a large-scale nuclear winter — the period of freezing temperatures and limited food production that would follow a war, caused by a smoky nuclear haze blocking sunlight from reaching the Earth — would be profound. "From most of the modeling I've seen, it would be absolutely horrendous. It could lead to the death of large swathes of humanity. But it seems unlikely that it by itself would lead to extinction." Kemp said.

Pandemics The misuse of biotechnology is another existential risk that keeps researchers up at night. This is technology that harnesses biology to make new products. One in particular concerns Cassidy Nelson: the abuse of biotechnology to engineer deadly, quick-spreading pathogens. "I worry about a whole range of different pandemic scenarios. But I do think the ones that could be man-made are possibly the greatest threat we could have from biology this century," she said. As acting co-lead of the biosecurity team at the Future of Humanity Institute at the University of Oxford in the United Kingdom, Nelson researches biosecurity issues that face humanity, such as new infectious diseases, pandemics and biological weapons. She recognizes that a pathogen that's been specifically engineered to be as contagious and deadly as possible could be far more damaging than a natural pathogen, potentially dispatching large swathes of Earth's population in limited time. "Nature is pretty phenomenal at coming up with pathogens through natural selection. It's terrible when it does. But it doesn't have this kind of direct 'intent,'" Nelson explained. "My concern would be if you had a bad actor who intentionally tried to design a pathogen to have as much negative impact as possible, through how contagious it was, and how deadly it was.” But despite the fear that might create — especially in our currently pandemic-stricken world — she believes that the probability that this would occur is slim. (It's also worth mentioning that all evidence points to the fact that COVID-19 wasn't created in a lab.) While the scientific and technological advances are steadily lowering the threshold for people to be able to do this, "that also means that our capabilities for doing something about it are rising gradually," she said. "That gives me a sense of hope, that if we could actually get on top [of it], that risk balance could go in our favor." Still, the magnitude of the potential threat keeps researchers' attention trained on this risk.

From climate change to AI

A tour of the threats to human survival can hardly exclude climate change, a phenomenon that (is) already driving the decline and extinction of multiple species across the planet. Could it hurl humanity toward the same fate?

The accompaniments to climate change — food insecurity, water scarcity, and extreme weather events — are set to increasingly threaten human survival, at regional scales. But looking to the future, climate change is also what Kemp described as an "existential risk multiplier" at global scales, meaning that it amplifies other threats to humanity's survival. "It does appear to have all these relationships to both conflict as well as political change, which just makes the world a much more dangerous place to be." Imagine: food or water scarcity intensifying international tensions, and triggering nuclear wars with potentially enormous human fatalities.

This way of thinking about extinction highlights the interconnectedness of existential risks. As Kemp hinted before, it's unlikely that a mass extinction event would result from a single calamity like a nuclear war or pandemic. Rather, history shows us that most civilizational collapses are driven by several interwoven factors. And extinction as we typically imagine it — the rapid annihilation of everyone on Earth — is just one way it could play out.

### Biodiversity Advantage CP

The United States federal government should implement many policy solutions to climate change and biodiversity, including regulated geoengineering and funding for development and implementation of negative emissions technology.

#### Solves environment better than the aff.

Pearce ’19 [Fred; May 29; Environmental journalist and author, citing former British Government Chief Scientist David King, Harvard University Physicist David Keith, Kelly Wanser for the Marine Cloud Brightening Project, and other academics; Yale Environment 360, “Geoengineer the Planet? More Scientists Now Say It Must Be an Option,” <https://e360.yale.edu/features/geoengineer-the-planet-more-scientists-now-say-it-must-be-an-option>]

Once seen as spooky sci-fi, geoengineering to halt runaway climate change is now being looked at with growing urgency. A spate of dire scientific warnings that the world community can no longer delay major cuts in carbon emissions, coupled with a recent surge in atmospheric concentrations of CO2, has left a growing number of scientists saying that it’s time to give the controversial technologies a serious look.

“Time is no longer on our side,” one geoengineering advocate, former British government chief scientist David King, [told a conference last fall.](https://www.edie.net/news/9/Sir-David-King--Policy-and-business-action-needed-on-climate--restoration-/) “What we do over the next 10 years will determine the future of humanity for the next 10,000 years.”

King helped secure the Paris Climate Agreement in 2015, but he no longer believes cutting planet-warming emissions is enough to stave off disaster. He is in the process of establishing a Center for Climate Repair at Cambridge University. It would be the world’s first major research center dedicated to a task that, he says, “is going to be necessary.”

Technologies earmarked for the Cambridge center’s attention include a range of efforts to restrict solar radiation from reaching the lower atmosphere, including spraying aerosols of sulphate particles into the stratosphere, and refreezing rapidly warming parts of the polar regions by deploying tall ships to pump salt particles from the ocean into polar clouds [to make them brighter.](https://www.bbc.co.uk/news/science-environment-48069663)

United States scientists are on the case, too. The National Academies last October launched a study into [sunlight reflection](http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=10162018) technologies, including their feasibility, impacts and risks, and governance requirements. Marcia McNutt, president of the National Academy of Sciences, said: “We are running out of time to mitigate catastrophic climate change. Some of these interventions… may need to be considered in future.”

The study’s prospective authors held their [first meeting](http://nas-sites.org/dels/studies/reflecting-sunlight-to-cool-earth/meetings-and-events/) in Washington, D.C., at the end of April. Speakers included David Keith, a Harvard University physicist who has developed his own patented technology for using chemistry to remove CO2 directly from the atmosphere, and Kelly Wanser of the [Marine Cloud Brightening Project](http://www.geoengineeringmonitor.org/2018/04/marine-cloud-brightening-project-geoengineering-experiment-briefing/), which is studying the efficacy of seeding clouds with sea salt and other materials to reflect more sunlight back into space. The project is preparing for future field trials.

China too has an active government-funded research program. It insists it has no current plans for deployment, but is looking, among other things, at how solar shading might [slow the rapid melting](https://royalsocietypublishing.org/doi/full/10.1098/rsta.2012.0086) of Himalayan glaciers.

Geoengineering the climate to halt global warming has been discussed almost as long as the threat of warming itself. American researchers back in the 1960s suggested floating billions of white objects such as golf balls on the oceans to reflect sunlight. In 1977, Cesare Marchetti of the Austria-based International Institute for Applied Systems Analysis discussed ways of catching all of Europe’s CO2 emissions and injecting them into [sinking Atlantic Ocean currents.](https://link.springer.com/article/10.1007/BF00162777)

In 1982, Soviet scientist Mikhail Budyko proposed filling the stratosphere with sulphate particles to reflect sunlight back into space. The first experiments to test the idea of fertilizing the oceans with iron to stimulate the growth of CO2-absorbing algae were carried out by British researchers in 1995. Two years later, Edward Teller, inventor of the hydrogen bomb, proposed putting [giant mirrors](https://www.newscientist.com/article/mg18124403-700-a-mirror-to-cool-the-world/) into space.

Still, many climate scientists until recently regarded such proposals as fringe, if not heretical, arguing that they undermine the case for urgent reductions in greenhouse gas emissions. A group of scientists writing in Nature as recently as April last year, called solar geoengineering “outlandish and unsettling… [redolent of science fiction](https://www.nature.com/articles/d41586-018-03917-8).”

But the mood is shifting. There is broad, international scientific agreement that the window of opportunity to avoid breaching the Paris climate target of staying “well below” 2 degrees Celsius (3.6 degrees Fahrenheit), is narrowing sharply. A pause in the rise in CO2 emissions that brought hope in 2015 and 2016 has ended; the increase has resumed at a time when we should be making progress toward a goal of [halving emissions by 2030](https://report.ipcc.ch/sr15/pdf/sr15_headline_statements.pdf), says Johan Rockstrom, science director of the Potsdam Institute for Climate Impacts Research. CO2 concentrations in the atmosphere — the planetary thermostat — are now at 415 parts per million (ppm) and rising by almost 3 ppm each year, reaching levels that have not been seen in 3 million years. “We have two years left to bend the curve” downward, says Rockstrom.

Some experts contend we may be approaching a moment when nothing other than geoengineering can meet the international community’s promise — made when signing the UN Climate Change Convention at the Earth Summit in 1992 — to prevent “dangerous anthropogenic interference with the climate system.” Myles Allen of Oxford University’s Environmental Change Institute says: “Every year we are not even trying to reduce emissions is another 40 billion tons of CO2 dumped into the atmosphere that we are blithely committing future generations to scrub out again.”

### States CP

#### The fifty states and relevant territories ought to

#### expand the scope of their core antitrust laws by prohibiting stock-based ownership in the agricultural private sector and restrict the Capper-Volstead Act’s exemptions to one member, one vote cooperatives.

#### Create and abide by uniform guidelines and coordinate state antitrust cases in parallel fashion through the National Association of Attorneys General

#### increase funding for enforcement of state antitrust laws, through legalizing deficit spending

#### State antitrust enforcement is constitutional and solves.

First 01 (Harry First, Professor of Law, New York University School of Law, “Delivering Remedies: The Role of the States in Antitrust Enforcement,” *George Washington Law Review*, Vol. 69, Issues 5 & 6 (October/December 2001), pp. 1004-1041)

Of course, neither Illinois Brick, nor the parens patriae provision of the 1976 Act for that matter, spoke to the states' jurisdiction to enforce state antitrust law.5 1 State law antitrust enforcement had coexisted with federal enforcement from the time that the Sherman Act was passed and the constitutionality of such state law enforcement had long been accepted.52 Thus, it should not have been surprising that after Illinois Brick a number of states revisited their own state laws and enacted statutes permitting indirect purchaser suits under state antitrust law.53

The constitutionality of state indirect purchaser legislation was presented to the Supreme Court in California v. ARC America Corp., de- cided in 1989.54 Four states filed federal antitrust actions for damages they had suffered from an alleged nationwide conspiracy to fix the price of ce- ment. Because at least some of their damages were indirect, they appended to their federal cause of action state law claims under their indirect purchaser statutes.5 Following a settlement of all federal and state claims, the states sought to participate in the settlement fund.56 On objection from the direct purchasers, the district court denied the states' indirect purchaser claims to the settlement fund, holding that state indirect purchaser laws were pre- empted by virtue of Illinois Brick.5 7 The Supreme Court reversed. 58

Pointing to "the long history of state common-law and statutory reme- dies against monopolies and unfair business practices," the Court stated that it is "plain that this is an area traditionally regulated by the States. '59 Indeed, "Congress intended the federal antitrust laws to supplement, not displace, state antitrust remedies."0 That state law might impose liability beyond what federal law provides does not conflict with any federal policy that the Court identified in prior cases. Writing for a unanimous Court, Justice White stated:

When viewed properly, Illinois Brick was a decision construing the federal antitrust laws, not a decision defining the interrelationship between the federal and state antitrust laws. The congressional pur- poses on which Illinois Brick was based provide no support for a finding that state indirect purchaser statutes are pre-empted by federal law.

The Supreme Court's decision in ARC America capped fifty years of judicial and legislative development of the jurisdiction of state antitrust en- forcers. Under federal law the states can now seek money damages for federal antitrust violations that injure them or their citizens as direct purchasers. Under state law they can claim damages suffered from antitrust violations that harm them or their citizens as indirect purchasers (if state law provides for such recoveries). The states may also be able to use consumer protection or unfair competition statutes to require defendants who engage in anticompetitive conduct that harms consumers either to disgorge their profits or to provide restitution to their victims.62 Like anti-trust indirect purchaser claims, these state claims can either be brought individually in state court or included as supplemental claims to federal antitrust violations.

Beyond seeking damages, state enforcers are likewise able to use either federal or state courts to seek injunctive relief to prevent future violations. This includes the right to seek divestitures in merger cases and the right to seek structural relief in monopolization cases. So well accepted is the exercise of this right that its assertion now goes unchallenged by defendants. 63 And, finally, individual states' antitrust laws may contain criminal provisions or civil penalties, which the states can enforce in state court.64

Indeed, at least as a statutory matter, the jurisdictional tools available to the states exceed those available to the federal antitrust enforcement agencies. The Justice Department can sue for its proprietary injuries, but it al- most never does so,65 and it has not sought to assert a parens patriae right to sue for injury to U.S. citizens (nor could it likely do so in light of the 1976 Hart-Scott-Rodino Act).66 Federal law would also presumably prevent suit for damages to the U.S. government as an indirect purchaser. There are no civil penalties available for violations of the antitrust laws,67 and the disgorgement or restitution remedy has only rarely been invoked (by the Federal Trade Commission) and is of uncertain legality.68

Similarly, when compared to private enforcement, state antitrust enforcers have stronger jurisdictional tools. The main advantage is that although the federal parens patriae claim for damages under the Hart-Scott-Rodino Act has procedural protections similar to those provided under Rule 23 for class members, such actions need not meet Rule 23's requirements, such as commonality of claims or adequacy of representation. 69 These issues are, of course, major problems in antitrust class actions.70 On the injunction side, standing presents no problems for the states when they are seeking to protect either their economy in general, or the interests of their consumers; private litigants, however, may still face hurdles.71 And on the investigative side, the states generally have broad power to use compulsory process to investigate for possible antitrust violations prior to filing a suit (similar to federal investigative power72). Private plaintiffs, of course, lack this ability.

#### States can pursue ag cooperatives.

Frederick 2 (Donald A. Frederick Program Leader Law, Policy & Governance Rural Business-Cooperative Service U.S. Department of Agriculture, September 2002, “Antitrust Status of Farmer Cooperatives: The Story of the Capper-Volstead Act,” https://www.rd.usda.gov/files/CIR59.pdf)

STATE ANTITRUST ENFORCEMENT

While most of this paper focuses on Federal antitrust policy, cooperatives must remember that they are also subject to State antitrust laws and enforcement. Two older cases, coincidentally decided only a week apart, illustrate this.

