# 1NC Round 4

## OFF

### OFF

#### Topical affs must increase prohibitions on the entire economy:

#### 1---By identifies an agent

Lexico, ND (“BY English Definition and Meaning” https://www.lexico.com/en/definition/by)

PREPOSITION

1 Identifying the agent performing an action.

#### 2---“The” before a noun means whole

Webster’s 5 (Merriam Webster’s Online Dictionary, [http://www.m-w.com/cgi-bin/dictionary](about:blank))

The

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole <the elite>

#### 3---“Private Sector” means all

Senate Manual 11 (Senate Document No. 112-1)//babcii

The term ``private sector'' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.112 S. Doc. 1

#### Violation: the plan only applies to digital platforms

#### Vote NEG for limits and grounds --- Subsets explodes the topic to thousands of affs, and removes core controversy

### OFF

#### The United States federal judiciary should establish a standard against conduct by dominant digital platforms that reduces competition, regardless of actual or imminent monopoly power.

#### The courts have broad authority

Hanley, 21 (Daniel A. Hanley, a policy analyst at the Open Markets Institute., 4-6-2021, accessed on 8-10-2021, Slate, "How Antitrust Lost Its Bite", https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html)//Babcii

History has consistently shown that only bright-line rules will lead to an effective and vigorous enforcement environment, as they do in other areas of law, and prevent the judiciary from favoring dominant economic enterprises and distorting the antitrust laws to preference increased concentration. The Supreme Court’s original development of the rule of reason and its subsequent gutting of the enforcement of the Clayton Act in the 1930s is particularly illustrative of why bright-line rules are necessary. A critical weakness of the Sherman Act when it was passed in 1890 was that it did not incorporate bright-line rules and left the interpretation of the act almost entirely to the judiciary. Despite its broad moral intentions, the first 15 years of its enforcement were anemic against concentrated private power and even [hostile to organized labor](https://escholarship.org/uc/item/8cj0z1tq). Eventually the federal government would obtain its first significant victory [in 1904](https://en.wikipedia.org/wiki/Northern_Securities_Co._v._United_States), but the legal standard that the court would use to determine the legality of antitrust violations was not fully decided until the 1911 Standard Oil case, in which the Supreme Court codified the rule of reason. [Standard Oil v. United States](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) is widely known for breaking up the company. However, the case was actually a pyrrhic victory for antitrust enforcers. In the case, the court created the foundation for the rule of reason by declaring that only “unreasonable” trade practices (known as restraints of trade) were illegal under the Sherman Act. In other words, the judiciary in Standard Oil anointed itself with unilateral discretionary power to manage and organize the economy and neutered the Sherman Act’s application. Outrage from Congress and the public over the judiciary’s seizure of power resulted in swift action. Less than three years later, Congress would try to reassert its position to ensure a deconcentrated marketplace with the Clayton Act. When Congress enacted the Clayton Act in 1914, its primary goal was to supplement the Sherman Act by bolstering a plaintiff’s ability to arrest certain enumerated conduct in its incipiency—to nip monopolistic behavior in the bud. The Clayton Act explicitly lessened the litigation burden on plaintiffs for certain exclusionary practices, including certain forms of tying (conditioning the purchase of a product on the purchase of another product), price discrimination, and exclusive dealing (contracts or coercive behavior that prevents suppliers or distributors from engaging with a firm’s rivals). Most importantly, Congress included in the Clayton Act a highly deferential and plaintiff-friendly legal standard meant to prohibit mergers (although only limited to acquisitions of assets and not for stock) that only “may be to substantially lessen competition” or “tend to create a monopoly.” The Clayton Act made clear that Congress was trying to arrest certain antitrust violations such as mergers as a means to grow corporate operations, and to reverse the Supreme Court’s declaration in [Standard Oil](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States). However, the Supreme Court would instead successfully hijack this antitrust law too, in order to favor its own prescription for managing the economy.

### OFF

#### Reconciliation passes now – Biden PC and tight timetables makes the margin for error literally ZERO

Elliott, 9-16 (Philip Elliott is a Washington Correspondent for TIME. Before joining TIME in early 2015, he spent almost a decade at The Associated Press, where he covered politics, campaign finance, education and the White House. He is a graduate of the E.W. Scripps School of Journalism at Ohio University, September 16, 2021, accessed on 9-17-2021, Time, "Democrats Face a Grueling Two Weeks as Infighting Erupts Over Infrastructure", https://time.com/6098810/house-democrats-reconciliation/)//babcii

House Democrats yesterday finished penning a 2,600-page bill that finally outlines the specifics of their ambitious “soft” infrastructure plan that won’t attract a single Republican vote. But no one was really rushing to Schneider’s for bottles of bubbly. For a party ready to spend $3.5 trillion to fund its social policy agenda, there were plenty of glum faces on Capitol Hill.

In fact, one key piece of the legislation—a deal that would finally let Medicare negotiate lower prices with drug companies—fell apart in the Energy and Commerce Committee when three Democrats voted against it. It found resurrection a short time later when Leadership aides literally plucked it from the Energy and Commerce team and delivered it to the Ways and Means Committee for its approval instead. Even there, though, one Democrat voted against it, saying the threat it posed to pharmaceutical companies’ profits would doom it in the Senate. “Every moment we spend debating provisions that will never become law is a moment wasted and will delay much-needed assistance to the American people,” Rep. Stephanie Murphy of Florida later argued.

Put another way? Brace for some nasty politics over the next two weeks as House Speaker Nancy Pelosi tries to get this bill to a vote before the budget year ends on Sept. 30. And those 2,600 pages had better be recyclable.

Democrats can only afford three defectors if they want to usher this bill into law, and they’re perilously close to failure. So far, five centrist Democrats in the House have said they prefer a scaled-back version of the Medicare component. But if Pelosi gives the five centrists that win, she risks losing the support of progressives who are already sour that things like a punitive wealth tax and the end to tax loopholes aren’t present in the current version of the bill.

As it stands now, letting Medicare negotiate drug prices would save the government about $500 billion over the next decade. The scaled-back version doesn’t have an official cost, but a very similar version got its score in the Senate last year: roughly $100 billion in savings. Because Democrats are using a budgeting loophole to help them avoid a filibuster and pass this with bare majorities, that $400 billion gap matters a lot more than on most bills. Scaling back the Medicare savings means they would also have to scale back their overall spending on the bill—a big line in the sand for progressives who say they’ve already compromised too much.

All of this, of course, comes as President Joe Biden and his top aides in the White House have been trying to get Senate centrists onboard. Just yesterday, he met separately with Sens. Kyrsten Sinema and Joe Manchin, fellow Democrats who have expressed worries about the $3.5 trillion price tag but have been vague about what exactly they want to cut back on. With the Senate evenly divided at 50-50, and Vice President Kamala Harris in position to break the ties to Democrats’ victories, any shenanigans from those two independent thinkers scrambles the whole package.

Oh, and that other bipartisan infrastructure plan that carries $550 billion in new spending? It’s still sitting on the shelf in the House. Pelosi said she’d bring it to the floor only when the bigger—and entirely partisan—bill was ready. And there’s plenty of grumbling about that package, too.

If this is all beginning to sound like a scratched record that keeps repeating, it’s because this has become something of a pattern here in Washington. Things look pretty grim for legislation in town these days, despite Democrats controlling the House, the Senate and the White House. Their margin for error is literally zero, and so hiccups from a half-dozen centrists can forewarn a doomed agenda.

So far, Pelosi has been a master of holding the line on crucial votes and has managed to maneuver her team to victories, including on an earlier pandemic relief package that passed with only Democratic votes. Now she’s trying again, but the clock is ticking, and $3.5 trillion is an eye-popping sum of money that rivals the spending the United States unleashed to close out World War II.

#### Antitrust reform decks PC and trades off with infra

Carstensen, 21 (Peter C. Carstensen, the Fred W. & Vi Miller Chair in Law Emeritus, University of Wisconsin Law School, February 2021, “THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST,” https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en)

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.

#### Infrastructure bill is essential for warming - it decarbonizes and invigorates the economy by speeding up construction and the development of green tech

**McDonnell ’21**; [Tim McDonnell; a reporter covering global climate change and energy issues, based in Washington, D.C. He has worked previously for National Public Radio and Mother Jones, and spent a couple years freelancing across sub-Saharan Africa and South Asia for National Geographic, The New York Times, and other outlets. He was a Fulbright-National Geographic Storytelling Fellow and a National Geographic Explorer; 3/23/21; Quartz; “Biden’s infrastructure bill will make or break his climate legacy”; <https://qz.com/1987869/joe-bidens-new-infrastructure-bill-is-all-about-climate-change/>; accessed: 7/12/21; YS]

President Joe **Biden** is turning to his next **legislative priority,** a $3 trillion pair of **infrastructure bills** that put **climate change front and center**. As first reported in the New York Times on March 22, funding will be directed to the **electric grid**, energy-efficient affordable **housing**, electric vehicle charging stations, and other **clean energy priorities**. It follows a $1.9 trillion economic stimulus package signed earlier this month.

The infrastructure package shows that Biden is taking a different approach to the climate crisis than Barack Obama. Rather than centering his climate policy agenda on regulating greenhouse gas emissions from power plants (as Obama did, with his Clean Power Plan), Biden’s priority is to pour money into new **technologies** and **clean energy** hardware with a goal to **decarbonize the US electricity system by 2035**. The administration is betting that leading with a carrot, rather than the stick, will be the **fastest**, lowest-cost way to make a lasting dent in emissions, while breathing life in to the post-pandemic economy (new emissions regulations from the Environmental Protection Agency will likely follow).

“This could be the most **promising opportunity** to make progress on **decarbonization** across the economy that the US has had in a long time,” said John Larsen, director of climate and energy at Rhodium Group, a research firm. “And as far as getting very quick returns on investments, the power sector is the most important place to make progress.”

How **infrastructure spending** can **benefit** the climate

The last time the US saw a big clean energy spending bill was Obama’s $90 billion green stimulus in 2009, which ultimately gave a dramatic boost to solar and wind energy. Biden’s new effort is an order of **magnitude greater**: The Times reports that the package includes “nearly **$1 trillion** in spending on the **construction** of roads, bridges, rail lines, ports, electric vehicle charging stations, and improvements to the **electric grid** and other parts of the **power sector**,” as well as “one million affordable and energy-efficient **housing** units.” The remainder of the **$3 trillion** is set aside for rural **broadband connectivit**y, building and renovating schools, and job retraining for millions of workers.

As for spending on the power sector, Larsen and his colleagues laid out a few guiding principles for the Biden team in a Mar. 23 report. They recommend dramatically increasing and extending the duration of tax credits for renewables, which are currently scheduled to wind down over the next few years; create new incentives to help existing nuclear power plants stay open; and write off old federal loans made to local governments to build coal-fired power plants, so that those can close ahead of schedule.

#### Warming causes extinction.

Bill McKibben 19. Schumann Distinguished Scholar at Middlebury College; fellow of the American Academy of Arts and Sciences; holds honorary degrees from 18 colleges and universities; Foreign Policy named him to their inaugural list of the world’s 100 most important global thinkers. "This Is How Human Extinction Could Play Out." Rolling Stone. 4-9-2019. https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310/

Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most. I could, in other words, do my best to scare you silly. I’m not opposed on principle — changing something as fundamental as the composition of the atmosphere, and hence the heat balance of the planet, is certain to trigger all manner of horror, and we shouldn’t shy away from it. The dramatic uncertainty that lies ahead may be the most frightening development of all; the physical world is going from backdrop to foreground. (It’s like the contrast between politics in the old days, when you could forget about Washington for weeks at a time, and politics in the Trump era, when the president is always jumping out from behind a tree to yell at you.) But let’s try to occupy ourselves with the most likely scenarios, because they are more than disturbing enough. Long before we get to tidal waves or smallpox, long before we choke to death or stop thinking clearly, we will need to concentrate on the most mundane and basic facts: everyone needs to eat every day, and an awful lot of us live near the ocean. FOOD SUPPLY first. We’ve had an amazing run since the end of World War II, with crop yields growing fast enough to keep ahead of a fast-rising population. It’s come at great human cost — displaced peasant farmers fill many of the planet’s vast slums — but in terms of sheer volume, the Green Revolution’s fertilizers, pesticides, and machinery managed to push output sharply upward. That climb, however, now seems to be running into the brute facts of heat and drought. There are studies to demonstrate the dire effects of warming on coffee, cacao, chickpeas, and champagne, but it is cereals that we really need to worry about, given that they supply most of the planet’s calories: corn, wheat, and rice all evolved as crops in the climate of the last ten thousand years, and though plant breeders can change them, there are limits to those changes. You can move a person from Hanoi to Edmonton, and she might decide to open a Vietnamese restaurant. But if you move a rice plant, it will die. A 2017 study in Australia, home to some of the world’s highest-tech farming, found that “wheat productivity has flatlined as a direct result of climate change.” After tripling between 1900 and 1990, wheat yields had stagnated since, as temperatures increased a degree and rainfall declined by nearly a third. “The chance of that just being variable climate without the underlying factor [of climate change] is less than one in a hundred billion,” the researchers said, and it meant that despite all the expensive new technology farmers kept introducing, “they have succeeded only in standing still, not in moving forward.” Assuming the same trends continued, yields would actually start to decline inside of two decades, they reported. In June 2018, researchers found that a two-degree Celsius rise in temperature — which, recall, is what the Paris accords are now aiming for — could cut U.S. corn yields by 18 percent. A four-degree increase — which is where our current trajectory will take us — would cut the crop almost in half. The United States is the world’s largest producer of corn, which in turn is the planet’s most widely grown crop. Corn is vulnerable because even a week of high temperatures at the key moment can keep it from fertilizing. (“You only get one chance to pollinate a quadrillion kernels of corn,” the head of a commodity consulting firm explained.) But even the hardiest crops are susceptible. Sorghum, for instance, which is a staple for half a billion humans, is particularly hardy in dry conditions because it has big, fibrous roots that reach far down into the earth. Even it has limits, though, and they are being reached. Thirty years of data from the American Midwest show that heat waves affect the “vapor pressure deficit,” the difference between the water vapor in the sorghum leaf’s interior and that in the surrounding air. Hotter weather means the sorghum releases more moisture into the atmosphere. Warm the planet’s temperature by two degrees Celsius — which is, again, now the world’s goal — and sorghum yields drop 17 percent. Warm it five degrees Celsius (nine degrees Fahrenheit), and yields drop almost 60 percent. It’s hard to imagine a topic duller than sorghum yields. It’s the precise opposite of clickbait. But people have to eat; in the human game, the single most important question is probably “What’s for dinner?” And when the answer is “Not much,” things deteriorate fast. In 2010 a severe heat wave hit Russia, and it wrecked the grain harvest, which led the Kremlin to ban exports. The global price of wheat spiked, and that helped trigger the Arab Spring — Egypt at the time was the largest wheat importer on the planet. That experience set academics and insurers to work gaming out what the next food shock might look like. In 2017 one team imagined a vigorous El Niño, with the attendant floods and droughts — for a season, in their scenario, corn and soy yields declined by 10 percent, and wheat and rice by 7 percent. The result was chaos: “quadrupled commodity prices, civil unrest, significant negative humanitarian consequences . . . Food riots break out in urban areas across the Middle East, North Africa, and Latin America. The euro weakens and the main European stock markets lose ten percent.” At about the same time, a team of British researchers released a study demonstrating that even if you can grow plenty of food, the transportation system that distributes it runs through just fourteen major choke-points, and those are vulnerable to — you guessed it — massive disruption from climate change. For instance, U.S. rivers and canals carry a third of the world’s corn and soy, and they’ve been frequently shut down or crimped by flooding and drought in recent years. Brazil accounts for 17 percent of the world’s grain exports, but heavy rainfall in 2017 stranded three thousand trucks. “It’s the glide path to a perfect storm,” said one of the report’s authors. Five weeks after that, another report raised an even deeper question. What if you can figure out how to grow plenty of food, and you can figure out how to guarantee its distribution, but the food itself has lost much of its value? The paper, in the journal Environmental Research, said that rising carbon dioxide levels, by speeding plant growth, seem to have reduced the amount of protein in basic staple crops, a finding so startling that, for many years, agronomists had overlooked hints that it was happening. But it seems to be true: when researchers grow grain at the carbon dioxide levels we expect for later this century, they find that minerals such as calcium and iron drop by 8 percent, and protein by about the same amount. In the developing world, where people rely on plants for their protein, that means huge reductions in nutrition: India alone could lose 5 percent of the protein in its total diet, putting 53 million people at new risk for protein deficiency. The loss of zinc, essential for maternal and infant health, could endanger 138 million people around the world. In 2018, rice researchers found “significantly less protein” when they grew eighteen varieties of rice in high–carbon dioxide test plots. “The idea that food became less nutritious was a surprise,” said one researcher. “It’s not intuitive. But I think we should continue to expect surprises. We are completely altering the biophysical conditions that underpin our food system.” And not just ours. People don’t depend on goldenrod, for instance, but bees do. When scientists looked at samples of goldenrod in the Smithsonian that dated back to 1842, they found that the protein content of its pollen had “declined by a third since the industrial revolution — and the change closely tracks with the rise in carbon dioxide.” Bees help crops, obviously, so that’s scary news. But in August 2018, a massive new study found something just as frightening: crop pests were thriving in the new heat. “It gets better and better for them,” said one University of Colorado researcher. Even if we hit the UN target of limiting temperature rise to two degrees Celsius, pests should cut wheat yields by 46 percent, corn by 31 percent, and rice by 19 percent. “Warmer temperatures accelerate the metabolism of insect pests like aphids and corn borers at a predictable rate,” the researchers found. “That makes them hungrier[,] and warmer temperatures also speed up their reproduction.” Even fossilized plants from fifty million years ago make the point: “Plant damage from insects correlated with rising and falling temperatures, reaching a maximum during the warmest periods.”

### OFF

#### Interpretation: the plan must specify the standard by which the anticompetitive business practice will be reviewed – failing to do so makes the aff a moving target and kills negative ground

#### Independently causes circumvention - the devil is in the details---Any vagueness will ensure failed enforcement and circumvention

Hanley, 21 (Daniel A. Hanley, a policy analyst at the Open Markets Institute., 4-6-2021, accessed on 8-10-2021, Slate, "How Antitrust Lost Its Bite", https://slate.com/technology/2021/04/antitrust-hearings-congress-legislation-bright-line-rules.html)//Babcii

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Eventually the federal government would obtain its first significant victory [in 1904](https://en.wikipedia.org/wiki/Northern_Securities_Co._v._United_States), but the legal standard that the court would use to determine the legality of antitrust violations was not fully decided until the 1911 Standard Oil case, in which the Supreme Court codified the rule of reason. [Standard Oil v. United States](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States) is widely known for breaking up the company. However, the case was actually a pyrrhic victory for antitrust enforcers. In the case, the court created the foundation for the rule of reason by declaring that only “unreasonable” trade practices (known as restraints of trade) were illegal under the Sherman Act. In other words, the judiciary in Standard Oil anointed itself with unilateral discretionary power to manage and organize the economy and neutered the Sherman Act’s application. Outrage from Congress and the public over the judiciary’s seizure of power resulted in swift action. Less than three years later, Congress would try to reassert its position to ensure a deconcentrated marketplace with the Clayton Act. When Congress enacted the Clayton Act in 1914, its primary goal was to supplement the Sherman Act by bolstering a plaintiff’s ability to arrest certain enumerated conduct in its incipiency—to nip monopolistic behavior in the bud. The Clayton Act explicitly lessened the litigation burden on plaintiffs for certain exclusionary practices, including certain forms of tying (conditioning the purchase of a product on the purchase of another product), price discrimination, and exclusive dealing (contracts or coercive behavior that prevents suppliers or distributors from engaging with a firm’s rivals). Most importantly, Congress included in the Clayton Act a highly deferential and plaintiff-friendly legal standard meant to prohibit mergers (although only limited to acquisitions of assets and not for stock) that only “may be to substantially lessen competition” or “tend to create a monopoly.” The Clayton Act made clear that Congress was trying to arrest certain antitrust violations such as mergers as a means to grow corporate operations, and to reverse the Supreme Court’s declaration in [Standard Oil](https://en.wikipedia.org/wiki/Standard_Oil_Co._of_New_Jersey_v._United_States). However, the Supreme Court would instead successfully hijack this antitrust law too, in order to favor its own prescription for managing the economy. In a 1930 case known as [International Shoe](https://supreme.justia.com/cases/federal/us/280/291/), the Supreme Court decided to interpret the Clayton Act’s directive on mergers, despite its explicit purpose and statutory language, in an equivalent way to the Sherman Act. The court said the Clayton Act also deemed the indicator of an illegal merger to be whether it “injuriously affect[ed] the public”—yet again, a gutting of Congress’ intentions for a robust antitrust law. After the court’s holding in International Shoe, [almost no merger cases](https://heinonline.org/HOL/LandingPage?handle=hein.journals/antlervi3&div=6&id=&page=) were brought either by the Federal Trade Commission or the Department of Justice between 1930 and 1950. Even though the New Deal during the 1930s invigorated antitrust enforcement for violations of the Sherman Act targeting cartels and monopolies, it still took decades of advocacy for the Clayton Act to be significantly amended in 1950 to undo the Supreme Court’s damage. Even then, however, Congress did not impose a bright-line rule for mergers. And although the 1950 amendments to the Clayton Act did lead to vigorous enforcement, it would last only for another decade until the Supreme Court would, in a series of decisions, invent two doctrines, known as [antitrust injury](https://supreme.justia.com/cases/federal/us/479/104/) and [antitrust standing](https://supreme.justia.com/cases/federal/us/429/477/). These doctrines would again erode significant aspects of antitrust enforcement of both the Sherman Act and Clayton Act to the present day. The implementation of the consumer welfare framework since the 1970s is additional evidence from more than a century of consistent judicial mismanagement and hostility toward Congress’ desire to stop corporate concentration. Simply put, the courts cannot be trusted to adequately enforce antitrust laws without bright-line rules. If Congress is going to amend the antitrust laws to ensure they are effectively administered, rules that ban big mergers and the monopolization of markets, prohibit coercive contracts against small suppliers and distributors, and protect workers from dominant corporations must be imposed. Anything less leaves the door open for the judiciary to continue subverting Congress’ economic agenda, as dictated by the voting public, and instead substitute its own. Without bright-line rules, the current reform efforts will be in vain.