In one case, a cooperative and several non-cooperative corporations and business units, who together distributed 94 percent of the fluid milk sold in Milwaukee County, were successfully sued by the State of Wisconsin for conspiring to control and fix the price of milk in violation of the State's antitrust laws. 839 In the second, an Ohio court held that a cooperative did not violate the State antitrust law when it refused to provide milk to a purchaser who offered a discounted price to its customers who bought large amounts of milk during each month.840

Sometimes a State's antitrust law will contain a blanket exemption for cooperatives. For example, Section 340(3) of New York's Donnelly Antitrust Act reads:

The provisions of this article shall not apply to cooperative associations, corporate or otherwise, of farmers, gardeners, or dairymen, including live stock farmers and fruit growers, nor to contracts, agreements or arrangements made by such associations,.. .. 841

The New York State courts have recognized that this is a broader exemption than contained in Federal law. It bars them from entertaining actions under the State's Donnelly Antitrust Act against agricultural cooperatives and also against third parties, such as a grocery store that purchases from a cooperative, based on its contracts with a protected cooperative.842

When State law doesn't contain such a broad cooperative exemption, State attorneys general can be just as aggressive as the U.S. Department of Justice in pursuing cooperatives. They can negotiate consent decrees that include both restraints on future conduct and substantial fines. This is true whether the defendant cooperative is large dairy association843 or a small, niche market association.844

These cases illustrates that producer associations need to include compliance with the antitrust law of the State or states within which they operate in their overall risk management planning.

## Solvency

### Circumvention---1NC

#### Court circumvention---they ignore intent and plain meaning, reject literature bias towards optimism.

Crane ‘21 [Daniel A Crane. Frederick Paul Furth, Sr. Professor of Law, University of Michigan. I am very grateful for many helpful comments from Tom Arthur, Jonathan Baker, Steve Calkins, Dale Collins, Eleanor Fox, Rebecca Haw, Hiba Hafiz, Jack Kirkwood, Bob Lande, Christopher Leslie, Alan Meese, Steve Ross, Danny Sokol, and other participants at the University of Florida Summer Antitrust Workshop. "ANTITRUST ANTITEXTUALISM." https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4952&context=ndlr]

This view is so widely entrenched in the legal profession’s understanding of the antitrust laws—including, it must be admitted, this author’s—that it seems presumptuous to claim that the conventional wisdom is wrong, or at least significantly overstated. But it is. While the antitrust statutes may be lacking in some important particulars, they present a readily discernable meaning on many others. As Daniel Farber and Brett McDonnell have argued, “For the conscientious textualist, the statutory texts [of the antitrust laws] have considerably more specific meaning than the conventional wisdom would suggest.”5 And it is not simply the case that the meaning of the statutory texts could be rendered through ordinary methods of statutory interpretation but the courts have failed to see it. Rather, the courts frequently acknowledge that the statutory texts have a plain meaning, and then refuse to follow it.

But it gets worse. The courts have not merely abandoned statutory textualism or other modes of faithful interpretation out of a commitment to a dynamic common-law process. Rather, they have departed from text and original meaning in one consistent direction—toward reading down the antitrust statutes in favor of big business. As detailed in this Article, this unilateral process began almost immediately upon the promulgation of the Sherman Act and continues to this day. In brief: within their first decade of antitrust jurisprudence, the courts read an atextual rule of reason into section 1 of the Sherman Act to transform an absolute prohibition on agreements restraining trade into a flexible standard often invoked to bless large business combinations; after Congress passed two reform statutes in 1914, the courts incrementally read much of the textual distinctiveness out of the statutes to lessen their anticorporate bite; the courts have read the 1936 Robinson-Patman Act almost out of existence; and the Celler-Kefauver Amendments of 1950, faithfully followed in the years immediately after their promulgation, have been watered down to textually unrecognizable levels by judicial interpretation and agency practice. It is no exaggeration to say that not one of the principal substantive antitrust statutes has been consistently interpreted by the courts in a way faithful to its text or legislative intent, and that the arc of antitrust antitexualism has bent always in favor of capital.

#### Clarifying the scope and meaning of vague language doesn’t solve---courts ignore, Congress backs down, it’s already very clear.

Crane ‘21 [Daniel A Crane. Frederick Paul Furth, Sr. Professor of Law, University of Michigan. I am very grateful for many helpful comments from Tom Arthur, Jonathan Baker, Steve Calkins, Dale Collins, Eleanor Fox, Rebecca Haw, Hiba Hafiz, Jack Kirkwood, Bob Lande, Christopher Leslie, Alan Meese, Steve Ross, Danny Sokol, and other participants at the University of Florida Summer Antitrust Workshop. "ANTITRUST ANTITEXTUALISM." https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=4952&context=ndlr]

This Article has shown that, historically, the judiciary has treated the antitrust statutes as broad delegations to the courts to create a pragmatic common law of competition, even when the statutes plainly said something more specifically prohibitory. What, then, are the strategies available to a reformist Congress seeking to rein in business power through remedial antitrust legislation?

The one strategy that does not seem especially promising is simply writing clearer statutes. The antitrust statutes that the courts wrote down in favor of big business did not suffer from a lack of clarity or, if they did, not in the textual implications the courts chose to ignore. Strikingly, the courts continue to insist that the antitrust statutes are indeterminate delegations of common-law power, even while admitting in candor that they have simply chosen to ignore the statutes’ plain meaning in favor of a common method of deciding antitrust cases. For instance, in Professional Engineers, Justice Stevens remarked for the Court that “the language of § 1 of the Sherman Act . . . cannot mean what it says” and therefore that Congress must not have intended “the text of the Sherman Act to delineate the full meaning of the statute or its application in concrete situations,” thus justifying the courts in shaping the “statute’s broad mandate by drawing on common-law tradition.”255 Given over a century’s tradition of interpreting antitrust statutes as invitations to continue a common-law process whatever else is suggested by the statute’s text, it is difficult to see how simply accumulating stern new language in new texts would lead to a different result.

Even where reform statutes are textually honored in their immediate aftermath, history shows a creeping judicial tendency to begin integrating the reform statutes into the mainstream of antitrust jurisprudence within a few decades. This has been the fate of the four major antitrust reform statutes— the FTC, Clayton, Robinson-Patman, and Celler-Kefauver Acts—each of which was meant to rein in capital in ways that the Sherman Act did not. In all four instances, however, the courts incrementally began mainstreaming the statutes into Sherman Act precedent, creating a homogenous antitrust jurisprudence that read the textual distinctiveness out of the reform statutes. Thus, today, cases under the FTC Act, section 3 of the Clayton Act, and the Robinson-Patman Act are largely indistinct from Sherman Act cases,256 and merger cases have been rolled into the same modes of price-theoretic analysis that would be employed in a Sherman Act case.257 Given that neither statutory text nor legislative history seems to have deterred the courts from this process within a few decades after the passage of the statutes, there is little reason to believe that a “this time we mean it” statutory reform would not meet the same fate. If the courts continue to understand aspects of the antitrust statutes as aspirationally motivated and operationally impracticable, the previously observed pattern is likely to continue.

## Adv---Rural Farms

### 1NC

#### Can’t solve---alt causes for rural flight like lack of opportunities and lack of internet connectivity cause communities to fall apart.

#### Extinction outweighs – it should be automatically prioritized

Nick Bostrom 12, Professor of Philosophy at Oxford, directs Oxford's Future of Humanity Institute and winner of the Gannon Award, Interview with Ross Andersen, “We're Underestimating the Risk of Human Extinction,” 3/6/12, http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/

Bostrom, who directs Oxford's Future of Humanity Institute, has argued over the course of several papers that human extinction risks are poorly understood and, worse still, severely underestimated by society. Some of these existential risks are fairly well known, especially the natural ones. But others are obscure or even exotic. Most worrying to Bostrom is the subset of existential risks that arise from human technology, a subset that he expects to grow in number and potency over the next century.

Despite his concerns about the risks posed to humans by technological progress, Bostrom is no luddite. In fact, he is a longtime advocate of transhumanism---the effort to improve the human condition, and even human nature itself, through technological means. In the long run he sees technology as a bridge, a bridge we humans must cross with great care, in order to reach new and better modes of being. In his work, Bostrom uses the tools of philosophy and mathematics, in particular probability theory, to try and determine how we as a species might achieve this safe passage. What follows is my conversation with Bostrom about some of the most interesting and worrying existential risks that humanity might encounter in the decades and centuries to come, and about what we can do to make sure we outlast them.

Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why?

Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

### Turn---1NC

#### Antitrust harms competition and growth---numerous economic studies.

Jamison ’20 [Mark; September 2; Nonresident Senior Fellow at the American Enterprise Institute, Professor of the Public Utility Research Center at the University of Florida’s Warrington College of Business, former member of the FCC transition team, Ph.D. in Economics from the University of Florida; American Enterprise Institute, “Debunking three common antitrust myths,” <https://www.aei.org/technology-and-innovation/debunking-three-common-antitrust-myths/>]

Sometimes antitrust seems like an evidence-free zone. As with any topic, some writers on antitrust are happy to announce their opinions without explanation or evidence. More troubling are those who support their opinions with arguments that are known to be flawed. These unsupported arguments take the forms of myths that, if repeated enough, become part of antitrust folklore. Here are three examples of such myths.

Myth 1: Increased regulation would limit market power.

Reality: More often than not, regulation protects incumbents and harms consumers.

Belief in this myth has two steps. The first step is to falsely equate market power with business size. Economist Franklin Fisher [explained](http://economics.mit.edu/files/1383) in 1979 that this is false, but it is still a prominent belief held by [journalists](https://www.axios.com/the-growing-antitrust-concerns-about-u-s-tech-giants-2433870013.html?utm_medium=linkshare&utm_campaign=organic), [think tank experts](https://www.brookings.edu/blog/techtank/2020/07/31/big-tech-and-antitrust-pay-attention-to-the-math-behind-the-curtain/), [academics](https://www.foreignaffairs.com/articles/2020-02-10/too-big-prevail), and members of [Congress](https://www.rpc.senate.gov/policy-papers/big-tech-faces-antitrust-scrutiny).

The second step is to falsely believe that government interventions would result in smaller companies. In his book “A Conflict of Visions: Ideological Origins of Political Struggles,” Thomas Sowell explained that governments are largely unable to directly create their desired results. And, as Jeff Eisenach and Kevin Caves showed in a [2012 paper](https://www.aei.org/wp-content/uploads/2012/09/-eisenach-cato-phone-deregulation-paper_09341082848.pdf?x91208), deregulation in telecommunications resulted in lower prices, not higher, implying that deregulation decreased market power.

Myth 2: Lax antitrust enforcement has resulted in increased market power.

Reality: Regulation tilts markets toward large firms.

This myth results partly from ideology, bias, and misspecified research. I have written about the ideology and bias issues in the past ([here](https://www.aei.org/technology-and-innovation/big-tech-and-the-backwards-logic-of-the-neo-brandeisians/) and [here](https://www.aei.org/technology-and-innovation/proponents-of-hipster-antitrust-fail-to-understand-economic-history-and-business-realities/)). Regarding the research, a favorable summary can be found [here](https://econfip.org/policy-brief/confronting-rising-market-power/).

But the research has at least two misspecifications: It largely measures business size, not market power, and it omits the effects of regulation. The figure below shows how these mistakes matter. The blue line shows the growth of regulations in the US since 1998, the first year that these regulation data were available. The red line shows large firms’ share of business establishments. This is almost a perfect correlation, but the research trying to establish that market power has grown in the US omits anything about the rise of regulation.

As I wrote in a recent [bl](https://www.aei.org/technology-and-innovation/breaking-up-big-tech-will-not-help-the-us-innovate-or-compete-with-china/)[o](https://www.aei.org/technology-and-innovation/breaking-up-big-tech-will-not-help-the-us-innovate-or-compete-with-china/)[g](https://www.aei.org/technology-and-innovation/breaking-up-big-tech-will-not-help-the-us-innovate-or-compete-with-china/) post:

More regulation results in industries having larger firms, not smaller ones, and it also lowers labor productivity. This has been confirmed in several economic studies (see examples [here](https://www.jstor.org/stable/pdf/2555465.pdf), [here](https://www.aeaweb.org/articles?id=10.1257/aer.20130232), and [here](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3169332)). Regulations raise the cost of a firm being in business, which means firms need to be larger to cover those fixed costs.

Myth 3: People should follow their gut instincts on antitrust.

Reality: Growing complexity means more careful analyses are needed.

This myth shows up in appeals to [lived experiences](https://promarket.org/2020/08/27/we-are-more-than-our-amazon-prime-accounts/?mc_cid=2608a684c8&mc_eid=3e3e4546cf) and to [phobias](https://www.aei.org/technology-and-innovation/three-fears-hamper-tech-progress/). The lived experience argument relies on [availability bias](https://www.behavioraleconomics.com/resources/mini-encyclopedia-of-be/availability-heuristic/), [illusion of truth](http://www2.psych.utoronto.ca/users/hasher/PDF/Frequency%20and%20the%20conference%20Hasher%20et%20al%201977.pdf), and other cognitive biases that lead people to draw conclusions that are unsupportable with careful analyses. This reliance on people’s biases explains why the practitioners of this approach rely heavily on stories, which are easy to slant.

#### Big ag saves the environment and stimulates innovation.

Nordhaus & Blaustein-Rejto ’21 [Ted and Dan; April 18; Leading global thinker on energy, environment, climate, human development, and politics. He is the founder and executive director of the Breakthrough Institute and a co-author of An Ecomodernist Manifesto; Director of food and agriculture at the Breakthrough Institute, where he analyzes the economics and potential of sustainable agriculture policies and practices. He has conducted research with the Environmental Defense Fund, International Center for Tropical Agriculture, and Farmers Market Coalition; Foreign Policy, “Big Agriculture Is Best,” <https://foreignpolicy.com/2021/04/18/big-agriculture-is-best/>]

In some ways, it is not surprising that many of the best fed, most food-secure people in the history of the human species are convinced that the food system is broken. Most have never set foot on a farm or, at least, not on the sort of farm that provides the vast majority of food that people in wealthy nations like the United States consume.

In the popular bourgeois imagination, the idealized farm looks something like the ones that sell produce at local farmers markets. But according to our research, while small farms like these account for close to half of all U.S. farms, they produce less than 10 percent of total output. The largest farms, by contrast, account for about 50 percent of output, relying on simplified production systems and economies of scale to feed a nation of 330 million people, vanishingly few of whom live anywhere near a farm or want to work in agriculture. It is this central role of large, corporate, and industrial-style farms that critics point to as evidence that the food system needs to be transformed.

But U.S. dependence on large farms is not a conspiracy by big corporations. Without question, the U.S. food system has many problems. But persistent misperceptions about it, most especially among affluent consumers, are a function of its spectacular success, not its failure. Any effort to address social and environmental problems associated with food production in the United States will need to first accommodate itself to the reality that, in a modern and affluent economy, the food system could not be anything other than large-scale, intensive, technological, and industrialized.

An abandoned tenant house is seen across fields in Hall County, Texas, in June 1938. The Library of Congress caption notes: “Many tenants who have filled the land on the family-farm basis were made landless, forced by the machine into the towns, or reduced to day labor on the farms. Large numbers who have gone to the towns have fallen on relief, or even have sought refuge in distant parts. Not only is their security gone, but the opportunity even to rise to ownership is diminished, for profitable operation of mechanized farms requires more land and more capital equipment per farm.” Library of Congress

Not so long ago, farming was the principal occupation of most Americans. More than 70 percent labored in agriculture in 1800. As late as 1900, some 40 percent of the U.S. labor force still worked on farms. Today, that figure is less than 2 percent.

The consolidation of U.S. agriculture has been underway for more than 150 years

MARKED

. First came irrigation and ploughs, then better seeds and fertilizers, and then tractors and pesticides. With each innovation, farmers were able to produce larger harvests with fewer people and work larger plots of land. Better opportunities drew people to cities, where they could get jobs that provided higher wages and, thereby, produced greater economic surplus—that is, profits and ultimately societal wealth. The large-scale migration of labor from farms to cities pushed farmers to invest even more in labor-saving and productivity-enhancing practices and technologies in a virtuous cycle of urbanization, agricultural intensification, and economic growth that is the hallmark of all affluent societies.

It is not a stretch to say that the United States is wealthy today because most of its people work in manufacturing, services, technology, and other sectors of the economy. In this, the country is not alone. No nation has ever succeeded in moving most of its population out of poverty without most of that population leaving agriculture work.

That transition often isn’t easy. Millions of Black Americans made the difficult journey from tenant farming in the South to factory work in the North, where they faced new forms of racism even as they escaped the tyranny of sharecropping. More recently, small farmers have struggled to survive as increasingly high agricultural productivity and falling commodity prices tilted the playing field toward large farms. Rural communities have likewise suffered as dramatic improvements in labor productivity have shrunk employment in agriculture.

But over the long term, the living standards and life opportunities offered in the modern knowledge, service, and manufacturing economies have proved vastly greater than anything possible under the agrarian social and economic arrangements that most Americans over the last two centuries happily abandoned—and that too many Americans today romanticize.

Modern life required not only liberating most Americans from agrarian labor but also the development of a food system capable of getting food from farms to the cities where increasing numbers of Americans lived and worked. A food system that lost much of its harvest to pests and spoilage needed to dramatically cut losses even as its bounty needed to travel farther and farther. For this reason, the rise of modern agriculture is as much a story of railways and highways as combines and tractors, refrigeration and grain elevators as pesticides and fertilizer.

The development and growth of feedlots followed a similar path. As the historian Maureen Ogle recounts in her magnificent history of the beef industry, In Meat We Trust, the first feedlots grew out of the stockyards of Chicago and Kansas City in the late 19th century. The most efficient way to get beef to burgeoning markets in America’s cities was to drive cattle to these new rail centers, where they were finished, slaughtered, and then shipped throughout the country by rail. After World War II, beef production and feedlots expanded massively, driven not so much by corporate greed as by rising demand for beef from the United States’ newly prosperous middle class and by a scarcity of labor as ranch hands returning from the battlefields of Europe and the Pacific chose to pursue better economic opportunities in the postwar economy.

Many sustainable agriculture advocates tout the recent growth of organic agriculture as proof that an alternative food system is possible. But growing market share vastly overstates how much food is actually produced organically. In reality, organic production accounts for little more than 1 percent of total U.S. agricultural land use. Meanwhile, only a bit more than 5 percent of food sales come from organic producers, mostly because organic sales are overwhelmingly concentrated in high-value sectors of the market, namely produce and dairy, and fetch a premium from well-heeled consumers.

Moreover, organic farms, large and small, don’t actually outperform large conventional farms by many important environmental measures. Scale, technology, and productivity make good environmental sense and economic sense. Because organic farming requires more land for every calorie or pound produced, a large-scale shift to organic farming would entail converting more forest and other land to farming, resulting in greater habitat loss and more greenhouse gas emissions. And while organic farming doesn’t use synthetic pesticides or fertilizers, it often results in greater nitrogen pollution because manure is a highly inefficient way to deliver nutrients to crops.

Another benefit of large-scale U.S. farms is that because they are so efficient, economically and environmentally, they are also able to produce vastly more food than Americans can consume, making the country the world’s largest agricultural exporter as well.

That benefits the U.S. economy, of course, but it also comes with an environmental benefit for the world. In the contemporary environmental imagination, highly productive, globally traded agriculture is a bad thing—poisoning the land at home and undermining food sovereignty abroad. But in reality, a pound of grain or beef exported from the United States almost always displaces a pound that would have been produced with more land and greenhouse gas emissions somewhere else.

#### Agricultural innovation is societal insurance against any existential threat.

Meyer ‘16 [Robinson; 2016; associate editor at The Atlantic, citing a report by the Global Challenges Foundation; The Atlantic; “Human Extinction Isn't That Unlikely,” <http://www.theatlantic.com/technology/archive/2016/04/a-human-extinction-isnt-that-unlikely/480444/>]

Nuclear war. Climate change. Pandemics that kill tens of millions.

These are the most viable threats to globally organized civilization. They’re the stuff of nightmares and blockbusters—but unlike sea monsters or zombie viruses, they’re real, part of the calculus that political leaders consider everyday. And according to a new report from the U.K.-based Global Challenges Foundation, they’re much more likely than we might think.

In its annual report on “global catastrophic risk,” the nonprofit debuted a startling statistic: Across the span of their lives, the average American is more than five times likelier to die during a human-extinction event than in a car crash.

Partly that’s because the average person will probably not die in an automobile accident. Every year, one in 9,395 people die in a crash; that translates to about a 0.01 percent chance per year. But that chance compounds over the course of a lifetime. At life-long scales, one in 120 Americans die in an accident.

The risk of human extinction due to climate change—or an accidental nuclear war—is much higher than that. The Stern Review, the U.K. government’s premier report on the economics of climate change, estimated a 0.1 percent risk of human extinction every year. That may sound low, but it also adds up when extrapolated to century-scale. The Global Challenges Foundation estimates a 9.5 percent chance of human extinction within the next hundred years.

And that number probably underestimates the risk of dying in any global cataclysm. The Stern Review, whose math suggests the 9.5-percent number, only calculated the danger of species-wide extinction. The Global Challenges Foundation’s report is concerned with all events that would wipe out more than 10 percent of Earth’s human population.

“We don’t expect any of the events that we describe to happen in any 10-year period. They might—but, on balance, they probably won’t,” Sebastian Farquhar, the director of the Global Priorities Project, told me. “But there’s lots of events that we think are unlikely that we still prepare for.”

For instance, most people demand working airbags in their cars and they strap in their seat-belts whenever they go for a drive, he said. We may know that the risk of an accident on any individual car ride is low, but we still believe that it makes sense to reduce possible harm.

So what kind of human-level extinction events are these? The report holds catastrophic climate change and nuclear war far above the rest, and for good reason. On the latter front, it cites multiple occasions when the world stood on the brink of atomic annihilation. While most of these occurred during the Cold War, another took place during the 1990s, the most peaceful decade in recent memory:

In 1995, Russian systems mistook a Norwegian weather rocket for a potential nuclear attack. Russian President Boris Yeltsin retrieved launch codes and had the nuclear suitcase open in front of him. Thankfully, Russian leaders decided the incident was a false alarm.

Climate change also poses its own risks. As I’ve written about before, serious veterans of climate science now suggest that global warming will spawn continent-sized superstorms by the end of the century. Farquhar said that even more conservative estimates can be alarming: UN-approved climate models estimate that the risk of six to ten degrees Celsius of warming exceeds 3 percent, even if the world tamps down carbon emissions at a fast pace. “On a more plausible emissions scenario, we’re looking at a 10-percent risk,” Farquhar said. Few climate adaption scenarios account for swings in global temperature this enormous.

Other risks won’t stem from technological hubris. Any year, there’s always some chance of a super-volcano erupting or an asteroid careening into the planet. Both would of course devastate the areas around ground zero—but they would also kick up dust into the atmosphere, blocking sunlight and sending global temperatures plunging. (Most climate scientists agree that the same phenomenon would follow any major nuclear exchange.)

Yet natural pandemics may pose the most serious risks of all. In fact, in the past two millennia, the only two events that experts can certify as global catastrophes of this scale were plagues. The Black Death of the 1340s felled more than 10 percent of the world population. Eight centuries prior, another epidemic of the Yersinia pestis bacterium—the “Great Plague of Justinian” in 541 and 542—killed between 25 and 33 million people, or between 13 and 17 percent of the global population at that time.

No event approached these totals in the 20th century. The twin wars did not come close: About 1 percent of the global population perished in the Great War, about 3 percent in World War II. Only the Spanish flu epidemic of the late 1910s, which killed between 2.5 and 5 percent of the world’s people, approached the medieval plagues. Farquhar said there’s some evidence that the First World War and Spanish influenza were the same catastrophic global event—but even then, the death toll only came to about 6 percent of humanity.

The report briefly explores other possible risks: a genetically engineered pandemic, geo-engineering gone awry, an all-seeing artificial intelligence. Unlike nuclear war or global warming, though, the report clarifies that these remain mostly notional threats, even as it cautions:

[N]early all of the most threatening global catastrophic risks were unforeseeable a few decades before they became apparent. Forty years before the discovery of the nuclear bomb, few could have predicted that nuclear weapons would come to be one of the leading global catastrophic risks. Immediately after the Second World War, few could have known that catastrophic climate change, biotechnology, and artificial intelligence would come to pose such a significant threat.

So what’s the societal version of an airbag and seatbelt? Farquhar conceded that many existential risks were best handled by policies catered to the specific issue, like reducing stockpiles of warheads or cutting greenhouse-gas emissions. But civilization could generally increase its resilience if it developed technology to rapidly accelerate food production. If technical society had the power to ramp-up less sunlight-dependent food sources, especially, there would be a “lower chance that a particulate winter [from a volcano or nuclear war] would have catastrophic consequences.”

### UQ

#### Small businesses are strong and increasingly confident.

Magats ’21 [Jim; June 22; Senior Vice President of Omni Payments at PayPal, M.B.A. from Indiana University; PayPal Newsroom, “Small Business Confidence Index Finds SMBs More Optimistic and Focused on Digitization,” <https://newsroom.paypal-corp.com/2021-06-21-Small-Business-Confidence-Index-Finds-SMBs-More-Optimistic-and-Focused-on-Digitization>]

It’s been well over a year since the coronavirus began spreading around the globe, devastating economies and communities and impacting local businesses and populations. While many local economies are beginning to open back up, the impact of the pandemic continues to be felt, especially among the small business community.

As a partner to millions of small businesses around the world, PayPal understands the critical role they play in giving opportunity to the underserved, in developing communities and in driving local economic growth. To understand their needs and how we can work to move toward an inclusive recovery, PayPal partnered with Morning Consult for its second wave of the [PayPal Small Business Index by Morning Consult](https://publicpolicy.paypal-corp.com/sites/default/files/MC_PayPal_SMB_Confidence_Index_Report_Wave_2.pdf)1.

The survey of 500 U.S. small businesses 2, fielded in April 2021, found increased optimism of small business owners, as compared to the [inaugural index](https://newsroom.paypal-corp.com/2020-01-19-Introducing-the-PayPal-Morning-Consult-Small-Business-Confidence-Index) fielded in November 2020. The survey also found that even as economies begin to reopen, SMBs are looking to digitize even further, begin selling across channels, and invest in their businesses by upgrading their technology. What is now clear to SMBs, after seeing many [digital businesses grow during the pandemic](https://newsroom.paypal-corp.com/2020-10-29-new-paypal-study-finds-two-sources-of-resilience-and-growth-for-smbs-amidst-the-global-pandemic), is that digital payments and commerce are now table stakes, and that businesses need to enable these experiences to meet customer expectations.

The survey revealed three important themes:

1. There is optimism about the future of the economy. Small business confidence is growing across the board, but digital SMBs are more confident than their physical-only counterparts.

* The PayPal Small Business Confidence Index by Morning Consult has increased from 128 to 157 (+29 points)3 since the previous survey was fielded in November, showing that small businesses are increasingly optimistic about the future.
* In April 2021, there were 22% more small business owners who felt increased optimism about economic conditions impacting their businesses in the next year, as compared to November 2020.
* Growing optimism around the COVID vaccine has contributed to small business optimism for the future. Nearly three in five small business owners say the vaccine will improve economic conditions, and approximately two-thirds of currently closed SMBs say they will likely reopen in the next six months.

2. SMBs indicate that digital payments and ecommerce are now critical to their success.

* In both November 2020 and April 2021, small businesses that sell online-only or across channels scored higher on the confidence index compared to those who sell only in-person. SMBs that sell only in-person were as confident in April 2021 as their counterparts that sell online-only or across channels were in November 2020, during the height of the pandemic. It’s clear that digital commerce, and especially omnichannel commerce, is the future.
* While in-person commerce will likely increase moving forward, online selling will continue to be a critical channel for SMBs. All of the small business respondents reported a significant increase in online selling during the pandemic compared to prior to the pandemic. Additionally, they expect to conduct 43% of their business online when the pandemic ends, compared to only 37% prior to the pandemic.
* Interestingly, 31% of currently closed SMBs said they will change to operating entirely online if they reopen.
* SMBs are now 18% more likely to say they will invest in their businesses. Minority SMBs specifically have an interest in investing by upgrading technology. Additional changes SMBs plan to make include, improving their website, accepting more payments from apps, and conducting more business online.