### OFF

#### Inability to follow through on big tech saps the FTC and causes a DOJ merger --- plan shores up FTC cred

Feiner, 20 (Lauren Feiner, Tech policy reporter @ cnbc. B.A in comm from U of Penn, DEC-19-2020, accessed on 7-22-2021, Cnbc, "After suing Facebook, the FTC has a chance to show critics it’s not toothless")//Babcii

With its [groundbreaking antitrust lawsuit](https://www.cnbc.com/2020/12/09/ftc-and-several-states-launch-antitrust-lawsuits-against-facebook.html) against [Facebook](https://www.cnbc.com/quotes/FB), the Federal Trade Commission is facing more than just a fight against a multi-billion dollar tech giant — it’s battling to regain credibility that could determine its future. The FTC was roundly criticized by lawmakers on both sides of the aisle following privacy settlements tech hawks deemed to be toothless. In July 2019, the agency [settled a privacy investigation into Facebook](https://www.cnbc.com/2019/07/24/facebook-to-pay-5-billion-for-privacy-lapses-ftc-announces.html) following the Cambridge Analytica scandal for $5 billion, representing about 9% of the company’s 2018 revenue. Shortly after, it [settled alleged violations of children’s privacy on Google-owned YouTube for $170 million](https://www.cnbc.com/2019/09/04/youtube-to-pay-170-million-in-ftc-child-privacy-settlement.html). “The FTC is foolish & foolhardy to rely on money alone to punish decades of past privacy violations & ongoing profiteering,” Sen. Richard Blumenthal, D-Conn., [tweeted](https://twitter.com/SenBlumenthal/status/1149800901076508681) at the time of the Facebook settlement. Long before that, the agency closed an investigation into Google’s competitive practices [without bringing charges recommended by staff](https://www.wsj.com/articles/inside-the-u-s-antitrust-probe-of-google-1426793274). Nearly a decade later, the [DOJ has taken up competition charges against the search giant](https://www.cnbc.com/2020/10/20/doj-antitrust-lawsuit-against-google.html). The perceived failure of the commission to hold tech giants to account in the eyes of some lawmakers has threatened the FTC’s very existence. Sen. Josh Hawley, R-Mo., [proposed last year relegating the entire agency to become a division of the Justice Department](https://www.cnbc.com/2020/02/10/senator-hawley-proposes-putting-the-ftc-under-doj-control.html) and consolidating all of its competition enforcement power under the DOJ Antitrust Division. That gives the FTC’s actions against Big Tech firms added significance. The FTC is different from the DOJ in that it is independent from other branches of government. FTC Chairman Joe Simons [testified last year](https://www.cnbc.com/2019/09/18/the-ftc-and-doj-are-squabbling-over-the-right-to-regulate-big-tech.html) that structure is actually what makes the agency so valuable, though he agreed with DOJ antitrust chief Makan Delrahim that splitting antitrust enforcement power between two agencies causes inefficiencies.

#### FTC and DOJ merger saves national security --- dual enforcement wrecks cybersecurity

McGinnis and Sun, 20 (John O. McGinnis is a graduate of Harvard College and Harvard Law School where he was an editor of the Harvard Law Review. He also has an MA degree from Balliol College, Oxford, in philosophy and theology. Professor McGinnis clerked on the U.S. Court of Appeals for the District of Columbia. From 1987 to 1991, he was deputy assistant attorney general in the Office of Legal Counsel at the Department of Justice, Linda Sun is a Associate @ WilmerHale, Bachelors in electrical engineering from Columbia, Doctor of Law from Northwestern, “Justice-FTC Antitrust Feud Is the Wrong Kind of Competition”, aug 13, 2020, WSJ, https://www.wsj.com/articles/justice-ftc-antitrust-feud-is-the-wrong-kind-of-competition-11597336577)//babcii

The Ninth U.S. Circuit Court of Appeals on Tuesday reversed a district judge’s ruling that imposed antitrust liability on Qualcomm , a major U.S. telecommunications manufacturer. The ruling was a loss for the federal government—and also a victory. The Federal Trade Commission brought the case; the Justice Department successfully argued that it threatened national security by helping the Chinese company Huawei. FTC v. Qualcomm highlights the confusion created by separate antitrust enforcement agencies. Because of an oversight by the lawmakers who drafted the Federal Trade Commission Act of 1914, the Justice Department and FTC have overlapping authority to enforce antitrust law. This dual setup has long generated turf wars. But modern technology has greatly exacerbated the deficiencies of the two-headed approach. Dual enforcement makes it harder to integrate antitrust enforcement with foreign policy, increases uncertainty in the sector most important to economic growth, and undermines the government’s capacity to protect citizens’ privacy. The widening scope of computational technology entangles antitrust policy with international politics. Innovations in hardware and software introduce novel methods of espionage and cyberwarfare such as computational propaganda, trolling and sophisticated hacking. With China and Russia engaging in information warfare, America is forced to defend itself in a technological cold war. Ceding control over communications technologies to foreign powers leaves the U.S. vulnerable to surveillance and to attacks on infrastructure. As both the Obama and Trump administrations recognized, antitrust enforcement can impede domestic technological advancement by giving foreign companies—collaborating with foreign governments—a competitive advantage. The increased importance of antitrust to national security makes it imperative that enforcement be left to the Justice Department. Unlike FTC commissioners, the department’s leaders serve at the pleasure of the president, who has a wider perspective and more substantial tools to protect the country.

#### Weak cybersecurity causes nuclear war

Klare, 19 (Michael T. Klare, Professor emeritus of peace and world security studies at Hampshire College and senior visiting fellow at the Arms Control Association, "Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation," Arms Control Association, November 2019, https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation)

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13

The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

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#### The fifty states and all relevant territories should substantially increase prohibitions on conduct by dominant digital platforms that reduces competition, regardless of actual or imminent monopoly power.

#### Solves – no risk of preemption

Waller, 03 (Spencer Weber Waller, Professor and Director of the Institute for Consumer Antitrust Studies, Loyola University Chicago School of Law, “The Incoherence of Punishment in Antitrust”, Chicago-Kent Law Review, April, 2003, https://scholarship.kentlaw.iit.edu/cklawreview/vol78/iss1/8/)//babcii

The remaining governmental enforcer is at the state rather than the federal level. The attorneys general of the fifty states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and other United States dependencies and territories each enforce their own state or territorial level antitrust laws. 61 Most of these laws track the substance of the Sherman Act fairly closely, but each state has different exemptions, procedures, and remedies. The Supreme Court is quite clear that the states (and territories) are normally free to grant greater or lesser rights than the federal antitrust laws without preemption being an issue.6 One important difference is that federal antitrust law permits suit for treble damages only for direct purchasers-those who dealt directly with the unlawful price fixers or monopolists-while a substantial number of states permit suits by indirect purchasers under state antitrust law. 63 The states also frequently bring suit under the federal antitrust laws. First, the states purchase an enormous amount of goods and services. Where they are victims of antitrust violations in their capacity as purchasers they are entitled to treble damages like any other private plaintiff.64 Second, the states have been granted parens patriae powers to sue on behalf of any natural persons in their jurisdiction who have been injured by reason of any antitrust violation.65 The states have come under tremendous criticism for their more activist posture. Critics have argued that the states are merely free riders on federal enforcement efforts or, when the states pursue a separate agenda, they are doing so for narrow partisan political reasons unrelated to sound antitrust and competition policy.66 The states understandably disagree. Their ability to sue on their own behalf and on behalf of their citizens is enshrined in federal legislation. Their ability to enact their own state antitrust statutes and empower their officials and private parties to sue under them flows from their sovereign status under the Constitution. The states also dispute the free rider label, pointing to important antitrust litigation where either the states acted before the federal government, or where the federal government took no action at all.67 They point to the efficiency-enhancing aspects of pooling resources and of collective investigation and prosecution of nationwide cases. 68 Finally, the states have long argued that the state attorneys general are more sensitively attuned to the issues affecting the citizens of their states than the federal antitrust agencies could ever be. They can therefore better represent the public interest even at the risk of coming under the sway of interest groups representing competitors of a potential antitrust defendant.

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#### The United States, through a limited constitutional convention, ought to substantially increase prohibitions on conduct by dominant digital platforms that reduces competition, regardless of actual or imminent monopoly power.

#### Conventions can change Antitrust law – avoids politics

**Berry, 87** (Mary Frances Berry, Geraldine R. Segal Professor of American Social Thought at the University of Pennsylvania and a member of the United States Commission on Civil Rights., 9-13-1987, accessed on 6-19-2021, The New York Times, "AMENDING THE CONSTITUTION; How Hard It Is To Change", https://www.nytimes.com/1987/09/13/magazine/amending-the-constitution-how-hard-it-is-to-change.html)//Babcii

The purpose of **Article V's convention** provision is to make it **possible** **for** amendments to be proposed that Congress does not want proposed, and it would be illogical indeed to assume that Congress could bind a convention's agenda. Even if the Congress decided to call a convention for the sole purpose of proposing amendments to balance the budget, and even if the convention agreed to this overall goal, the gathering **would** still **have great freedom**. The participants might decide that Congressional budgetary authority should be limited to support for the national defense. They could delete support for the general welfare from the Constitution, thus precluding such items as Social Security, Medicaid and Medicare. They could decide to amend Congressional power to regulate commerce, which now allows for such activities as environmental regulation, labor regulation **and antitrust enforcement**. This would, after all, abolish a whole series of Federal agencies and decrease the budget.