## Adv---Biodiversity

### AT: Biodiversity Impact

#### No impact to biodiversity---rebound and resilience.

Halstead ’19 [John; April 2019; Ph.D. from the University of Oxford, researcher at Founders Pledge, citing Dr. Peter Kareiva, a Ph.D. in ecology and evolutionary biology at Cornell University and Director of UCLA’s Institute of the Environment and Sustainability; Centre for the Study of Existential Risk, “Centre for the Study of Existential Risk Six Month Report: November 2018 - April 2019,” <https://forum.effectivealtruism.org/posts/zbZxisJRJBCdtYvh9/centre-for-the-study-of-existential-risk-six-month-report>]

[-]Halstead2y

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Can you explain what the mechanism is whereby biodiversity loss creates existential risk? And if biodiversity loss is an existential risk, how big a risk is it? Should 80k be getting people to go into conservation science or not?

There are independent reasons to think that the risk is negligible. Firstly, according to wikipedia, during the Eocene period ~65m years ago, there were thousands fewer genera than today. We have made ~1% of species extinct, and we would have to continue at current rates of species extinctions for at least 200 years to return to Eocene levels of biodiversity. And yet, even though significantly warmer than today, the Eocene marked the dawn of thousands of new species. So, why would we expect the world 200 years hence to be inhospitable to humans if it wasn't inhospitable for all of the species emerging in the Eocene, who are/were significantly less numerous than humans and significantly less capable of a rational response to problems?

Secondly, as far as I am aware, evidence for pressure-induced non-linear ecosystem shifts is very limited. This is true for a range of ecosystems. Linear ecosystem damage seems to be the norm. If so, this leaves more scope for learning about the costs of our damage to ecosystems and correcting any damage we have done.

Thirdly, ecosystem services are overwhelmingly a function of the relations within local ecosystems, rather than of global trends in biodiversity. Upon discovering Hawaii, the Polynesians eliminated so many species that global decadal extinction rates would have been exceptional. This has next to no bearing on ecosystem services outside Hawaii. Humanity is an intelligent species and will be able to see if other regions are suffering from biodiversity loss and make adjustments accordingly. Why would all regions be so stupid as to ignore lessons from elsewhere? Also, is biodiversity actually decreasing in the rich world? I know forest cover is increasing in many places. Population is set to decline in many rich countries in the near future, and environmental impact per person is declining on many metrics.

I also find it surprising that you cite the Kareiva and Carranza paper in support of your claims, for this paper in fact directly contradicts them:

"The interesting question is whether any of the planetary thresholds other than CO2 could also portend existential risks. Here the answer is not clear. One boundary often mentioned as a concern for the fate of global civilization is biodiversity (Ehrlich & Ehrlich, 2012), with the proposed safety threshold being a loss of greater than 0.001% per year (Rockström et al., 2009). There is little evidence that this particular 0.001% annual loss is a threshold—and it is hard to imagine any data that would allow one to identify where the threshold was (Brook, Ellis, Perring, Mackay, & Blomqvist, 2013; Lenton & Williams, 2013). A better question is whether one can imagine any scenario by which the loss of too many species leads to the collapse of societies and environmental disasters, even though one cannot know the absolute number of extinctions that would be required to create this dystopia.

While there are data that relate local reductions in species richness to altered ecosystem function, these results do not point to substantial existential risks. The data are small-scale experiments in which plant productivity, or nutrient retention is reduced as species numbers decline locally (Vellend, 2017), or are local observations of increased variability in fisheries yield when stock diversity is lost (Schindler et al., 2010). Those are not existential risks. To make the link even more tenuous, there is little evidence that biodiversity is even declining at local scales (Vellend et al., 2013, Vellend et al., 2017). Total planetary biodiversity may be in decline, but local and regional biodiversity is often staying the same because species from elsewhere replace local losses, albeit homogenizing the world in the process. Although the majority of conservation scientists are likely to flinch at this conclusion, there is growing skepticism regarding the strength of evidence linking trends in biodiversity loss to an existential risk for humans (Maier, 2012; Vellend, 2014). Obviously if all biodiversity disappeared civilization would end—but no one is forecasting the loss of all species. It seems plausible that the loss of 90% of the world’s species could also be apocalyptic, but not one is predicting that degree of biodiversity loss either. Tragic, but plausible is the possibility of our planet suffering a loss of as many as half of its species. If global biodiversity were halved, but at the same time locally the number of species stayed relatively stable, what would be the mechanism for an end-of-civilization or even end of human prosperity scenario? Extinctions and biodiversity loss are ethical and spiritual losses, but perhaps not an existential risk."

# 2NC---Round 1---Northwestern

## States

#### The CP is core topic education and is empirically included in antitrust debates.

Robert L. Hubbard 5, Director of Litigation at the Antitrust Bureau of the New York Attorney General's Office, and James Yoon, Assistant Attorney General in the Antitrust Bureau of the New York Attorney General's Office, “How The Antitrust Modernization Commission Should View State Antitrust Enforcement”, Loyola Consumer Law Review, 17 Loy. Consumer L. Rev. 497, Lexis

I. Introduction

State antitrust enforcement, long the subject of spirited debate between its critics and supporters, is now a topic for study by the [\*498] Antitrust Modernization Commission (the "Commission" or "AMC"). The Commission's work, the most recent formal federal review of the antitrust law, may culminate in recommendations concerning state antitrust enforcement.

This article unabashedly argues that the Commission should conclude that state antitrust enforcement has benefited consumers; furthered competition throughout the economy including among antitrust enforcers; contributed significantly to antitrust jurisprudence; and helped make our economic system the envy of the world. Part II discusses how state enforcement has emerged as a topic for consideration by the Commission. Part III defines the role and sets the context of state antitrust enforcement, emphasizing what state antitrust enforcers do. Part IV responds to two major themes of the critics of state antitrust enforcement: first, the political context of the actions taken by state attorneys general merits praise, not criticism; second, states have significantly added to antitrust jurisprudence, both theoretically and practically, as is illustrated by how states have investigated, litigated, and resolved antitrust matters, large and small. Finally, this article discusses how state enforcement has enhanced consumer choice and fostered competition among antitrust enforcers.

II. The Commission and State Antitrust Enforcement

The legislation establishing the Commission does not specify what topics should be covered and does not mention state enforcement. Yet, the legislation's sponsor, Representative F. James Sensenbrenner, prominently mentioned state enforcement in his initial press release about the legislation as one of only three topics within the antitrust laws that merited study. Representative [\*499] Sensenbrenner's comments about states at the Commission's first public meeting were more elaborate. He lengthened his list of topics and characterized state enforcers as "vital," while worrying about "divergent and sometimes inconsistent antitrust standards." State attorneys general recognized that the Commission would likely study state enforcement, by expressing concern that no one nominated to be a Commissioner has state enforcement experience.

As expected, state antitrust enforcement was raised in response to the Commission's broad-based request for suggested topics. An antitrust advocacy group, the American Antitrust Institute, suggested that the Commission probe how state enforcement can be made more effective. The Cato Institute, a non-profit public policy research foundation based in Washington, D.C., suggested that state enforcers be stripped of their parens patriae authority. In a letter to the Commission, Senators Mike DeWine, Chairman, and Herbert Kohl, Ranking Member, of the Senate Subcommittee on Antitrust, [\*500] Competition Policy and Consumer Rights stated that "an examination of the proper role of states in enforcing antitrust law would be an important topic for study."

## CP---Antitrust PIC

#### The only 1AC antitrust warrant is 1AC Hendrickson – they can’t solve it, two reasons – first, it concedes circumvention via re-labeling and second, it can’t solve legal tools like unclear titles, tax sales, or land partitions. BUT, the CP DOES solve this by mandating agroecology---Blue

Hendrickson et al 20. 8-19-20. Mary Hendrickson works at the University of Missouri. Philip Howard works at Michigan State University. Emily Miller works with the Family Farm Action Alliance. Douglas H. Constance Works with Sam Houston State University. “THE FOOD SYSTEM: CONCENTRATION AND ITS IMPACTS.” <https://farmactionalliance.org/concentrationreport/> // wwu LCR + ljh

Both of these cases serve as illustrations for the impacts of concentration in the food system across multiple, global scales. As Hendrickson (2015) argues, a consolidated system constrains the ability of farmers to manage their farms using agroecology, which requires diversity and redundancy, rather than specialization and efficiency. In Too Big to Feed, the International Panel of Experts on Sustainable Food Systems (IPES-Food 2017)59 argued that agrifood consolidation reduces farmer autonomy and redistributes costs and benefits across the food chain, thereby squeezing farmer incomes. The table below illustrates this squeeze. One can see that the median net farm income for intermediate farms, those grossing less than $350,000 and for which one of the operators considers farming an occupation, was -$1,524 in 2018. As we have described, the agrifood system is a set of power relationships with dominant agrifood firms leveraging their power over farmers, workers and communities in producing, manufacturing and retailing food. This can have particular impacts on farmers, workers and communities of color. Johnson Gaither (2016) outlines how heirs’ property60 can affect how Black property owners, as well as heirs of Native American fractionated allotments and Texas colonias, are able to engage with government agriculture and land programs. Due to unclear titles or multiple heirs, farmers of color may also face displacement through land partition or tax sales (Dyer and Bailey 2008). This puts them specifically at risk of losing their farms through land consolidation, particularly as cultural rights and/or the right to sustenance are mostly superseded by the right to profit in current application of property rights (Ashwood, Diamond and Walker 2019). Farmers of color have also been historically locked out of conventional agricultural markets, leading them to forge alternative market arrangements – like cooperatives61 – that can be vulnerable to dominant trading or supermarket firms. Farmers and consumers frequently have far fewer options in the market than it appears. Farmers Business Network,62 for example, notes that "Seed companies routinely label the same seeds under multiple brands with dramatically different prices." Recalls have illustrated the hidden yet widespread practice of contract packing, with identical foods from a single processing plant sold under as many as forty different brands, including those that appear to be direct competitors (DeLind and Howard 2008). The IPES-Food (2017, p. 77) also argued that agrifood consolidation was “narrowing the scope of innovation,” controlling information through a focus on big data, allowing labor abuses and fraud, and hollowing out corporate commitments to sustainability. IPES expressed concerns about increased environmental and public health risk – which were prescient as the pandemic has shown. Other scholars such as Drake (2013, p. 1083) detailed how non-white “communities across the United States disproportionately bear the burden of pollution by big agriculture” through exposure to excessive pesticide use and location of large-scale animal operations, thereby linking consolidation in the agrifood systems with civil rights.

#### Trust me, I live in Grinnell, Iowa.

#### AFF has to change Sherman, Clayton, or FTCA

Kendall Kuntz 21, J.D. Candidate at The University of Maryland Francis King Carey School of Law, “Can the Courts and New Antitrust Laws Break Up Big Tech?,” 2/23/21, https://www.law.umaryland.edu/Programs-and-Impact/Business-Law/JBTLOnline/Break-Up-Big-Tech/

There are three core antitrust laws in effect today: the Sherman Act, the Clayton Act, and the Federal Trade Commission Act. These three antitrust laws attempt to protect market competition for the benefit of consumers. The Sherman Act outlaws monopolies and contracts that unreasonably restrain trade. The Clayton Act prohibits mergers and acquisitions that substantially lessen competition or create a monopoly. Lastly, the Federal Trade Commission Act bans “unfair methods of competition” and “unfair or deceptive acts or practices.” Antitrust laws are not established to punish success, but are focused on preventing anticompetitive effects, exclusionary practices, reduced consumer choice, and hindered innovation.

#### Antitrust cannot be regulation---any interpretation where the plan can be the CP is just a topic with INFINITE regulations advantages. WE directly mandate a behavior in the industry

Babette Boliek 11, Associate Professor of Law at Pepperdine University School of Law, “FCC Regulation versus Antitrust: How Net Neutrality is Defining the Boundaries,” Boston College Law Review, Vol. 52, 2011, pg 1627-1686.

Jurisdiction over Internet access provision is not the first confrontation between these particular government agencies; in fact, they have clashed many times. 2 But it is the current iteration of the FCC's "net neutrality" regulations that has generated the latest contest. Roughly defined, net neutrality encompasses principles of commercial Internet access that include equal treatment and delivery of all Internet applications and content.3 For some, net neutrality stands further for the proposition that Internet access operators should not be permitted to provide different qualities of service for certain application providers (e.g., guaranteed speeds of transmission), even if those application providers can freely choose their desired quality of service. 4 Net neutrality has reinvigorated what may be described as an underlying interagency tug of war that reaches deep within, and far beyond, the communications industry.

Although the two regimes share a commonality of purpose-to protect consumers and to promote allocative efficiencies in production-the two have quite distinct, predominately opposing, means of securing social benefits. As Justice Stephen Breyer stated when serving as a judge on the U.S. Court of Appeals for the First Circuit, although regulation and the antitrust laws "typically aim at similar goals-i.e., low and economically efficient prices, innovation, and efficient production methods" -regulation looks to achieve these goals directly "through rules and regulations; [but] antitrust seeks to achieve them indirectly by promoting and preserving a process that tends to bring them about."5 The battle between these two regimes may be broadly summarized in a single issue thusly: in the face of the industry-specific regulator, what is (or what should be) the role of antitrust law?6

Antitrust law preserves the process of competition across all industries by condemning anticompetitive conduct when it occurs. In contrast, industrial regulation by its nature is a public declaration that, in a given industry, market forces are too weak or underdeveloped to produce the consumer benefits that are realized in competitive marketsregulated industries are carved out from the rest of the economy and are subject to proactive, regulatory intervention that goes above and beyond antitrust enforcement measures.7 Not surprisingly, regulatory agencies were historically created as substitutes for market forces in the few markets that, by the nature of the product or technology, were natural monopolies or severely prone to monopoly.8 In the vast major ity of markets, however, the antitrust law is the default government control, designed to supplement market forces to inhibit or prevent the growth of monopoly.

Again, although the goals of the two regimes may be similar, the means by which each can achieve those goals are in opposition. Therefore, the threshold determination of which industries are to be singled out for industry-specific regulation, and to what degree, is of vital importance as it simultaneously determines the predominance of the regulator versus the antitrust authority in securing the social good.

#### Overly broad definitions of regulation distort literature and outcomes. Regulation and antitrust are clearly distinct.

Mariateresa Maggiolino 15, Associate Professor of Commercial Law at Bocconi University, “The regulatory breakthrough of competition law: definitions and worries,” Chapter 1 in *Competition Law as Regulation*, 2015, pages 3-26.

As a consequence, our current perception of economic regulation cannot be anything but wide and far-reaching21 – so wide and farreaching that even competition law can be soundly characterized as a piece of economic regulation. For instance, it can be deemed as a market-harnessing mechanism that, in the interest of the public, realizes a form of legal control on businesses.22 Thus, to argue that current competition law is today taking the shape of a piece of economic regulation does not make much sense. In order to talk about ‘the regulatory breakthrough’ of competition law, we need to put aside any description of what happened in the de-regulation era, as well as any resulting broad and multiform notion of economic regulation. We need to consider a narrower, more specific and detailed conceptualization – in fact, a historically determined conceptualization – of what economic regulation is.

**[OPTINAL MARK---NO TEXT REMOVED]**

2.2 Competition Law as a Liquid Concept Notwithstanding the few US and EU provisions that directly associate competition law with anticompetitive arrangements and monopolistic conduct, our conception of what competition law is has changed over time according to the different goals that policy makers and scholars have assigned to it.23 Think, for example, of the rules applied to monopolistic conduct. During different periods, both US courts and EU antitrust institutions have interpreted and enforced them as if competition law was called to: (i) protect small businesses against the ‘dictatorship’ of big, concentrated and vertically integrated businesses; (ii) ensure fairness, justice, equity and redistribution; (iii) guarantee the process of competition; (iv) preserve economic welfare; and, in the sole case of the European Union, (v) support the creation of the Single Market.24 More generally, over the past fifty years or so antitrust scholars and practitioners have been divided between those who think that competition law can be used aggressively to achieve perfectly competitive markets and those who believe that, in practice, competition law can make only a modest contribution to the goal of protecting effective competition.25 Indeed, competition law provisions are so flexible and open-ended that they can mirror – and indeed have mirrored – the cultural insights as well as the political concerns and values of our social and political communities.26 For example, the transatlantic past preference for the welfare of small businesses (and, hence, for dominant firms’ rivals) was fed by the laissez faire alarm about bigness as such, the economic misconception that good business performances rest only with non-concentrated markets, and by the concern that economic power concentration would impair free markets and democracy.27 Likewise, the currently dominant idea according to which competition law consists of a set of legal rules that aims at preventing those business practices that may harm economic welfare – never mind whether total or consumer welfare28 – can be traced back to the neoliberal programme that the Chicago School embraced in the 1970s.29 In sum, competition law is a liquid concept. Therefore, in order to conceptualize the regulatory breakthrough of current competition law we must, first, assume that there exists a form of competition law – perhaps just a theoretical one – whose shape has nothing to do with a piece of economic regulation, and, second, verify that the shape of current competition law is taking on some regulatory contours. Further, if we want to explain the alarm that this regulatory transformation of competition law is producing, we must also show whether and how competition law loses something important when it is poured into a ‘regulatory container’3. THE POSSIBLE REGULATORY CONTOURS OF COMPETITION LAW Behavioural and social phenomena are often understood ‘in terms of a purposeful selection of facts from a far wider range of ways of looking at things’.30 Therefore, in order to grasp the terms under which competition law can become a regulatory enterprise – or a more regulatory enterprise – the following paragraphs go to the antipodes. They briefly consider and compare two extreme species of economic regulation and competition law, that is to say: (i) those sector-specific, rate-and-entry pieces of economic regulation that the US government actually ‘enforced’ in the United States until the end of the 1960s; and (ii) the notion of competition law that the Chicago School ‘theorized’ at the beginning of the 1970s. Indeed, these heterogeneous examples of economic regulation and competition law are optimal ‘sparring partners’ to reveal the possible lines along which competition law can assimilate to, or differentiate itself from, a piece of economic regulation. 3.1 Government ‘Actionism’ and Sector-Specific, Rate-and-Entry Regulations Since the second half of the 19th century and, in particular, for the period from the 1930s to the 1970s, in the United States the term ‘economic regulation’ was often used to denote what we today call command and control regimes.31 By using rigid rules backed by administrative enforcement and penal sanctions, independent governmental agencies presided over firms’ market actions in many sectors, such as trucking, airlines, telephone services, electricity, radio, television and natural gas. These agencies could prohibit certain forms of conduct, but also demand some positive actions by, say, prescribing the goods and services to be rendered, indicating the market to be served, deciding when plants needed to be built or modernized or determining how much should be invested in developing new technologies. Furthermore, those independent agencies could lay down conditions for entry into a sector, by determining which firms or individuals (or types thereof) were allowed to engage in which activities, and by controlling not only the quality of a production technique or of a service, but also the allocation of input and output, as well as the prices charged to consumers, or the profits made by enterprises. In brief, by the end of the 1960s the regulatory programmes implemented in the United States required independent authorities to act for a better future – i.e. to promote economic welfare, economic growth and the public interest – by imposing on firms what conduct to undertake and by taking in advance manifold detailed decisions on the market equilibria that these independent authorities believed were to be achieved. These programmes were made up of proscriptions as well as prescriptions, whereby public agencies were entitled to fully decide, manage and control private affairs.32 3.2 Neoliberalism and Chicagoan Conception of Competition Law At the beginning of the 1970s, the Chicagoan conception of competition law was totally defiant of government ‘actionism’. Because of its support for neoliberalism, the Chicago School called for the abolition of competition law, by endorsing full faith in the automatic free-market system it maintained that the government was the problem and not the solution. Then, if competition law was to be somehow tolerated, antitrust enforcers were to play a very residual role. They had to prohibit the sole business practices that harmed the competitive status quo, i.e. that produced a negative impact on the ‘natural functioning’ of the market.33 Further, enforcers had to identify the ‘natural functioning’ of the market by looking at the performance of total welfare, i.e. in full accordance with the main teachings of mainstream economics,34 and without pandering to political ideals or specific interests. In addition, and here, too, in order to limit government ‘actionism’, the Chicago School wanted antitrust enforcers to intervene only when there was no risk of making false positive mistakes. Therefore, they had to take their ‘hands off’ of any case, such as the monopolization cases, where the alleged harmful effects were somehow questionable and speculative. Also, just to control the negative consequences that could follow a wrong intervention, their remedies had to consist in mere cease-and-desist orders and injunctions,35 as the traditional US model of private enforcement envisaged.36 In brief, the overall conceptualization that the Chicago School made of competition law was thought to limit as much as possible the interference of public powers in private affairs. The neoliberal programme, indeed, assumed that the market mechanism made up of preferences, choices, transactions and contracts was alone capable of guaranteeing economic welfare, individuals’ self-determination and the aggregate sum of subjective value satisfactions.3 3.3 So Far, So Close In the light of the above terms of comparison, we can elicit many of the conditions under which the shape of competition law can acquire some regulatory contours. In general, the ‘regulatory metamorphosis’ of competition law happens – or starts happening – when competition law changes its goals, that is to say, when it does not limit itself to protecting total welfare, but pursues political and social aims, or even an economic goal other than the mere protection of the market’s ‘natural functioning’. For example, antitrust law may work to set the stage for better market equilibria and for higher levels of competition – it can work to maximize total and/or consumer welfare. In the latter scenario, then, antitrust law changes for another reason – because it modifies its targets. It focuses not only on those business practices that can harm total welfare, but also on the structure of the markets at stake, on the existing distribution of incentives and legal entitlements, on the spread of information and on business practices that do not maximize total and consumer welfare.38 In other words, a form of competition law that pursues different goals also puts the spotlight on different economic variables. When antitrust enforcers modify their targets, they accordingly use different tools and approaches – they impose not only bans, but also positive obligations establishing what economic agents should do in order to set the stage for better market equilibria.39 They abandon a mere ex post, backward-looking and facts-based attitude focused on the protection and the restoration of the status quo, to endorse a more ex ante, forward-looking and theory-laden position aimed at fostering market development.40 In brief, competition law may experience a regulatory breakthrough as long as it moves away from the minimalist archetype of the Chicago School – away from its goals, targets, tools and approaches. Or, at least, this is the ‘theoretical framework’ into which a regulatory transformation of competition law can be inserted. 4. THE TERMS OF THE PRESENT ‘REGULATORY METAMORPHOSIS’ OF COMPETITION LAW The above theoretical map of what might give a regulatory mould to competition law does not necessarily mean that such a transformation is actually taking place. Indeed, the mere existence of this theoretical map does not necessarily imply that this transformation has ever taken place – the Chicagoan notion of antitrust law is still influencing the US and EU practice, but it has never been fully endorsed, especially in the European Union. Therefore, one could argue that competition law has always been a sort of regulatory enterprise. However, this is not the place to make such a historic analysis. Moreover, this is not the place to discuss the many circumstances in which current US antitrust law and EU competition law look like a piece of economic regulation – the following chapters are devoted to thoughtful analysis of this twofold subject. Nevertheless, some clear facts suggest that today’s competition enforcers – and especially the EU Commission – are available to play a more active role in promoting the maximization of economic welfare (i.e. in pursuing a different goal), by affecting not only business conduct, but also market structures, the existing economic incentives, and the given legal entitlements (i.e. by targeting different variables). Hoping to set the stage for better market equilibria (i.e. endorsing a more ex ante approach), current antitrust enforcers are now more willing than they were in the past to ‘negotiate’ the content of their decisions (i.e. they are less subordinate to the results coming from the adversarial system) and to use sophisticated economic models41 to make educated guesses about future market developments (i.e. they are liable to be more theory-laden and to carry their assessment into the long run). Not by chance, indeed, do expressions such as ‘competition promotion’, ‘negotiated remedies’, ‘forward-looking decisions’, ‘market reorganization’ and ‘continuous monitoring’ belong to the vocabulary of today’s antitrust enforcers.42 For example, consider what the EU Commission does in duty-to-deal cases such as the Microsoft saga.43 In these cases, for the sake of what the Commission considers to be the public interest, it decides how to reshape property rights and distribute the incentives to compete and innovate among the players of the industries at stake. Thus, in duty-to-deal cases the Commission clearly acts as a regulator: it establishes where to drive markets on the basis of specific economic theories, such as the defensive leverage theory;44 it endorses a clear forward-looking perspective; and it imposes not only equitable relief and cease-and-desist orders, but also positive obligations impinging on structural variables. In so doing, the Commission takes into account the ‘industrial identities’ of the involved firms, that is to say, their history of meritorious competitive acts, whether they were previous state monopolists, or whether they deserve their market position or their intellectual property rights.45 In addition, consider the more frequent commitment decisions. They grant a great regulatory leeway to antitrust enforcers.46 Indeed, in issuing commitment decisions the EU Commission – not unlike the US agencies that adopt consent decrees – works as a mediator between the parties, knowing their diverse interests and facilitating the negotiation and conciliation of their opposite positions. Finally, do not forget that, according to some scholars, any antitrust agency or authority that adjudicates a case adopting the rule of reason is actually acting as a regulator that substitutes its economic evaluations for those of entrepreneurs. Namely, establishing whether a restriction is reasonable entails, inter alia, considering whether there could be a less restrictive alternative, that is to say, making an educated guess about how best to achieve a better market equilibrium: by using the option chosen by the entrepreneur or by using another option that the antitrust agency or authority envisages.47 In sum, there is room to argue that current competition law does not have the shape of the Chicago archetype. And this creates a sort of alarm. 5. THE REASSURING NATURE OF THE CHICAGO ARCHETYPE Probably, antitrust scholars are very fascinated by the Chicagoan notion of competition law because they were trained during the years of the Chicago bandwagon. Probably – and this is my personal belief – their diffidence towards a more ‘regulatory approach’ to competition law arises from the reassuring nature of Chicago antitrust, i.e. from the fact that the Chicago concept of competition law shelters – or seems to shelter – enforcers from the risk of enjoying too much discretion. Let me briefly elaborate the details of the argument. Basically, regulators enjoy a great leeway. They can establish (or interpret) what the public interest is and what rules could help to pursue it.48 Yet, information asymmetries as to present market scenarios, as well as limited knowledge as to possible and future market developments, inexorably affect regulators’ ability not only to identify what the optimal market equilibrium should be, but also to determine what changes to market structure, initial endowments and original entitlements should be continuously promoted so as to accommodate the dynamic achievement of this equilibrium. Therefore, regulators may make mistakes in defining (or interpreting) their goals and in elaborating and applying the rules that, over time, should allow these goals to be accomplished. In addition, the very same ignorance that increases the risk of making mistakes exposes regulators to another twofold risk – that of being manipulated and that of making value choices to the detriment of individuals’ self-determination. For example, technocrats themselves may try to influence the notion of public interest in order to preserve or expand their power and jurisdictional turf. In this way, they can deepen their intervention into the affairs of the regulated enterprises and control issues and firms more than necessary.49 Or, looking for better information to draw up and enforce their rules, regulators can be captured50 – they may fall under the spell of the regulatees and, thus, consider some rules to be in the public interest, although in fact these rules fulfil the interest of specific groups of firms.51 And even away from these species of manipulations, since regulators have no objective standard to establish what the public interest is and what rules could help in pursuing it, their decisions may, however, side with specific visions of the world. Their decisions are not neutral – they are value choices, at least partially. In contrast – and in a very reassuring way – the Chicago conception of competition law would have antitrust enforcers act like mere technicians who, by doing only what the economic technique tells them to do, can stay away from any form of discretion and are thus sheltered from mistakes, manipulations and conflicts of interests and values. Namely, suppose that the market is a cosmos – i.e. a ‘natural, spontaneous and necessary’ order governed by universal, unchangeable and objective rules that technicians may know and calculate.52 Assume, then, that economics is the domain of these rules – it is like a hard science that describes what the ‘natural’ functioning of the market is. In the light of these assumptions, as long as antitrust law ‘translates’ these economic rules into the legal realm – as the Chicago School wanted it to do – the risk of making mistakes is low and there is little room for manipulations, conflicts of interests and diverse political views.53 In other words, as long as antitrust enforcers pursue the protection of total welfare by forbidding the sole business practices that mainstream economics say harm it, their approach and tools are so tailored to the evil to be removed that they are little suited for anything else. True, one could argue that economics does not always supply definitive answers to be easily translated into the antitrust realm. Consider, for example, the case of antitrust decisions dealing with the duration and scope of monopolies and IPRs. Economics does not know where to strike the proper inter-temporal balance between creating and disseminating the incentives to compete and innovate. In such a situation, hence, the lack of an economic rule to be translated into the legal field could open the gate to mistakes, manipulations and value choices. To rebut this argument the Chicago School would argue that in those cases antitrust enforcers must take their hands off any negotiation or any other intrusive decision envisaging what the public interest could be. In the absence of any clear-cut economic rule to be translated into the antitrust realm, leaving things as they are, leaving markets free to polish themselves, should be the best way to limit the risks of prosecuting harmless conduct, of being at the mercy of a specific group of interests and of espousing a particular vision of the world. In brief, the less, the better. By conditioning antitrust enforcement to what mainstream economics teaches, and by supporting the ‘hands-off approach’ any time economics is not capable of formulating precise economic rules to qualify business behaviour, the Chicago archetype claims to limit as much as possible enforcers’ discretion and, as a consequence, the risks of making mistakes, of being manipulated, and of making value choices. In other words, the more competition law limits itself to replicate the most certain teachings of economics, the more it becomes a safe game – i.e. a matter of ‘truth’ – and this is something that no form of regulation, and no form of a more regulatory approach to competition law, can ever be.54 Yet, this narrative is misleading. 6. DEBUNKING THE REASSURING NATURE OF THE CHICAGO ARCHETYPE It may actually happen – as the Chicago School maintains – that some economic rules (and their layman rehashes) offer a true description of how markets work. In this case, anchoring antitrust law to economics really limits enforcers’ discretion as well as the consequences that this discretion is said to bring about in terms of mistakes, manipulations and value choices. Yet, even setting aside the case of economic rules that are too sophisticated to offer a realistic description of how competition develops,55 there are economic rules that, though correct and sound, depend so much on some detailed hypotheses that they do not offer one single applicable conclusion for the specific antitrust case at stake.56 Moreover, as seen above in the discussion about the duration and scope of monopolies and IPRs, there are cases where no economic rule can definitively establish what the ‘natural functioning’ of the market is. Hence, in these two cases, any antitrust decision translating one of those economic rules into the legal field is no longer a matter of pure technique.57 When there is no single and definitive economic rule to implement, antitrust enforcers also enjoy discretion – an amount of discretion that, notably, even the Chicagoan ‘hands-off approach’ cannot manage in a technical way. Indeed, the Chicagoan ‘hands-off approach’ shelters the system from manipulation because it does not leave any room for negotiation. Yet, it is not error-free, because if the natural course of the market is unknown, leaving things as they are can be as wrong as changing them. Moreover, the ‘hands-off approach’ is not value-free for at least two reasons. First, assuming that false positive mistakes are more serious than false negative mistakes means siding with the (neoliberal) belief that markets can refine themselves better than any government action can. Second, when dealing with a specific case, leaving things as they are may mean siding with specific interests and values – those interests and values that the particular status quo at stake reflects. For example, the choice not to impose a duty to deal on monopolists holding IPRs endorses two questionable theses – that judges and antitrust administrative authorities cannot second guess (IP) legislators’ choices, and that the overall level of innovation increases leaving the lead to dominant IP holders rather than to tiny followers. Besides, to test the neutrality claim of the Chicago School against more radical observations,58 it must be acknowledged that, as such, the ‘existing competitive status quo’ that Chicagoan competition law is intended to protect (in this case, by using the ‘hands-off approach’) is not neutral – it does reflect a mixture of value choices and political decisions. Indeed, competitive equilibrium is not simply ‘given’, like flowers and electromagnetic forces may be. Each competitive equilibrium results from the combination of many building blocks, such as individual preferences and the willingness to pay,59 which are determined in large part by the original distribution of wealth and legal entitlements that, in turn, result from many political choices, social pressures, and legal rules.60 Therefore, it cannot be neglected that markets move from, and result in, scenarios that are not value-free and neutral.61 As a consequence, if the competitive status quo is not neutral, a fortiori, the Chicagoan decision not to modify it is likewise not neutral. The latter is a political choice – to say the least, it is a conservative choice – that, as such, must submit to comparison with alternative options, i.e. with other, more progressive approaches.62 To be sure, the Chicago conception of competition law may well choose to protect the status quo without paying any attention to the possibility of changing it. In addition it may also choose – as is commonly recalled – to say nothing about the ways prosperity is used or distributed, arguing that those are matters for other pieces of law. Yet, in doing so, the Chicago notion of competition law cannot hide the political value of its choices. Notwithstanding the ostensibly neutral and technical set of principles that it uses, the foundations of the Chicago approach are politically determined. More, we cannot believe that these choices are more neutral than the ones underpinning some pieces of economic regulations. Hence, since the reassuring nature of the Chicago conception of competition law is questionable, we cannot use it to justify our alarm towards the alleged regulatory breakthrough of contemporary competition law.