## CASE

### 1NC --- Innovation --- F/L

#### US innovation and start-ups are beating China now BUT antitrust reform destroys investor confidence and innovation

**Moore, 21** (Steve Moore, a senior economic advisor to Donald Trump and a memberof President Trump’s Economic Recovery Task Force. B.A from university of Illinois and a masters in economics from GMU, May 2021, accessed on 6-7-2021, Committee to unleash prosperity, "The New “Trust Busters” Are A Danger to American Prosperity and Tech Dominance", https://committeetounleashprosperity.com/wp-content/uploads/2021/05/CTUP\_TheNewTrustBusters.pdf)//Babcii

In recent years the Justice Department has tried to block a number of blockbuster deals, especially in the technology sector. The Trump administration challenged the $85 billion AT&T and Time Warner merger and is now looking into the $26 billion merger between two large telecommunications giants: T-Mobile and Sprint. Fortunately, the government lost its case, and we now have an American company with the scale and resources to move the United States into the lead in the global race for 5G. Still, the popular press portrays the take-over artists in almost universally unflattering and monopolistic terms. Targeted companies, their shareholders, and their customers are warned that they are the victims of Wall Street greed. “Eat or be eaten,” is the way one news story described the breakneck pace of M&A activity. Private equity deal makers are described as “on the prowl” and no company large or small is “safe” from the corporate raiders. All that has been missing is the theme music from Jaws That interpretation is precisely backwards. Virtually all of the recent evidence and academic studies confirm that when the M&A sharks start swallowing the minnows, the biggest financial winners are the minnows—and their shareholders. On average, the raiders bid up the share prices by 20 to 30% and in some cases, as in the takeover bid for Dow Jones, more than 50%. A 2019 study by the consulting firm, Towers Perrin, reveals that “M&As from the year 2004 onwards are outperforming the market by 7% in terms of shareholder value.” We’ll see if that outperformance holds up over time. Regardless of that, corporate take-overs, both friendly and hostile, have big but mostly invisible benefits for the efficiency of the financial markets, for shareholders and the economy at large. M&A activity creates a powerful incentive for entrepreneurs to set out a shingle and start a new business. Small business activity is a hallmark of the U.S. economy’s dynamism. The entrepreneurs who launch these enterprises and the angel investors who put capital at risk to finance them often do so with the very intention of someday being bought out at high price by a competitor or a Blackstone Group. M&As also help restructure companies that are ineptly managed. Even the hated corporate raiders can help enrich shareholders by ridding corporations of arrogant, abusive, excessively compensated, and ineffective management. For all the vilification of Michael Milliken, his firm Drexel Burnham easily created more wealth for American shareholders singlehandedly than all the trustbusters in American history combined. One of the biggest corporate raiders in the world today is General Electric, which budgets roughly $500 million a year for corporate acquisitions. Those who are convinced that company CEOs and top management are grossly overpaid relative to the value they provide to shareholders should be the biggest fans of the M&A industry and its chopping block. The economic literature is clear that the biggest gainers from M&A activities are not the acquiring firms, but the owners of the acquired firms. One value of the raiders is that they serve as the ultimate oversight on the financial market beat, searching out and destroying flab and inefficiencies. Virtually every hostile takeover, even those financed with “junk bonds,” made hundreds of millions, if not billions of dollars for stockowners. Some trust busters at the Federal Trade Commission and Justice Department have argued against ever allowing two of three leading competitors in an industry attempt to consolidate, and the Justice Department treats this as a de facto monopolistic endeavor. If the Beatles came along today, the Bush Justice Department would no doubt try to break up Lennon and McCartney for cornering too much of the pop music market. Companies should have the economic freedom to pursue mergers and acquisitions as part of their business strategy and the government should retain the burden of proof in a merger challenge. Given that our country’s antitrust enforcement agencies, the Department of Justice and the Federal Trade Commission, have won nearly 85 percent of the merger challenges they brought over the last 20 years, it seems that the system is already unfairly stacked in the government’s favor.16 Adding restrictions on mergers and acquisitions will only serve to hurt U.S. workers, consumers, and shareholders as well as reduce U.S. competitiveness globally. The popular narrative accompanying these merger reform proposals is that preventing consolidation will help the start-up and small business community. In reality, these proposals will discourage entrepreneurs and innovative U.S. start-ups from entering the market in the first place by blocking the critical exit strategy of being acquired by a larger company. Data shows that most start-ups or small businesses rely on the potential promise of being acquired by a larger company as part of their initial business plan.17 Recent estimates show that approximately 50% of venture-backed companies exit through a merger or acquisition, while only 15% exit through IPOs.18 The presence of trillion dollar companies like Google and Apple with hundreds of billions of dollars for asset acquisitions is one of the greatest spurs to new companies being formed in the history of America. A firm that starts with $2 or $5 million of startup capital lures venture capital and angel investors on the promise that in five years the firm can be sold to a large buyer at ten or twenty times the startup finances. The promise of potential acquisition enables start-ups and small businesses (and the venture capitalists that often fund them) to justify the upfront costs and R&D investments necessary to develop and launch innovative new products and services. And the U.S. start-up and venture capital ecosystem is thriving. In 2019, the United States had the most new “unicorn” companies—venture-backed privately held companies valued at $1 billion or more—in the world, outpacing the closest rival (China) by 56 companies.19 Merger reforms risk discouraging venture capital investment in the U.S. start-up community due to increased risk on potential returns. Reports show that the share of global venture capital invested in the United States has already fallen more than 30% in the last 15 years so new regulatory uncertainty will likely only add to this alarming trend and cause innovative start-ups and venture capital funding to move to other countries with more business-friendly policies.20

#### Tech antitrust crushes the U.S. edge in AI research over China – The link outweighs the consolidation turn. Small firms can’t access the scale or funding necessary to lead AI innovation.

Dakota Foster 20. graduate student at Oxford University and a former visiting researcher at the Center for Security and Emerging Technology, 6/2/20, “Antitrust investigations have deep implications for AI and national security,” <https://www.brookings.edu/techstream/antitrust-investigations-have-deep-implications-for-ai-and-national-security/>

Secretary of Defense Mark Esper has argued that artificial intelligence is likely to shape the future of warfare, and the national-security community has largely backed that conclusion. The most recent National Defense Strategy, released in 2018, highlights AI’s importance, noting that the Pentagon will seek to harness “rapid application[s] of commercial breakthroughs…to gain competitive military advantages.” With defense officials arguing that U.S. military superiority may hinge on artificial intelligence capabilities, antitrust action aimed at America’s largest tech companies—and leading AI innovators—could affect the United States’ technological edge. But the effects of such action are highly uncertain. Will a less concentrated tech sector comprised of slightly smaller firms fuel innovation and create openings for a new generation of tech companies? Or will reductions to scale significantly hurt leading tech firms’ ability to leverage the traditional building blocks of AI innovation—like computing power and data—into breakthroughs? The answers to these questions aren’t clear cut but offer a way to begin thinking about how antitrust enforcement could impact artificial intelligence innovation and national security more broadly. Unlike some earlier national-security technologies, the commercial sector plays an outsize role in AI development. As a result, government access to both AI products and innovation hinges, in large part, on industry. While academia, private research labs, and AI start-ups offer important contributions to AI development, major American technology companies have traditionally led the field. Last year, Microsoft, Facebook, Amazon, Google, and Apple ranked among the ten largest recipients of U.S. artificial intelligence and machine learning (ML) patents. Changes to the composition of America’s tech sector might boost net AI innovation. From 2013-2018, 90 percent of successful Silicon Valley AI start-ups were purchased by leading tech companies. This is a potentially worrisome trend for AI innovation. After all, incumbent firms and emerging companies can have very different incentives. Entrenched tech giants may be more focused on maintaining market share than disrupting markets altogether. As Big Tech increasingly moves to acquire AI start-ups, individual firm dynamics also shift. Instead of “building for scale,” start-ups begin to “build for sale,” adopting a mentality that may be ill-suited for moonshot innovations. Would a company like DeepMind (now owned by Google parent-company Alphabet), for example, have developed AlphaGo—the ground-breaking computer program that became the first to beat a human player in Go—if the firm’s primary goal was to be acquired by a bigger player? Antitrust action could shift these incentives and spur competition, potentially opening the door for new AI innovations—and for a new wave of AI companies. With their smaller statures, some of these firms might focus on more niche AI applications, including defense-related products, as start-ups like Anduril and ShieldAI have done. Today’s tech giants have every financial incentive to cater to foreign markets and the average consumer, not to the U.S. federal government. Indeed, with its global user-base, it is hard to imagine Google tailoring its AI innovation decisions to U.S. defense needs. The same may not hold within an AI ecosystem where some companies built, for example, in the mold of Palantir (a data-analytics company with clear national-security applications) consider government their primary customer and subsequently concentrate on its demands. National-security agencies, from the Pentagon to the U.S. intelligence community, could stand to benefit from more targeted innovation—and from an industrial base better attuned to their needs. As Christian Brose points out, only a fraction of the U.S.’s billion-dollar tech “unicorns” have operated in the defense sector, leaving the U.S. military “shockingly behind the commercial world in many critical technologies.” As Silicon Valley’s largest companies consolidate AI talent and novel ideas through acquisitions, these companies gain an ever-larger say in the future of AI. This consolidation, which antitrust action could disrupt, may not favor innovation. But breaking up major tech firms also has potential pitfalls for AI innovation. With scale comes resources, and AI innovation is resource-intensive, requiring large quantities of data, diverse datastores, and vast computing power—known as “compute” in industry jargon. American tech giants’ huge revenues uniquely equip them to fund costly AI research. Google’s DeepMind, arguably the world’s leading AI-research organization, is billions of dollars in debt and lost over $500 million in 2018 alone. Google’s fortress-like balance sheet can easily absorb the costs associated with such cutting-edge research, but smaller firms likely cannot. The economics of compute offer a concrete example of this dynamic. The rapidly increasing volume of compute required for deep learning research, coupled with compute’s prohibitively expensive prices, creates significant barriers to entry and innovation for smaller AI firms. As Microsoft co-founder Paul Allen noted in 2019, the “exponentially higher” costs of compute may leave the U.S. with only “a handful of places where you can be on the cutting edge.” Even the most well-funded independent AI organizations rely on Big Tech’s compute resources. OpenAI’s billion-dollar compute partnership with Microsoft, reached after OpenAI spent millions renting compute from leading tech firms, offers one example. Changes to firms’ scale also may impact their access to data, another key resource required for AI innovation. Studies have linked the performance of deep learning models to the quantity of data fed into them. At present, tech giants have access to unprecedented volumes of data about their users. Google, for example, can harness data from Google Search, Maps, YouTube, Gmail, and other sources. If antitrust enforcement leads to divestment or broader break-ups, access to data may diminish, lessening innovation. Would reduced access to large, internal datastores hurt U.S. tech companies’ ability to innovate relative to China, whose biggest firms have largely evaded antitrust action? Big Tech executives, including Mark Zuckerberg, have argued that antitrust action could hinder U.S. competitiveness. Data access is a growing point of concern along these lines. The U.S. National Security Commission on AI has reportedly discussed the possibility of data pooling among allied countries to “offset” any data advantage held by China. However, it remains unclear just how central big data will be to the future of AI innovation (promising ML techniques like few-shot learning are not data intensive) and how well big companies can utilize their large datasets in the first place. National security and antitrust are rarely part of the same conversation. The realities of today’s AI ecosystem should challenge that dynamic. American AI innovation is concentrated in the private sector—particularly within its largest, most dominant firms. As these firms face antitrust scrutiny, policymakers and lawmakers alike need to consider the AI ecosystem that they will have a hand in creating. They will need to contemplate its competitiveness, its innovativeness, its responsiveness to defense and national-security needs, and its accessibility to government. Will its companies have the resources to access and acquire key inputs for AI innovation like compute and data? Will the sector’s composition encourage competition at every level? Or will it stifle new growth and engage in anti-innovative practices? American leadership in AI—a key national security technology—may hinge on an AI ecosystem shaped by antitrust action. It will be imperative that innovation considerations play a role in forging it.