7. CONCLUSION

As often happens when we are confronted with complex social phenomena, the boundaries of the definitions that we use to address those phenomena are blurred. Therefore, in order to understand what we really mean when we talk about the ‘regulatory breakthrough’ of present competition law, we need to clarify the exact meaning of the terms ‘economic regulation’ and ‘competition law’. This chapter has explored the scope of these two labels and, using two specific forms of economic regulation and competition law as benchmarks, developed two theses. First: we do not err if we argue that competition law acquires ‘regulatory contours’ whenever its goals, targets, tools and approaches distance themselves from those of the Chicago archetype. Second: the main concerns about this ‘regulatory breakthrough’ are rooted in a fallacy – that, in contrast with economic regulation and any sort of regulatory conception of competition law, only the Chicago archetype guarantees neutrality. In fact, the chapter has shown that the Chicagoan theorization of competition law as well as the Chicagoan recipes to support it are value-laden, just as are any other kind of competition law and any example of economic regulation.

#### \*Even if the CP solves the case it’s distinguished from the AFF in means of application, market outcomes and scope.

Niamh Dunne 15, lecturer in Law at King’s College London, *Competition Law and Economic Regulation*, Cambridge University Press, 2015.

IV. A comparison of competition law and regulation

Having considered competition law and regulation as discrete legal instruments to address market failures – defining, as far as possible, the purposes and parameters of each – we now turn more directly to the core issue to be considered: namely, the relationship between these mechanisms. A central idea within this work is that the exact parameters of this relationship are fluid and elusive, and perhaps even impossible to delineate conclusively. Both competition law and regulation involve, to a greater or lesser extent, derogation from the presumed default position of unencumbered free markets. When viewed at an abstract level, therefore, these instruments may appear broadly similar or even equivalent, insofar as both comprise State-imposed legal mechanisms for market supervision or control, necessitated by the presence of market defects. As is implicit from the title of this work, however, and reinforced by the preceding discussion, our starting point acknowledges that distinct conceptualisations of these instruments as separate and discrete mechanisms for market supervision can nonetheless plausibly be identified. In particular, the scope and means of application of these mechanisms, as well as the market outcomes achievable, begin to distinguish one from the other. This work aims, therefore, to provide a more balanced account of the interactions between competition law and regulation that may arise, premised on the assumption that, in reality, these instruments are neither identical nor wholly distinct.

#### Empirics prove.

Tejas N. Narechania 15, Robert and Nanci Corson Assistant Professor of Law at the University of California, Berkeley, School of Law, “Agency Boundaries and Network Neutrality,” I/S: A Journal of Law and Policy for the Information Society, Vol. 12:1, 2015, https://kb.osu.edu/bitstream/handle/1811/80045/ISJLP\_V12N1\_059.pdf

Moreover, the specific choice to vest network neutrality jurisdiction with the FCC has implications for the long-running competition between antitrust enforcement and industrial regulation.11 The decision to activate the FCC’s power to regulate broadband providers as common carriers, indeed, undermines the FTC’s jurisdiction,12 and likely affects the permissible scope of antitrust enforcement.13 Yet the preference for such regulation also reflects a sensible policy view. Modern antitrust doctrine is not ideally suited to counter the competition harms that network neutrality regulation has historically targeted. Rather, the specific market conditions associated with broadband carriage and Internet applications suggest that the industry presents an appropriate candidate for regulation.

## Adv---Biodiversity

#### Can’t solve 1AC Leahy – it’s about global bio-d loss broadly, unrelated regions, or alt causes like pollution and desertification that the 1AC can’t solve – Iowa is blue

Stephen Leahy 18, 3-26-2018, SL: an independent environmental journalist for 25 years, Author of Best Science Book of the Year: "Your Water Footprint: The Shocking Facts About How Much Water We Use to Make Everyday" . Senior science and environment correspondent at IPS, Inter Press Service News Agency the world’s largest not-for-profit news agency, 2012 co-winner of the Prince Albert/United Nations Global Prize for Climate Change reporting, "75% of Earth's Land Areas Are Degraded, IPBES Report Warns," Science, [https://www.nationalgeographic.com/science/article/ipbes-land-degradation-environmental-damage-report-spd //](https://www.nationalgeographic.com/science/article/ipbes-land-degradation-environmental-damage-report-spd%20//) wwu ljh

MEDELLIN, COLOMBIA More than 75 percent of Earth’s land areas are substantially degraded, undermining the well-being of 3.2 billion people, according to the world’s first comprehensive, evidence-based assessment. These lands that have either become deserts, are polluted, or have been deforested and converted to agricultural production are also the main causes of species extinctions.¶¶If this trend continues, 95 percent of the Earth’s land areas could become degraded by 2050. That would potentially force hundreds of millions of people to migrate, as food production collapses in many places, the report warns. (Learn more about biodiversity under threat.)¶¶“Land degradation, biodiversity loss, and climate change are three different faces of the same central challenge: the increasingly dangerous impact of our choices on the health of our natural environment,” said Sir Robert Watson, chair of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), which produced the report (launched Monday in Medellin, Colombia).¶¶IPBES is the "IPCC for biodiversity"—a scientific assessment of the status of non-human life that makes up the Earth’s life-support system. The land degradation assessment took three years and more than 100 leading experts from 45 countries.¶¶¶3:40¶Would You Stay if Your Home Became a Desert?¶¶Rapid expansion and unsustainable management of croplands and grazing lands is the main driver of land degradation, causing significant loss of biodiversity and impacting food security, water purification, the provision of energy, and other contributions of nature essential to people. This has reached “critical levels” in many parts of the world, Watson said in an interview.¶¶Underlying Causes¶Wetlands have been hit hardest, with 87 percent lost globally in the last 300 years. Some 54 percent have been lost since 1900. Wetlands continue to be destroyed in Southeast Asia and the Congo region of Africa, mainly to plant oil palm.¶¶Underlying drivers of land degradation, says the report, are the high-consumption lifestyles in the most developed economies, combined with rising consumption in developing and emerging economies. High and rising per capita consumption, amplified by continued population growth in many parts of the world, are driving unsustainable levels of agricultural expansion, natural resource and mineral extraction, and urbanization.¶¶“We’ve know about this for over 20 years but it is only getting worse,” said Luca Montanarella, a soil scientist from Italy and co-chair of the assessment.¶¶Land degradation is rarely considered an urgent issue by most governments, even though many have signed an international agreement to reach land degradation neutrality by 2030. “We need to find a stable balance between our lifestyle and our impacts on nature,” Montanarella said in an interview in Medellin.¶¶Ending land degradation and restoring degraded land would get humanity one third of the way to keeping global warming below 2°C, the target climate scientists say we need to avoid the most devastating impacts. Deforestation alone accounts for 10 percent of all human-induced emissions.¶¶

#### Can’t solve grasslands – the 1AC Glaser ‘must act now’ evidence is almost a decade old and it isn’t about ag, it just says grasslands are threatened. 1AC Wolters cites other alt causes beyond unsustainable ag. Breaking up companies doesn’t prevent smaller ranchers from causing overgrazing.

By claire Wolters 19, 8-22-2019, "Grasslands threats and solutions, facts and information," Environment, [https://www.nationalgeographic.com/environment/article/grassland-threats //](https://www.nationalgeographic.com/environment/article/grassland-threats%20//) wwu ljh

Grasslands are threatened by habitat loss, which can be caused by human actions, such as unsustainable agricultural practices, overgrazing, and crop clearing. Almost half of all temperate grasslands and 16 percent of tropical grasslands have been converted to agricultural or industrial uses and only one percent of the original tallgrass prairie exists today¶Specific threats to grasslands: ¶Poor agricultural practices can ruin soil and strip grasslands of life. If crops are not rotated properly, the soil can become infertile and nothing can be grown for several years. ¶Monocropping, or growing only one crop at a time (like corn) is an agricultural practice that depletes the soil’s nutrients. Further, because grasslands thrive off of biodiversity of plants and animals, monocropping that provides only a single type of plant tends to weaken the biome and increases vulnerability to natural disasters. ¶Toxic pesticides used in agricultural croplands can be deadly for wild flora and fauna.