#### China won’t win the race

Frey and Osborne, 20 (CARL BENEDIKT FREY is Oxford Martin Citi Fellow and Future of Work Director at the Oxford Martin School at Oxford University and the author of The Technology Trap: Capital, Labor, and Power in the Age of Automation, MICHAEL OSBORNE is Professor of Machine Learning at the University of Oxford, a Fellow at the Oxford Martin School, and Co-Founder of Mind Foundry, “China Won’t Win the Race for AI Dominance”, Foreign Affairs, June 19, 2020, https://www.foreignaffairs.com/articles/united-states/2020-06-19/china-wont-win-race-ai-dominance)//babcii

As scholars who study the applications and implications of artificial intelligence, we respectfully disagree. China, if anything, looks less likely to overtake the United States in artificial intelligence than Japan looked to dominate in computers in the 1980s. For while China is rich in data and has excelled in refining technology invented elsewhere, much impedes it from becoming the site of the next big breakthrough that artificial intelligence sorely needs. DATA ALONE ARE NOT ENOUGH China made international headlines by effectively leveraging its surveillance technology for contact tracing in response to COVID-19, the disease caused by the novel coronavirus. And yet the country’s alleged data advantage is hugely overblown. One reason is that data are highly domain specific and don’t often solve more than the problem for which they were gathered. China’s disregard for privacy enables it to snoop on its citizens, but not much else. And an abundance of surveillance data doesn’t give China an advantage in applying artificial intelligence to such ends as drug discovery or self-driving cars, for example. The puzzle of artificial intelligence lies not in the quantity of data to which its algorithms have access but in the efficiency with which it learns from that data. Even with huge amounts of data, artificial intelligence systems are easily tricked into making errors. The Google researcher Christian Szegedy and his collaborators [proved this point](https://www.nature.com/articles/d41586-019-03013-5) by fooling an algorithm that had once confidently and correctly classified images of dogs and school buses. The researchers manipulated the pixels of images in a manner that would have been completely undetectable to the human eye—but that led the algorithm to classify both dogs and school buses as ostriches. Artificial intelligence algorithms can often identify objects, but they lack any conceptual understanding of the relationships between those objects or of their respective properties. As the deep learning researcher Yoshua Bengio has [warned](https://books.google.com/books?id=65iEDwAAQBAJ&pg=PT62&lpg=PT62&dq=%22We+can%E2%80%99t+realistically+label+everything+in+the+world+and+meticulously+explain+every+last+detail+to+the+computer%22&source=bl&ots=bDk91gna75&sig=ACfU3U0SNS1VFf5a6hmE_2Q-YeFlmWjV_g&hl=en&sa=X&ved=2ahUKEwjpsbTV0PLpAhUNj3IEHUAtAJIQ6AEwAHoECAYQAQ#v=onepage&q=%22We%20can%E2%80%99t%20realistically%20label%20everything%20in%20the%20world%20and%20meticulously%20explain%20every%20last%20detail%20to%20the%20computer%22&f=false), “We can’t realistically label everything in the world and meticulously explain every last detail to the computer.” Artificial intelligence systems are easily tricked into making errors. Many think of China as “the Saudi Arabia of data.” But if data are the new oil, they might just be China’s natural resource curse. For example, in the early twentieth century, electric cars looked more promising than gasoline-powered cars. Huge oil discoveries, among other things, tipped the balance in favor of the internal combustion engine. A century later, we are trying to get back into electric cars. The current focus on data-thirsty AI applications could lead to a similar lock-in into the wrong sort of AI. We have seen this movie before. In the 1980s, the grand promises and overwhelming focus on symbolic AI prompted immense funding and media hype. This meant that funding for “deep learning” dried up. But deep learning has its own problems and has recently caused companies to focus on easy AI problems, such as classifying cats and dogs, where data are abundant. This approach alone is likely to run into diminishing returns that could even prompt another AI winter. Data efficiency is the holy grail of further progress in artificial intelligence. The reason most people associate the steam engine with James Watt and not Thomas Newcomen (who developed a coal-powered steam engine decades earlier) is that Watt’s separate condenser first made the technology energy efficient. Artificial intelligence is still waiting for its separate condenser moment. Indeed, to learn enough to win a game of Go against [Lee Sedol](https://www.nytimes.com/2019/08/01/opinion/peter-thiel-google.html), a champion of the strategic board game, DeepMind’s AlphaGo software first had to play many millions of games against itself. It learned to play far slower than any human. Humans are incredibly data efficient; recent breakthroughs in artificial intelligence are much less so. Whether the United States or China will lead the world in artificial intelligence depends far less on who controls the most data than on who will be the first to innovate past this impasse. EXPERIMENTATION DRIVES INNOVATION Those who warn of China’s inexorable advance in the field of artificial intelligence worry that because the technology is by nature centralizing, authoritarian governments are better able to encourage AI innovation than democratic ones—and that AI technology, in turn, will advantage authoritarian governments. The concern recalls a belief about electricity that held sway a century ago—and like that belief, today’s is also misplaced. In 1923, the pioneering electrical engineer Charles Steinmetz—whose work for the General Electric Company around the turn of the twentieth century made him [a celebrity](https://www.smithsonianmag.com/history/charles-proteus-steinmetz-the-wizard-of-schenectady-51912022/) of the time—[predicted](https://books.google.com/books?id=Ka8eAQAAIAAJ&pg=PA116&lpg=PA116&dq=charles+Steinmetz+electricity+collectivism&source=bl&ots=OWNEd5KOra&sig=ACfU3U32eUBKLQazyEAqq4JcwspEtwis6g&hl=en&sa=X&ved=2ahUKEwjrpazI0IjqAhWBQzABHXgUDXcQ6AEwEnoECAsQAQ#v=onepage&q=charles%20Steinmetz%20electricity%20collectivism&f=false) that electricity would give rise to a more collectivist society. Steinmetz argued, somewhat circularly, that the development of a national electrical grid would lead to socialism, because only a socialist system could effectively manage the new interdependencies that progress toward a national grid would require. The Rural Electrification Act of 1936 did indeed provide funds to rural cooperatives that had been neglected by major private power companies. But the real transition to electrical power came out of capitalist competition, in the form of experimentation on the factory floor. When engineers figured out how to equip every machine with its own electrical motor, rather than relying on one central power source, they could sequence the machines according to the natural flow of production—a breakthrough that gave rise to mass production. Decentralized experimentation and decision-making are critical to harnessing the benefits of AI. Decentralized experimentation and decision-making will likewise be critical if the world is to harness the benefits of artificial intelligence. China is at a disadvantage in this regard. The country’s recent surge in [patent filings](https://www.natlawreview.com/article/china-s-upsurge-patent-filings-continue-post-coronavirus-lockdown) is often cited as evidence of its innovativeness, but simply counting patents isn’t a good way to measure innovation: studies [show](https://link.springer.com/chapter/10.1007/978-1-4757-3750-9_13) that ten percent of patents account for roughly 90 percent of total patent value, meaning that the vast majority are of little value. Patent citations offer a more useful indicator, and if we look at the 100 most cited patents since 2003, not a single one comes from China. Moreover, China’s leading artificial intelligence companies, including Tencent, Alibaba, and Baidu, are merely copies of Facebook, Amazon, and Google, tailored to the Chinese market. As the late economic historian Alexander Gerschenkron observed, when a country lags behind the technological frontier, imitation and the adoption of foreign technology can take it a long way—and, in general, the further a country has fallen behind, the greater the role the state must play in driving industrial catch-up. Thanks to state investment in mass production technology, the Soviet Union grew rapidly during much of the Cold War, as did Japan, South Korea, and Taiwan. Indeed, numerous scholars have attributed the “Asian Miracle” to state-driven industrial catch-up. But while they were successful in closing some of the gap, these countries never managed to overtake the United States. Unlike imitation, which can be planned and coordinated, innovation is a voyage of exploration into the unknown, to paraphrase the economist and philosopher Friedrich von Hayek. And switching from imitation to innovation is hard: if it were easy, most countries would be innovating at the technological frontier. By observing that China is unlikely to overtake the United States in technological innovation, we mean in no way to downplay China’s tremendous economic achievements since Deng Xiaoping came to power in 1978. China has plenty of talent, but the fact remains that, so far, Chinese innovation has mainly focused on incrementally improving technologies that were conceived elsewhere. Chinese companies currently lead the world in the [development of 5G](https://www.wsj.com/articles/in-the-race-to-dominate-5g-china-has-an-edge-11567828888), for example, but their work builds on several previous generations of telecommunications technology. What Huawei demonstrates is that China has significant engineering capabilities, just like Japan and indeed the Soviet Union. DYNAMISM VERSUS STABILITY Artificial intelligence is not yet a mature technology, and continued progress will require radical innovation on multiple fronts. Breakthroughs will happen the way they usually do: through serendipity and recombination, as inventors and entrepreneurs interact and exchange ideas. China’s strong state and collectivist structure have significant advantages in swiftly building infrastructure or mounting a coherent response to a pandemic. But radical innovation is a different matter, and historically, the most innovative societies have always been those that allowed people to pursue controversial ideas. As the eminent economic historian Joel Mokyr has argued, that is why the Industrial Revolution happened in the West rather than in China in the first place. China’s efforts to restrict the flow of ideas on the Internet and elsewhere are likely to hold back innovation. Since [September 2019](http://prod-upp-image-read.ft.com/ec34d7aa-70e6-11ea-95fe-fcd274e920ca), China and Huawei have been proposing [radical changes](https://www.ft.com/content/c78be2cf-a1a1-40b1-8ab7-904d7095e0f2) to the Internet infrastructure that underpins networks worldwide. If implemented, the changes would likely splinter the Internet and further reduce Chinese citizens’ exposure to new ideas from outside the country. The initiative underlines Beijing’s preference for maintaining the political status quo, even if that means slower innovation and less dynamism.