#### **1AC McCarthy can’t stop Canadian cropland clearing and says ag resiliency measures solve**

McCarthy 21, [Susan McCarthy – WWF 9-14-21, WWF, 2.6 Million Acres of Grassland Habitat Lost in North American Great Plains in One Year, [https://www.worldwildlife.org/press-releases/2-6-million-acres-of-grassland-habitat-lost-in-north-american-great-plains-in-one-year //](https://www.worldwildlife.org/press-releases/2-6-million-acres-of-grassland-habitat-lost-in-north-american-great-plains-in-one-year%20//) wwu ljh]

¶Across the U.S. and Canadian Great Plains, approximately 2.6 million acres of intact grassland – an area larger than Yellowstone National Park – were plowed up in 2019 to make room for row-crop production, according to World Wildlife Fund’s (WWF) 2021 Plowprint Report. The new findings represent an increase of 500,000 acres of grassland conversion over the previous year, **highlighting a concerning trend for one of the least protected and most at-risk biomes on the planet**. ¶Nearly 600,000 acres were lost to the plow in the Northern Great Plains region alone – one of the world’s only remaining intact grassland habitats and home to important wildlife including the black footed ferret, plains bison, and several species of birds not found anywhere else. Wheat drove the largest portion of grasslands loss in this region, representing 42% of newly plowed land, followed by corn (10%) and soy (10%). ¶“When you see images of devastating deforestation it invokes an emotional response and an immediate connection to the climate impacts of that destruction,” said Martha Kauffman, vice president, Northern Great Plains program at WWF. “But during each year over the last decade, we’ve seen the grasslands of the Great Plains being replaced by croplands at comparable rates to the clearing of the Brazilian Amazon. It’s time we also sound the alarm on grassland conversion and take immediate steps to preserve the natural benefits and climate-fighting solutions this region provides.” ¶Earlier this summer the Intergovernmental Panel on Climate Change (IPCC) delivered a dire message and warning that we must act now to protect our carbon storing ecosystems if we’re going to stop runaway climate change. Like forests, grasslands play a critical role in sequestering and storing carbon, and similar to global deforestation, destruction of grasslands can also have devastating climate impacts. As climate related events, including the increase of intense wildfires continue, the importance of safeguarding regions like the Great Plains against carbon loss will be vital. ¶**To hold the current rise in temperatures at 1.5º C or below by the end of the century, grasslands conservation and restoration, especially in the Great Plains, must be part of the solution**. Beyond the obvious climate impacts, grassland loss is also putting critical plant and wildlife habitat at risk, impacting the water supply and air quality for local communities and affecting future opportunities for ranchers who steward the vast majority of our remaining grasslands. To address these collective concerns, it will take collaborative action from policymakers, Native nations, ranchers, companies, and nonprofit organizations to help create more resilient agriculture systems that benefit both people and nature.

#### It’s slow and resilient.

Hance Interviewing Montoya 18 Jeremy Hance at the Guardian, interviewing José M. Montoya from the Centre National de la Recherche Scientifique at the University Paul Sabatier and internally citing Ian Donohue from the School of Natural Sciences at Trinity College Dublin and Stuart L. Pimm from the Nicholas School of the Environment at Duke University. [Could biodiversity destruction lead to a global tipping point? 1-16-2018, https://www.theguardian.com/environment/radical-conservation/2018/jan/16/biodiversity-extinction-tipping-point-planetary-boundary]

But what’s arguably most fascinating about this event – known as the Permian-Triassic extinction or more poetically, the Great Dying – is the fact that anything survived at all. Life, it seems, is so ridiculously adaptable that not only did thousands of species make it through whatever killed off nearly everything (no one knows for certain though theories abound) but, somehow, after millions of years life even recovered and went on to write new tales. Even as the Permian-Triassic extinction event shows the fragility of life, it also proves its resilience in the long-term. The lessons of such mass extinctions – five to date and arguably a sixth happening as I write – inform science today. Given that extinction levels are currently 1,000 (some even say 10,000) times the background rate, researchers have long worried about our current destruction of biodiversity – and what that may mean for our future Earth and ourselves. In 2009, a group of researchers identified nine global boundaries for the planet that if passed could theoretically push the Earth into an uninhabitable state for our species. These global boundaries include climate change, freshwater use, ocean acidification and, yes, biodiversity loss (among others). The group has since updated the terminology surrounding biodiversity, now calling it “biosphere integrity,” but that hasn’t spared it from critique. A paper last year in Trends in Ecology & Evolution scathingly attacked the idea of any global biodiversity boundary. “It makes no sense that there exists a tipping point of biodiversity loss beyond which the Earth will collapse,” said co-author and ecologist, José Montoya, with Paul Sabatier Univeristy in France. “There is no rationale for this.” Montoya wrote the paper along with Ian Donohue, an ecologist at Trinity College in Ireland and Stuart Pimm, one of the world’s leading experts on extinctions, with Duke University in the US. Montoya, Donohue and Pimm argue that there isn’t evidence of a point at which loss of species leads to ecosystem collapse, globally or even locally. If the planet didn’t collapse after the Permian-Triassic extinction event, it won’t collapse now – though our descendants may well curse us for the damage we’ve done. Instead, according to the researchers, every loss of species counts. But the damage is gradual and incremental, not a sudden plunge. Ecosystems, according to them, slowly degrade but never fail outright. “Of more than 600 experiments of biodiversity effects on various functions, none showed a collapse,” Montoya said. “In general, the loss of species has a detrimental effect on ecosystem functions...We progressively lose pollination services, water quality, plant biomass, and many other important functions as we lose species. But we never observe a critical level of biodiversity over which functions collapse.”

## Adv---Rural

#### Death logically outweighs any ontology impacts – it’s the ultimate ontological annihilation

Paterson 3 [Department of Philosophy, Providence College, Rhode Island Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, <http://sce.sagepub.com>]

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alternative of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

# 1NR

## Business Confidence

#### Confidence high ---overzealous regulation slams the breaks on recovery.

Nguyen 10-19-21 (Lananh Nguyen, covers Wall Street for The New York Times. She previously spent more than a decade at Bloomberg News in New York and London, where she wrote about banking and financial markets, 10-15-2021, "Wall Street Sees a Record Deal Spree as a Reason for Optimism,” NYT, <https://www.nytimes.com/2021/10/15/business/wall-street-banks-earnings-mergers.html>?)

The dealmakers at the nation’s biggest banks are the busiest they’ve ever been. Interest rates are low, private equity firms [flush with cash](https://www.nytimes.com/2021/08/31/business/private-equity-uk.html) are looking for promising investments, and companies are aggressively pursuing mergers at a breakneck pace.  
  
Wall Street banks announced blockbuster quarterly profits this week from a record wave of transactions that shows no signs of ebbing: Even in the face of surging inflation and shaky consumer sentiment, corporate clients are ready to deal — and bank leaders say that’s a reason to be optimistic about the economic recovery.  
  
“Whenever C.E.O. confidence is high, M&A activity increases,” David M. Solomon, Goldman Sachs’s chief executive, said in an interview Friday after the bank reported third-quarter earnings of $5.38 billion, surpassing analyst forecasts. “The world’s resettled a bit coming out of the pandemic, and that is now giving a lot of companies an opportunity to really take note of where they want to go.”

A record $1.6 trillion in mergers and purchases were struck worldwide in the quarter, according to [a research report](https://thesource.refinitiv.com/thesource/getfile/index/07ccc1f9-e30d-47ad-8c84-f620b4a990c5?utm_source=Eloqua&utm_medium=email&utm_campaign=00014FG_NewsletterDQRFinancialAdvisory_Other&utm_content=NL_M&A%20Financial%20Advisory%20Review_9M21) from Refinitiv. That, in turn, set records for advisory businesses across Wall Street: [Goldman Sachs](https://www.nytimes.com/2021/10/15/business/goldman-sachs-earnings.html) and Morgan Stanley tallied record revenues, JPMorgan Chase and Bank of America announced all-time high fees, and Citigroup’s mergers and acquisitions bankers had their best quarter in a decade.

Goldman Sachs has already had the most profitable year in its history — earning $17.7 billion so far — with three months to go. In the most recent quarter, its bankers closed transactions including the $32 billion [spinoff of Universal Music Group](https://www.nytimes.com/2021/09/21/business/dealbook/evergrande-stock-markets.html) by the French conglomerate Vivendi and Salesforce.com’s $28.1 billion [purchase of Slack Technologies](https://www.nytimes.com/2020/12/01/technology/salesforce-slack-deal.html). Those were two of the 10 biggest deals completed in the three-month period ending in September, according to Dealogic.

Morgan Stanley also had two top-10 deals: the chip maker Analog Devices’s $20 billion acquisition of a competitor, Maxim Integrated, and the $12.3 billion purchase of Proofpoint, a cybersecurity company, by the private equity firm Thoma Bravo.

Sharon Yeshaya, Morgan Stanley’s chief financial officer, said the financial, health care and technology industries in the Americas and Europe have been the hottest areas, but momentum was building elsewhere, too.  
  
“What we’re seeing is really strong pipelines,” Ms. Yeshaya said in an interview after the bank reported a jump in profits to $3.7 billion. “The strength is broadening.”  
  
The frenetic pace has persisted despite the economic upheaval caused by the pandemic, trade disputes and [geopolitical tension](https://www.nytimes.com/2021/07/13/business/dealbook/china-wall-street-ipos.html), Matt Toole, director of deals intelligence at Refinitiv, wrote about the record quarter. Buoyant [stock markets](https://www.nytimes.com/2021/10/21/business/economy/stock-market-record.html), low borrowing costs and the emergence of [new buyers from special purpose acquisition companies](https://www.nytimes.com/2021/08/21/business/dealbook/spac-market-future.html) will continue to prop up activity, he wrote.

“With the all-time full-year deal making record broken in less than nine months and five consecutive quarters of more than $1 trillion in M&A activity, we have very little data to make true historical comparisons,” Mr. Toole wrote.

Even so, there are plenty of factors that could put the brakes on. Tougher regulators in the United States, rising prices for goods and services and central banks’ moves to cut back on stimulus efforts “will all contribute to how much further this cycle has to go,” he wrote.

Even as they [maintained an optimistic outlook](https://www.nytimes.com/2021/10/14/business/bofa-wells-fargo-earnings.html), bank chiefs acknowledged there were many factors that could slow things down, including supply-chain problems that have lasted for months and [driven up prices](https://www.nytimes.com/2021/10/13/business/economy/september-2021-cpi-inflation.html) for materials and goods. And economic indicators remain mixed: While bank bosses cited increasing [consumer spending](https://www.nytimes.com/2021/10/15/business/retail-sales-september-2021.html) as a positive sign, [consumer confidence is falling](https://conference-board.org/data/consumerconfidence.cfm).

Perhaps the biggest potential disrupter remains the Federal Reserve. Officials at the central bank could dial back some of their support measures for the [economy](https://www.nytimes.com/2021/10/19/business/economy/us-economy.html) as soon as next month, and have begun debating when they might need to raise interest rates to tame inflation.  
  
But Jason Goldberg, an analyst at Barclays, said the uneven recovery just isn’t a major concern for the banks right now, especially when it comes to the deals they’re helping line up. Volatility is historically the biggest hurdle to deal-making, he said, so analysts are watching the stock market closely. But he expected global deal activity to remain high for some time.

“You’re seeing many companies across industries re-examining their business models coming out of the pandemic,” Mr. Goldberg said. And they have a range of reasons to strike deals, he said: building scale, bolstering their digital operations, smoothing out their supply chains and making use of stockpiled cash.

Mr. Solomon of Goldman Sachs says the number of deals the bank is working to complete is evidence of an “extraordinarily robust” climate. Still, he cautioned that deal making may recede slightly from its breakneck pace.

“We’re clearly recovering coming out of the pandemic, but it’ll be interesting to see the trajectory of the recovery” and what other economic factors come into play, Mr. Solomon said. “But at the moment, with high corporate confidence, that’s having an impact on M&A in a positive way.”

#### Decline goes global – no resiliency

Irwin 16 – Neil Irwin, Senior Economic Correspondent at The New York Times, MBA from Columbia, formerly a Washington Post Columnist and the Economics Editor of Wonkblog, “*Foreign Crises Test America's Resilience*”, International New York Times, 1-6, Lexis

Seven days in, 2016 is shaping up to be a chaotic year in global economics and geopolitics, with profound challenges nearly everywhere. Except, for now at least, in the world's largest economy. The American economy is acting as a steadying force in a volatile world. A giant question for 2016 - not just for Americans but for people across the globe who benefit from having one of the world's major economic engines revving while others sputter - is how resilient the United States will prove to be. On one hand, in an interconnected global economy, troubles in one place can spread easily, whether through financial markets, the banking system or trade linkages. Just Thursday the World Bank downgraded its forecast of 2016 global growth, which implies less demand for American products around the world - and fewer jobs for American workers. On the other hand, in the past, the United States has shown an uncanny tendency to benefit economically from tumult abroad. ''The United States may not have incredibly robust economic growth and has plenty of problems you can point to,'' said Ian Bremmer, president of the Eurasia Group, a geopolitical consultancy. ''But from a stability perspective, when things are more unstable, the United States in some ways gets stronger,'' as both people and investment dollars gravitate to the nation's relative stability. The truth is, not one of the problems that have flared across financial news tickers so far in 2016 is completely new or surprising. Rather, they are continuations of trends that were well established in 2015. And as disturbing as it may be to see tensions rise, conflict in the Middle East is not exactly new. Usually the way those tensions ripple through the global economy is by driving the cost of oil up; instead, the opposite is happening. Oil prices fell to $37 a barrel from around $53 a barrel over the course of last year and are now under $34. The Shanghai composite index fell sharply, starting in June of last year, and even after steep declines in the opening days of 2016 is above its late-August level (though it is anybody's guess how much it would have fallen, absent a string of government interventions to try to stanch the declines). Economic growth has been slowing not just in China but across many emerging markets, including Brazil and Nigeria, for two years now. Europe and Japan are growing only barely, and even formerly hot advanced economies like Canada are suffering from the commodity glut. Against that gloomy backdrop, the consensus economic forecasts for the United States - the International Monetary Fund forecasts 2.8 percent growth in 2016 - look pretty terrific. The American stock market indexes, despite the global sell-off and major hits to oil companies' earnings, remain above their September levels. But there are two basic questions about the notion that the United States can serve as an island of economic and political stability in a messy world. First, what happens if that changes? Second, what happens if it doesn't? The ''things change'' situation is the risk that these global headwinds become too powerful for the United States to overcome. Already, oil producers and their suppliers are suffering. The American industrial sector is groaning under the weight of a strong dollar, which drives up the price of exported goods. That's a consequence of the mismatch between growth in the United States and the rest of the world. The strength in the service sector and the broader consumer economy in the United States has offset any damage so far. But the 2008 crisis showed how the global economy is intertwined in ways that are hard to predict - and that's before accounting for the geopolitical dangers from the Middle East and the Korean Peninsula that could cause major economic disruptions if they take a dark turn. If something does go wrong, the usual buffers in the global economy look to be weakened or nonexistent right now. Government deficits are high in much of the world, and even where they aren't, political leaders have shown no desire to open the spending floodgates in an effort to bolster economies.