#### We have already lost our military edge to China

Ryan Pickrell, 03-08-2019 – Reporter for Business Insider citing a series of war games conducted by top military experts in the U.S government and the RAND institute. ["The US has been getting 'its ass handed to it' in simulated war games against Russia and China, analysts say," Accessible Online at: https://taskandpurpose.com/russia-china-war-games]

\*Edited for ableist language.

In war games simulating a high-end fight against Russia or China, the U.S. often loses, two experienced military war-gamers have revealed. "In our games, when we fight Russia and China, 'blue' gets its ass handed to it," David Ochmanek, a RAND warfare analyst, explained at the Center for a New American Security on Thursday, Breaking Defense first reported. U.S. forces are typically color-coded blue in these simulations. "We lose a lot of people. We lose a lot of equipment. We usually fail to achieve our objective of preventing aggression by the adversary," he said. U.S. stealth fighters die on the runway At the outset of these conflicts, all five battlefield domains — land, sea, air, space, and cyberspace — are contested, meaning the U.S. could struggle to achieve the superiority it has enjoyed in the past. In these simulated fights, the "red" aggressor force often obliterates U.S. stealth fighters on the runway, sends U.S. warships to the depths, destroys U.S. bases, and takes out critical U.S. military systems. "In every case I know of, the F-35 rules the sky when it's in the sky," Robert Work, a former deputy secretary of defense and an experienced war-gamer, said Thursday. "But it gets killed on the ground in large numbers." Neither China nor Russia has developed a fifth-generation fighter as capable as the F-35, but even the best aircraft have to land. That leaves them vulnerable to attack. U.S. warships are wiped off the board "Things that sail on the surface of the sea are going to have a hard time," Ochmanek said. Aircraft carriers, traditional beacons of American military might, are becoming increasingly vulnerable. They may be hard to kill, but they are significantly less difficult to take out of the fight. Naval experts estimate that US aircraft carriers now need to operate at least 1,000 nautical miles from the Chinese mainland to keep out of range of China's anti-ship missiles, according to USNI News. U.S. bases burn "If we went to war in Europe, there would be one Patriot battery moving, and it would go to Ramstein [in Germany]. And that's it," Work explained, according to Breaking Defense. "We have 58 Brigade Combat Teams, but we don't have anything to protect our bases. So what difference does it make?" Simply put, the U.S. military bases scattered across Europe and the Pacific don't have the anti-air and missile-defense capabilities required to handle the overwhelming volume of fire they would face in a high-end conflict. U.S. networks and systems crumble In a conflict against a near-peer threat, U.S. communications satellites, command-and-control systems, and wireless networks would be ~~crippled~~ [destroyed]. "The brain and the nervous system that connects all of these pieces is suppressed, if not shattered," Ochmanek said of this scenario. Work said the Chinese call this type of attack "system destruction warfare." The Chinese would "attack the American battle network at all levels, relentlessly, and they practice it all the time," Work said. "On our side, whenever we have an exercise, when the red force really destroys our command and control, we stop the exercise and say, 'let's restart.'" A sobering assessment "These are the things that the war games show over and over and over, so we need a new American way of war without question," Work stressed. Ochmanek and Work have both seen U.S. war games play out undesirably, and their damning observations reflect the findings of an assessment done from last fall. "If the United States had to fight Russia in a Baltic contingency or China in a war over Taiwan, Americans could face a decisive military defeat," the National Defense Strategy Commission — a bipartisan panel of experts picked by Congress to evaluate the National Defense Strategy — said in a November report. The report called attention to the erosion of the U.S.'s military edge by rival powers, namely Russia and China, which have developed a "suite of advanced capabilities heretofore possessed only by the United States." The commission concluded the U.S. is "at greater risk than at any time in decades."

#### US-China war won’t escalate

Gombert et al 16 – \*Distinguished Visiting Professor for National Security Studies at the United States Naval Academy and former Principal Deputy Director of National Intelligence. He holds a Bachelor of Science degree in Engineering from the U.S. Naval Academy and a Master of Public Affairs degree from the Woodrow Wilson School, Princeton University. \*\*M.A. in China studies from the Johns Hopkins School of Advanced International Studies (SAIS) and a graduate certificate from the Hopkins-Nanjing Center for Chinese and American Studies. [Gompert\*, David C., Astrid Cevallos and Cristina L. Garafola\*\*, RAND, War with China: Thinking Through the Unthinkable, <http://www.rand.org/pubs/research_reports/RR1140.html#download>, accessed 10/14/16, ge/kmc]

We postulate that a war would be regional and conventional. It would be waged mainly by ships on and beneath the sea, by aircraft and missiles of many sorts, and in space (against satellites) and cyberspace (against computer systems). We assume that fighting would start and remain in East Asia, where potential Sino-U.S. flash points and nearly all Chinese forces are located. Each side’s increasingly far-flung disposition of forces and growing ability to track and attack opposing forces could turn much of the Western Pacific into a “war zone,” with grave economic consequences. It is unlikely that nuclear weapons would be used: Even in an intensely violent conventional conflict, neither side would regard its losses as so serious, its prospects so dire, or the stakes so vital that it would run the risk of devastating nuclear retaliation by using nuclear weapons first. We also assume that China would not attack the U.S. homeland, except via cyberspace, given its minimal capability to do so with conventional weapons. In contrast, U.S. nonnuclear attacks against military targets in China could be extensive. The time frame studied is 2015 to 2025. The need to think through war with China is made all the more important by developments in military capabilities. Sensors, weapon guidance, digital networking, and other information technologies used to target opposing forces have advanced to the point where both U.S. and Chinese military forces seriously threaten each other. This creates the means as well as the incentive to strike enemy forces before they strike one’s own. In turn, this creates a bias toward sharp, reciprocal strikes from the outset of a war, yet with neither side able to gain control and both having ample capacity to keep fighting, even as military losses and economic costs mount. A Sino-U.S. conflict is unlikely to involve large land combat. Moreover, the unprecedented ability of U.S. and Chinese forces to target and destroy each other—conventional counterforce—could greatly deplete military capabilities in a matter of months. After that, the sides could replenish and improve their forces in an industrial technological-demographic mobilization contest, the outcome of which depends on too many factors to speculate, except to say that costs would continue to climb. ‘

### 1NC --- Democracy --- F/L

**The aff destroys democracy --- The CW standard prevents polarization and corruption and upholds rule of law and due process**

**Delrahim, 18** (Makan Delrahim, Assistant Attorney General of the Antitrust Division of the U.S. Department of Justice, 6-28-2018, accessed on 6-6-2021, Justice, "Stand By Me: The Consumer Welfare Standard and the First Amendment", https://www.justice.gov/opa/speech/file/1071011/download)//babcii

II. The Risks to Democracy of Abandoning the Consumer Welfare Standard The first point is that there are serious risks to democracy in abandoning the consumer welfare standard. I heard the FCC Chairman, a few months ago, state that he and the FCC stand by the First Amendment. That is generous of him…! I can assure you that at the Justice Department, we stand by the entire Bill of Rights! The values enshrined in the Constitution and Bill of Rights are the foundation of our democracy. I was born in Iran, and emigrated with my parents to escape the persecution of religious minorities and independent thought. I know from real experience the value of a government that believes in and practices those rights we cherish in the First Amendment. It’s important, and we shouldn’t take it for granted The problem with incorporating these values into antitrust enforcement decisions is the risks that doing so would be counterproductive. It’s the issue Justice Brandeis explained in his famous Olmstead dissent: Experience should teach us to be most on our guard to protect liberty when the government's purposes are beneficent. …. The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding.8 That admonition, in fact, is inscribed on the floor of the U.S. Capitol. The message for enforcers is that in the zealous pursuit of justice through prosecution, we risk prosecuting unjustly. That risk in antitrust enforcement is significant. Enforcement decisions targeting democratic ends would invite a self-defeating exercise of prosecutorial subjectivity. Republican and Democrat prosecutors, or those of any party or political orientation, carry with them their own perceptions of what is good and bad for our democracy and for society at large. The Constitution insists they set those views aside in exercising their prosecutorial discretion, not embrace them as rules of decision. As the Supreme Court explained in its 1963 Philadelphia National Bank decision, antitrust enforcers aren’t tasked with some “ultimate reckoning of social or economic debits and credits,”9 but rather Congress has focused us on preserving our competitive economy. By giving us focus, the consumer welfare standard reduces the risk of what Brandeis called “dangers to liberty” from well-meaning enforcers. Nor is that a small risk or merely a theoretical proposition. For example, when we were preparing our complaint in the AT&T/Time Warner case, we received a curious request from a state antitrust enforcer. They told us they would only join our case if we provided written assurances that no divestiture would go to Fox or to Rupert Murdoch. They actually wanted to direct the divestiture based on the viewpoint of the buyer, not on what benefits competition or consumers, as defined by the consumer welfare standard. We, of course, rejected the request, because it would have been unconstitutional to accede to it. The irony in that case is rich. The career staff put together a straightforward consumer welfare analysis that showed that merger would unlawfully raise prices for cable TV subscribers and harm online innovation. That consumer welfare story was then presented at trial, including with supporting economic analysis by a distinguished economist. The harms of that transaction, following a consumer welfare rubric, were simply too great to accept, or try to fix with ineffective behavioral remedies. The famous newscaster David Brinkley said that “a successful man is one who can lay a firm foundation with the bricks others have thrown at him.” Take a look at the bricks that have been thrown by some recent merging parties and think about the implications of a world where judgments about expression comprise part of the antitrust analysis. If we actually did open up antitrust analysis to considerations of what is good or bad for democracy or free speech, we would invite these attacks in case after case and lend them credibility. Without question, antitrust enforcement does not benefit from the allegations that would flow from abandoning the consumer welfare standard. Open Markets’ own issue papers underscore this concern. On the Institute’s website is a feature titled “Democracy & Monopoly” that purports to explain how more vigorous enforcement could support our democracy.10 After a brief historical overview, it points out the perceived problem with under-enforcement: it says that “Charles and David Koch provide a stark example.” The essay then describes over several paragraphs ten different political positions the Koch brothers have supported. It doesn’t say what anticompetitive conduct their companies have engaged in, or how they have impacted the competitive process, but it does point out that they’ve contributed to people “teaching Ayn Rand” and “funding [] Tea Party organizations.”11 Is that really where we want antitrust enforcement to go? Whether it’s the Kochs or George Soros or anyone else, political positions should have no role in determining the propriety of antitrust enforcement actions. If we take antitrust down the path of considering who is funding Ayn Rand lectures, or the Clinton Foundation for that matter, we will have taken a dramatically wrong turn, in my view. Elyse Dorsey and her co-authors express a related concern in a recent paper.12 As they describe, the consumer welfare standard has helped to inoculate antitrust enforcement from the kind of rent-seeking and lobbying behavior all too common in government agencies. Abandoning consumer welfare and opening the door to broader arguments would, ironically, make antitrust agencies more open to the exercise of corporate influence and capture. The consumer welfare standard also provides a principled basis for decision and discussion necessary to the rule of law. D.C. Circuit Judge Doug Ginsburg and Taylor Owings, who now serves as one of my Counsels in our Front Office, recently described the necessity of due process protections in antitrust enforcement, like transparency and the right to confront evidence.13 These core values would be difficult to achieve in antitrust enforcement absent a consistent and definable standard such as the focus on consumer welfare provides. Let me summarize the issue as Alexander Hamilton did, as a question of self-control. He said the “great difficulty” in framing a government is that “you must first enable the government to control the governed; and in the next place, oblige it to control itself.”14 The consumer welfare standard, along with judicial review and Congressional oversight, provides a means to control the tremendous power granted to antitrust enforcers. All of that’s to say that there could be real risks to core democratic values from abandoning the consumer welfare standard in pursuit of broader societal and democratic goals.