#### That’s not the aff – they cant solve at all

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Plaskett, Stacey. “Opinion: Reestablishing US Leadership in Agricultural R&D.” AgriPulse Communications Inc RSS, Agri-Pulse Communications, Inc., 28 June 2021, [https://www.agri-pulse.com/articles/16100-opinion-reestablishing-us-leadership-in-agricultural-rd. //](https://www.agri-pulse.com/articles/16100-opinion-reestablishing-us-leadership-in-agricultural-rd.%20//) js69

Over the last year, **America**’s food and **ag**ricultural **sectors** have faced robust challenges. The coronavirus pandemic has **highlighted** the **need for** a more **resilient food system**, which is why I’m calling for an investment of at least $40 billion for agricultural research and infrastructure, as well as agricultural innovation. The **U.S**. **is a world leader** in agricultural production, but **we need to** **continue** to invest in research and infrastructure to both remain competitive with our friends and neighbors around the world, and to meet challenges to global food security. Last month, top economists reported at the Federal Reserve Bank of Kansas City’s annual Agricultural Symposium that while the United States’ share of global agricultural R&D investment was 20% in 1960, it declined to 8.9% in 2015. This issue was only exacerbated by the global pandemic, which challenged our agricultural supply chains and magnified the need to expand our agricultural research. **We are currently falling behind our peers**, **but** with **smart investments** **we can regain our footing as the leader in global agriculture**. The U.S. cannot reestablish our agricultural research prominence, however, when our research facilities are aging and in dire need of revitalization. Unlike our global partners and competitors, much of the agriculture research in the U.S. is being done in facilities that were built in the 1950s or 1960s. According to a recent report, 69% of the buildings at U.S. colleges and schools of agriculture are at the end of their useful life. We are asking an era of students to lead cutting edge research that will feed generations well into the future in facilities that were built for their grandparents. Our land-grant university system fosters excellence in research innovation while providing training opportunities for the **global leaders** of the future. We know from research by leading economists that **U.S**. public food and **ag**riculture **R&D** spending from 1910 to 2007 returned, on average, $17 in benefits for every $1 invested. Our nation’s Cooperative Extension System keeps farmers in business and **transfers important** **agricultural and food information to people, farmers, businesses and communities**. Land-grant universities aren’t just pillars of their communities – they’re pillars of our entire country’s agricultural and research systems. As the new infrastructure proposal is developed, we need to keep federal agricultural research infrastructure, research, and extension delivery of agricultural innovation as part of the package. Now is the time to invest in these land-grant universities – our incubators for talent, outreach, and agricultural innovation.

#### CEO confidence and growth are surging.

DiBlasi ’21 [Joseph; May 19; Associate Director of Corporate Communications at the Conference Board; the Conference Board, “CEO Confidence Hits All-Time High in Q2,” <https://www.conference-board.org/research/CEO-Confidence/>]

The Conference Board Measure of CEO Confidence™ in collaboration with The Business Council improved further in the second quarter of 2021, following a sharp increase in Q1. The measure now stands at 82, up from 73. This marks the highest level of CEO confidence recorded since the measure began in 1976. (A reading above 50 points reflects more positive than negative responses.)

CEOs’ assessment of current economic conditions rose substantially, after slightly moderating last quarter. In Q2, 94 percent said conditions are better compared to six months ago, up from 67 percent in Q1. CEOs also expressed greater optimism about conditions in their own industries, with 89 percent reporting better conditions compared to six months ago, up from 68 percent in Q1. Historically high expectations in Q1 climbed even further in Q2: 88 percent of CEOs expect economic conditions to improve over the next six months, up from 82 percent.

“This quarter’s survey marks a remarkable turnaround from a year ago—when CEO confidence reached a nadir of 34 at the height of COVID-19’s first wave,” said Dana Peterson, Chief Economist of The Conference Board. “For CEOs, the challenge of navigating a once-in-a-century pandemic is receding, as the focus turns to hiring and investing to compete in an economy poised to see the fastest growth in decades over the months ahead.”

In the job market, the pace of hiring is expected to accelerate over the next 12 months, with 54 percent of CEOs expecting to expand their workforce, up from 47 percent in Q1. While the outlook for wages was virtually unchanged in Q2, more CEOs are reporting difficulty finding qualified workers—57 percent in Q2, up from 50 percent in Q1.

“Optimism is surging in C-suites and boardrooms across industries,” said Roger W. Ferguson, Jr., Vice Chairman of The Business Council and Trustee of The Conference Board. “For CEOs, the challenge is no longer staying afloat, but keeping pace—in particular, with a likely resurgence of the labor shortages experienced before the pandemic.”

Current Conditions

CEOs’ assessment of general economic conditions rose sharply in Q2:

* 94% of CEOs reported economic conditions were better compared to six months ago, up from 67% in Q1.
* Only 2% said conditions were worse, down from 10%.

CEOs were similarly optimistic about conditions in their own industries in Q2:

* 89% of CEOs reported that conditions in their industries were better compared to six months ago, up from 68%.
* Only 4% said conditions in their own industries were worse, down from 8%.

Future Conditions

Expectations about the short-term economic outlook improved further in Q2:

* 88% percent of CEOs said they expect economic conditions to improve over the next six months, up from 82% in Q1.
* Only 1% expect conditions to worsen, down from 7%.

CEOs’ expectations regarding short-term prospects in their own industries also improved in Q2:

* 81% of CEOs expect conditions in their own industry to improve over the next six months, up from 78%.
* Only 4% expected conditions to worsen, down from 7%.

Capital Spending, Employment, Recruiting, and Wages

The survey also gauged CEOs’ expectations about four key actions their companies plan on taking over the next 12 months.

* Capital Spending: 47% of CEOs expect to increase their capital budgets in the year ahead, up from 45% in Q1.
* Employment: 54% of CEOs expect to expand their workforce, up from 47% in Q1.
* Hiring Qualified People: 57% of CEOs report some problems attracting qualified workers, up from 50% in Q1. Notably, 28% report difficulties that cut across the organization, rather than concentrated in a few key areas—up from 18% in Q1.
* Wages: 37% of CEOs expect to increase wages by 3% or more over the next year, virtually unchanged from 36% in Q1.

#### Business investment rising – generates longer-term growth

Ro 21 – Sam Ro, Markets Correspondent for Axios, “The "remarkable" business investment recovery,” 7/28/21, <https://www.axios.com/business-investment-recovery-0f7e7080-269e-4838-976a-fc91debb8d4f.html>

[Capex = capital expenditure]

Businesses are investing in themselves.

Why it matters: Core capital goods orders, or those for durable goods that aren’t aircraft or defense-related, are a proxy for business investment.

These equipment orders will get fulfilled in the months ahead, so they reflect businesses’ expectations for the future.

Continued growth in this measure suggests the economic growth we’re experiencing today may not be the peak.

By the numbers: Core capital goods orders increased by 0.5% in June to $76.1 billion, up from an upwardly revised $75.7 billion in May. Year-over-year, this measure is up 16.7%.

What they’re saying: Pantheon Macroeconomics’ Ian Shepherdson says the elevated levels of these orders is “remarkable.”

“A combination of rebounding earnings and support from the federal government, coupled recently with clear evidence of acute labor shortages, is pushing companies into raising capex in order to expand capacity and remain competitive,” he writes.

“If you aren't spending but your competitors are, you'll lose market share," Shepherdson adds.

The big picture: “These data points provide insight into businesses’ plans for investment in the third quarter,” Grant Thornton chief economist Diane Swonk writes.

“Continued strength in computers and electronics offset a small drop in orders in the vehicle sector, which has suffered some of the biggest supply-chain problems due to a shortage of computer chips,” Swonk says.

What to watch: These mounting orders for new capital equipment should translate to higher growth expectations from businesses.

Meanwhile, the monthly durable goods reports bear watching to see if these core capital goods orders continue to rise.

“Companies in aggregate are cash-rich, but they remain asset-constrained after a decade of under-investment following the financial crisis,” Shepherdson said. “Accordingly, we expect capex to continue rising at a rapid pace for the foreseeable future.”

The bottom line: Orders for business equipment represent companies putting their money where their mouths are. Whether or not you believe economic activity has peaked, it is the case that businesses are positioning themselves for more growth.

#### Plan sets precedent---spills over to unrelated sectors and preemptively chills innovation.

Crews ’19 [Clyde and Ryan; April 16; Vice President for Policy and Senior Fellow at the Competitive Enterprise Institute; Senior Fellow at the Competitive Enterprise Institute, M.A. in Economics from George Mason University; CEI, “The Case against Antitrust Law,” <https://cei.org/studies/the-case-against-antitrust-law/>]

Uncertainty. Antitrust regulation creates an enormous amount of economic uncertainty. Nobody knows how it will be used at a given time. If antitrust statutes are interpreted literally, potentially any firm, no matter how small, can be charged with an antitrust violation—or for dominating its relevant market, however defined. If a business sells goods at a lower price than its competitors, it can be charged with predatory pricing. If it sells goods at the same price as its competitors, it can be charged with collusion. And if it sells goods at a higher price than its competitors, it can be charged with abusing market power.

A century of case law has evolved some guidelines, but judicial precedents can be overturned any time a new case is brought. There are few bright-line legislative or judicial standards for antitrust enforcement. It is mostly guided by a mix of inconsistently enforced judicial precedents, regulators’ personal discretion, and political factors unrelated to market competition. Even the mere threat of antitrust enforcement can have a preemptive chilling effect on innovation, business strategies, and potential efficiency-enhancing arrangements.

Rent-seeking. Neo-Brandeisians rightly want to reduce rent-seeking, but they routinely propose policies that will backfire because of a common misunderstanding of how governments work in practice. Government employees do not operate with only the public interest in mind. They are human beings, with the same incentives and flaws as other human beings. They want to increase their budgets and power and enjoy the publicity that accompanies big cases. It also makes regulators especially vulnerable to what is known as a Baptist-and-boot-legger dynamic. In Clemson University economist Bruce Yandle’s classic example, a moralizing Baptist and a profit-seeking bootlegger will both favor a law requiring liquor stores to close on Sundays, though for different reasons. A true-believing “Baptist” in Congress or at the Justice Department or the FTC would be inclined to listen seriously to the entreaties of corporate “bootleggers” who can come up with virtuous-sounding reasons for why regulators should give their businesses special favorable treatment.36

Oracle, one of Microsoft’s rivals, ran its own independent Microsoft investigation during that company’s antitrust case, for what it alleged were Baptist-style reasons. “All we did is try to take information that was hidden and bring it to light,” said Oracle CEO Larry Ellison. “I don’t think that was arrogance. I think it was a public service.”37 Former Sen. Orrin Hatch (R-UT), who counted Oracle among his constituents, was one of the loudest anti-Microsoft voices in Congress. Around that time, he also received $17,500 donations from executives at Netscape, AOL, and Sun Microsystems. Perhaps heeding Hatch’s admonition that, “If you want to get involved in business, you should get involved in politics,” Microsoft expanded its presence in Washington from a small outpost at a Bethesda, Maryland, sales office to a large downtown Washington office with a full-time staff plus multiple outside lobbyists.38 Microsoft quickly went from a virtual non-entity in Washington to the 10th-largest corporate soft money campaign donor by the 1997-1998 election cycle. Sen. Hatch’s campaign was among the beneficiaries.39

The lines between Baptist and boot- legger can be blurry, and some actors play both parts. But such ethical dynamics are an integral part of antitrust regulation in practice.

Government usually stifles competition. If antitrust regulation is to be retained, it should not be a first-resort policy. If a company has an overwhelming competitive advantage, it is important to first ask what is causing it. If the advantage is due to superior performance, then consumers are not being harmed.

In most cases, dominance does not last long, as evidenced by how quickly any list of America’s largest companies changes from year to year. If a company does remain dominant for a long period of time, one of two possibilities must be true. The first option is that it continues to be consumers’ preferred option. The second is that it is engaging in rent-seeking behavior. In the first case, there is no need for an antitrust intervention. In the second case, the solution is not antitrust regulation, but to take away the government’s power to tilt the scales in rent-seekers’ favor.

Think long term. Robert Bork, though famous for his antitrust skepticism, still favors some antitrust regulation. He merely favors a more restrained usage than the Brandeis school. As he writes in The Antitrust Paradox, “Antitrust is valuable because in some cases it can achieve results more rapidly than can market forces. We need not suffer losses while waiting for the market to erode cartels and monopolistic mergers.”40

Bork’s statement is problematic for several reasons. How do regulators and judges know which cases are causing consumer harm and which are not? How do they decide which cases to pursue? Cases also often take years to resolve. Assuming regulators identify a valid case, how would they, and the judges who hear the case, know if market activity could address the problem by the time the case is decided? Do the benefits of regulatory action exceed the court and enforcement costs? Are the affected companies in a position to capture the regulators?

More to the point, does the short-term benefit come at a greater long-term cost? An enforcement action now could have a deterrent effect on future mergers, contracts, and innovations, including in unrelated industries. The consumer harm from these could well exceed the short-term benefits of a short-term improvement on market outcomes—assuming that regulators are consistently capable of such a feat.