#### Other nations don’t model US democracy

Yogendra Yadav, 11/4/2020 (national president of Swaraj India, “Why the US is a model of how not to be a democracy,” <https://theprint.in/opinion/why-the-us-is-a-model-of-how-not-to-be-a-democracy/536768/>, Retrieved 8/4/2021)

Democrats all over the world wait anxiously for the much-deserved departure of Donald Trump. It could be a long wait and could well extend to another four years. At the time of this article being published, the vote count appears to be leaning towards Trump. Yet, those who care for democracy, must be grateful to Trump for something. He has singlehandedly demolished one of the biggest myths of our time: the myth of the greatness of American democracy, the idea that the US was as an exemplar of democracy, a model for others to emulate. This may be a painful realisation for many. In the last instance, this is good news for Democrats. Now, Trump should not get all the credit for demolishing the American model. He simply ensured that the whole world woke up to some of the most poorly kept secrets of American politics. Above all, he left no room to doubt that, like everywhere else, some of the top leaders in this great democracy were intellectually and morally challenged. That someone like him could bully his way to the White House and, perhaps, retain it for another term reveals something very disturbing about the American public. His mishandling of the coronavirus pandemic blurred the imaginary distinction between the first and the third world. His appointment to the Supreme Court, just before the elections, threw light on what a scandal apex judicial appointments in the US are. His not-so-hidden support for White supremacists in the face of the #BlackLivesMatter movement exposed the underbelly of racial divisions in the US. Finally, the global attention he brought to the presidential election 2020 has served to expose the shoddy electoral system in the US. Clearly, the US could learn a thing or two from India on how to conduct elections and carry out a quick and clean count of votes. In sum: Thanks to Donald Trump, the world learnt that the US is just one of the democracies in the world. It has its strengths and its weaknesses. It needs to learn from other democracies before it preaches the same to the rest of the world. No matter who emerges victor, the process and the outcome of the current election is bound to reinforce this lesson. Not a model I learnt this lesson much earlier, thanks to my friend-cum-co-author-cum-teacher, the late Alfred Stepan. A great scholar of comparative politics, Professor Stepan (and the late Juan J. Linz) could talk about intricacies of authoritarian regimes in South America, the Catalan issue in Spain or the Russian minority in Ukraine with as much ease as he would discuss the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka or the Burmese transition to democracy. He was passionate about India (an M.F. Husain in his drawing room reminded everyone of his India connect) and curious to understand every single detail of Indian politics. (He travelled to Mizoram to understand how the state returned to normalcy after 1987). I learnt a lot from him and Professor Linz while co-writing a book, Crafting State-Nations. VDO.AI Towards the end of his life, Professor Stepan started reflecting on his own country, the United States, by placing it in a comparative perspective. He was no Left-wing critic of American capitalism. He was quintessentially American and passionately liberal-democrat. His conclusion, much before Trump was anywhere on the scene, was unambiguous: if the world is to democratise, the US is not a model to emulate. I was an easy convert to this view, as I have always suspected moral claims from the global North. But I have found this a tough lesson to take across in a world obsessed with the US of A. Trump made my job easier. Today may be the right day to mention four key reasons why the US is not a model for a democracy. The first two are related to institutional design and the other two are about the nature of politics. Flawed systems The first is the famed but deeply flawed “presidential” system of the US. It is well known that the US-style presidential system institutes regular conflict between the legislature and the executive, leading to routine deadlocks. Alfred Stepan theorised it differently: the real problem with the presidential system of government is that it makes power indivisible and coalition making that much more difficult. This comes in the way of the power-sharing so necessary for the accommodation of diversities. Also, the American system leads to several veto points. Stepan demonstrated brilliantly that the greater the number of veto points in a political system, the higher the inequality in that society. He never failed to remind us that among the long-standing democracies, the US was the most unequal country. That is why any attempts to replicate the US-style presidential model, whether in South America or in the ex-USSR countries, has mostly been a disaster. The second element of the US model is its unique federalism. In the US, every power is assumed to be with the state, unless specifically given to the centre. You can see this even in how they conduct national elections. Each state has its own rules of who can vote, under what procedure, when and how. Not just that, each state has its own timetable of when they would count results, whether votes received after today would be accepted and what would be the deadline for completing the count. The states zealously guard these rights in a society that is otherwise increasingly homogeneous. This was held out to a “pure” model of federalism. Stepan reminded us that this was by no means a model, that it was a feature of a certain kind of “coming together” federalisms and need not be replicated by countries where various units were already together before they adopted federalism. The US is a textbook example of what political scientists call “symmetrical” federalism. Every federal unit has exactly the same powers. Every state, tiny or gigantic, has two seats in the US Senate. And the Senate is more powerful than the House of Representatives that reflects the population strengths of various states. Stepan pointed out that accommodation of deep diversities requires special situations to be recognised and given special treatment. Therefore, “asymmetrical” federalism of the kind we have in Canada and India is more suited for living with deep diversities. Here, too, the US is not a good model. Trump adds to the list Trump has added two more reasons to the list of why the US is not a model for democracies. One, Trump’s presidency has exposed how hollow the American two-party system is. Both the major parties are devoid of ideological orientation or organisational depth. Far from providing a choice, the two-party system is a model of choicelessness. Even if Biden were to win this election, he would be a paler copy of Trump, minus the vitriolic. Two, the last four years have proven how fickle, gullible and manipulable the American public opinion is. Alex de Tocqueville had noticed it more than two hundred years ago. Trump proved that the onset of mass media and social media has made it worse. Whether he wins or not, he has shown that you can get away with lies, hatred and bigotry. Worse, he has shown that you can do so in the face of the most powerful media in the world that repeatedly called him out. Clearly, free speech offers little assurance that truth shall prevail. The US is not the first place in the world to offer this sombre lesson. India is among the long list of countries to offer similar lessons. The world awaits a new theory of democracy. Meanwhile, we can begin by celebrating the demolition of the US-led model of democracy. Not just because the dismantling of any hegemon brings vicarious pleasure. But because this realisation sets us on the right path. There is no model of democracy. There is no golden route to the finished product called democracy.

#### Media AND democracy are resilient

Shattuck et al. 18 [John Shattuck---Professor of Practice in Diplomacy, Fletcher School of Law and Diplomacy, Tufts University; Senior Fellow, Carr Center for Human Rights Policy,Harvard Kennedy School; and Visiting Scholar (Spring 2018), Institute of International Studies, University of California Berkeley; Amanda Watson & Matthew McDole---Masters in Public Policy Candidate, Harvard Kennedy School, February 18, 2018, Care Center for Human Rights Policy, Trump’s First Year: How Resilient is Liberal Democracy in the US?, <https://carrcenter.hks.harvard.edu/files/cchr/files/democratic_resilience_2_16_2018_shattuck_final.pdf>, accessed 6/28/18]

Conclusion What lessons can be drawn from the first year of the Trump administration about the potential for resilience of institutions and elements of liberal democracy in the US? Long before the election of Donald Trump, liberal democratic institutions were in trouble and vulnerable to attack. For more than a decade there has been growing democratic discontent and a steady deterioration of public support for the US system of democratic governance.294 Political polarization and differing partisan perceptions of government performance are the main contributors to this trend. The electoral process has been weakened by the influence of unregulated campaign spending and an increase in state-level voting restrictions and legislative gerrymandering. The Congress has been in a prolonged period of polarization and gridlock. The institutions and elements of liberal democracy have come under attack from anti-establishment populist politics. The result has been a weakening of public belief in the ability of the courts, the Congress and the Constitution to be effective in checking and resisting abuses of power by the executive,295 and a “drop in the percentage of people who agree that the US fully or mostly lives up to democratic standards.” 296 President Trump has exacerbated and accelerated the degradation of liberal democratic institutions. By repeatedly lying and manipulating factual reality, he has promoted the view that there is no objective truth. By attacking, denigrating and insulting opponents, he has degraded public discussion of issues and politicized the public perception of institutions that have normally been perceived as nonpartisan guardrails of democracy. The federal courts, the media, law enforcement agencies and the federal civil service have all been attacked by the President as partisan when they have resisted his agenda. The President’s attack on the FBI in connection with its ongoing Russia investigation into potential collusion and obstruction of justice is a case study of how Trump has sought to benefit from politicizing nonpartisan institutions and thereby undermining democratic norms and the rule of law. An academic commentator observes that “polarization by party identity is so powerful at the moment that most voters see the world through thick red and blue lenses.”297 In the case of the FBI, the President’s attacks have been aimed at altering the public’s perception of an agency previously held in high regard as professional and nonpartisan.298 Notwithstanding these presidential attacks, some of the institutions studied in this report have demonstrated varying degrees of potential for resilience. Those that have been most resistant, like civil society, are strong and innately capable of defense, while others, such as the electoral process, have been weakened by partisan manipulation and are unlikely to prove resilient unless reformed. The greatest resilience has been demonstrated by the strongest institutions, civil society and state and local government, and the greatest vulnerability by the weakest, the electoral process and norms of presidential conduct. Several institutions vulnerable to presidential attack, such as the media, have shown significant levels of resistance, while others with inherent institutional strengths, such as the Congress, have exhibited little to none. What makes some liberal democratic institutions strong and others weak? The history of American political culture has shaped a strong and diverse civil society with a tradition of political activism often in opposition to government. Alexis de Tocqueville pointed out two centuries ago that Americans make up for their skepticism about government with their commitment to civic engagement. Political culture in the US has created a system of state and local government which, under constitutional federalism, shares governing responsibility with the federal government and serves to check and balance federal power, sometimes constructively, as over the past year, and sometimes destructively, as during the post-reconstruction period and the civil rights revolution. By the same token, American political culture has created a weak electoral process, plagued by historical anomalies such as the Electoral College, multiple state and local jurisdictions, unregulated campaign funding, legislative gerrymandering and state restrictions on voting. Presidential norms are weak because they are not written into law and are no match for a president who overrides them. The Congress has been badly weakened by political polarization, despite its express constitutional powers. The most surprising resistance to presidential attack during the first year of the Trump presidency has come from four institutions with significant political vulnerabilities that make them ready targets for an anti-democratic president – the media, the federal judiciary, law enforcement and the federal civil service. The mainstream media in the US have the protection of the First Amendment, but little else to defend them in a digital world in which facts and truth are manipulated and undermined, propaganda is everywhere and public support for accurate reporting is difficult to sustain. Nevertheless, the media have stood up to the President’s “fake news” attacks, expanding investigative reporting, boosting subscriptions and even reflecting a slight increase in public trust.

#### No order impact.

Ikenberry 18 G. John Ikenberry, International Relations Professor at Princeton. [Why the Liberal World Order Will Survive, Roundtable: Rising Powers and the International Order, Ethics & Affairs, 32(1), p. 17–29]//BPS

Self-Reinforcing Characteristics of Liberal International Order The United States has dominated the post-war international order. It is an order built on asymmetries of power; it is hierarchical. But it is not an imperial system. It is a complex and multilayered political formation with liberal characteristics— openness and rules-based principles—that generate incentives and opportunities for other states to join and operate within it. Four characteristics reinforce and draw states into the order. First, it has integrative tendencies. Over the last century states with diverse characteristics have found pathways into its “ecosystem” of rules and institutions. Germany and Japan found roles and positions of authority in the post-war order; and after the cold war many more states—in Eastern Europe, Asia, and elsewhere—have joined its economic and security partnerships. It is the multilateral logic of the order that makes it relatively easy for states to join and rise up within the order. Second, the liberal order offers opportunities for leadership and shared authority. One state does not “rule” the system. The system is built around institutions, and this provides opportunities for shifting and expanding coalitions of states to share leadership. Formal institutions, such as the IMF and World Bank, are led by boards of directors and weighted voting. Informal groups, such as the G-7 and G-20, are built on principles of collective governance. Third, the actual economic gains from participation within the liberal order are widely shared. In colonial and informal imperial systems, the gains from trade and investment are disproportionately enjoyed by the lead state. In the existing order, the “profits of modernity” are distributed across the system. Indeed, China’s great economic ascent was only possible because the liberal international order rewarded its pursuit of openness and trade-oriented growth. For the same reason, states in all regions of the world have made systematic efforts to integrate into the system. Finally, the liberal international order accommodates a diversity of models and strategies of growth and development. In recent decades the Anglo-American model of neoliberalism has been particularly salient. But the post-war system also provides space for other capitalist models, such as those associated with European social democracy and East Asian developmental statism. The global capitalist system might generate some pressures for convergence, but it also provides space for the coexistence of alternative models and ideologies. These aspects of the liberal international order create incentives and opportunities for states to integrate into its core economic and political realms. The order allows states to share in its economic spoils. Its pluralistic character creates possibilities for states to “work the system”—to join in, negotiate, and maneuver in ways that advance their interests. This, in turn, creates an order with expanding constituencies that have a stake in its continuation. Compared to imperial and colonial orders of the past, the existing order is easy to join and hard to overturn.

# 2NC

## T --- BTPS

### 2NC --- O/V

#### AND Substantial also means all --- Oxford and blacks law agree

Lorne Slotnick 15, Chair of the Arbitration Board, Labour Arbitration Awards has issued the following decision: IN THE MATTER OF AN ARBITRATION BETWEEN: St. Joseph’s Healthcare Hamilton -and- Canadian Union of Public Employees Local 786, Labour Arbitration Awards: St. Joseph’s Healthcare Hamilton v Canadian Union of Public Employees, Local 786, 2015 CanLII 18978 (ON LA), 2015

The union points to the definition of “similar” in the online Oxford English Dictionary as “having a marked resemblance or likeness; of a like nature or kind,” and in Black’s Law Dictionary as “nearly corresponding; resembling in many respects; somewhat like; having a general likeness, although allowing for some degree of difference.” In addition, “substantially” is defined in the Oxford English Dictionary as “in all essential characters or features; in essentials, to all intents and purposes, in the main,” and in Black’s [Law Dictionary] as “essentially; without material qualification; in the main; in substance; materially; in a substantial manner.” The fact that the collective agreement uses both words together must mean that the two shift rotations have to be essentially corresponding or resembling each other in all essential respects for the conditions to be met, the union argues.

### 2NC --- Limits / AT: Overlimiting

#### 158 sub industries

Dodonov, 20 (Vitalii Dodonov, Product owner @ Vhinny, 5-16-2020, accessed on 9-2-2021, Towards Data Science, "How Many Industries are There? - Towards Data Science", https://towardsdatascience.com/how-many-industries-are-there-74890132581b)

Sector vs. Industry Unlike conventional misconception, what many people call “an industry” is in fact called “a sector”. There are 11 sectors based on the Global Industry Classification Standard (GICS): Energy Materials Industrials Consumer Discretionary Consumer Staples Health Care Financials Information Technology Communication Services Utilities Real Estate These sectors are broken down further into 24 industry groups, 69 industries and 158 sub-industries.

#### 27 million private firms

Biery, 13 (Mary Ellen Biery, research specialist at Sageworks, a financial information company, 5-26-2013, accessed on 9-2-2021, Forbes, "4 Things You Don't Know About Private Companies", <https://www.forbes.com/sites/sageworks/2013/05/26/4-things-you-dont-know-about-private-companies/?sh=371cab55291a)//babcii>

Here are four things you might not know about private companies:

Private firms dominate. Out of the 27 million firms in the U.S., nearly all are privately held. Even among the 5.7 million firms with employees, less than 1 percent of them have shares listed on a U.S. exchange. And private firms are a growing majority of U.S. firms. The number of companies listed on U.S. exchanges has fallen from more than 7,000 in 2000 to fewer than 5,000 in 2012, according to statistics from the World Federation of Exchanges.

## Courts

### 2NC --- AT: PDCP

#### The perm is severance –

#### Resolved means legislative

Lousiana House of Representatives 5 (<http://house.louisiana.gov/house-glossary.htm>)

Resolution A legislative instrument that generally is used for making declarations, stating policies, and making decisions where some other form is not required. A bill includes the constitutionally required enacting clause; a resolution uses the term "resolved". Not subject to a time limit for introduction nor to governor's veto. ( Const. Art. III, §17(B) and House  Rules 8.11 , 13.1 , 6.8 , and 7.4)

#### Courts cannot create “antitrust law” and cannot “increase prohibitions”

Kalbfleisch 61 – Kalbfleisch, District Court judge. [Paul M. Harrod Co. v. A. B. Dick Co., 194 F. Supp. 502 (N.D. Ohio 1961)]//babcii

Defendant asserts that the term ‘antitrust laws,’ as used in the above section and as defined in 15 U.S.C.A. § 12, does not include a judgment or decree entered in connection with an antitrust case filed by the Government. Plaintiff, on the other hand, asserts that ‘the violation of the earlier decree of this court in itself gives rise to an independent cause of action under Section 4 of the Clayton Act.’ 15 U.S.C.A. § 15. Plaintiff's Brief, p. 7. Plaintiff concedes that ‘as far as he has been able to ascertain, this contention raises issues which have never before been decided by any appellate court.’ Plaintiff's Brief, p. 5. In Nashville Milk Co. v. Carnation Co., 1958, 355 U.S. 373, 78 S.Ct. 352, 2 L.Ed.2d 340, the Supreme Court held that the Robinson-Patman Act, 15 U.S.C.A. §§ 13-13b, 21a, was not included among the ‘antitrust laws' defined in Section 1 of the Clayton Act (15 U.S.C.A. § 12) and that ‘the definition contained in § 1 of the Clayton Act is exclusive.’ Id., 355 U.S. at page 376, 78 S.Ct. at page 354. The definition of ‘antitrust laws' in 15 U.S.C.A. § 12, clearly embraces only the statutes described therein. Even without such a definition the term ‘antitrust laws' could not be construed as pertaining to a judgment or decree entered by a court in connection with an antitrust case filed by the Government. Such decrees do not necessarily reflect the prohibitions of the antitrust laws but may, by their terms, seek to dissipate the effects of the past conduct of the parties and, to this end, frequently enjoin performance of acts lawful in themselves. To permit a private party to recover damages for violation of any provision of such a decree is so obviously beyond the scope of the term ‘antitrust laws,’ as used in the statute, as to require no further discussion. Defendant's motion to dismiss that part of the complaint based on alleged violations of the 1948 consent decree in United States v. A.B. Dick Company will be sustained.

#### It’s a PIC out of the House.

Miller ‘86 [Arthur, Distinguished Visiting Professor of Law – Emory University. Summer 1986. “Congress, the Constitution, and First Use of Nuclear Weapons.” Review of Politics. Vol. 48, No. 3. ]

Three other points merit mention in this discussion of collective decision-making. First, both the formal and the secret constitutions allocate power over foreign relations and defense to the central government, to, that is, the United States of America visualized as a single entity. What, however, is "the" United States? The question has never been definitively answered; and indeed has seldom been asked in judicial opinion or scholarly discourse.42 Asked another way, the question is this: Where does sovereignty lie in the American polity? The formal constitution is supposedly based on popular sovereignty, with ultimate power resting in the people. That, however, is far from accurate. Proof positive that sovereignty lies in the "state" came when General Robert E. Lee surrendered at Appomattox: "the people" of the South were not to be permitted to exercise their "sovereignty." The powers of the national government are supposedly only those delegated to it, either expressly or impliedly. But that is scarcely accurate, as 200 years of constitutional development attest. The Framers of the formal constitution established a governmental system that, as Justice Robert Jackson commented, would ensure that the dispersed powers of the federal government would be integrated into a workable government. "Separateness but interdependence, autonomy but reciprocity" was the constitutional command.43 The meaning is unmistakable: "the" United States is a single metaphysical entity, encompassing state, society, and government in one artificial being. These terms are not synonymous. The state is the fundamental entity; government its apparatus; and society is composed of the individuals and groups governed. Much like the business corporation, the state-"the" United States-is an artificial construct, more a method than a thing. It exists in constitutional theory-in, for example, the state secrets privilege in litigation-even though judges and commentators alike often confuse the term with government and with society. A legal fiction that by itself can do no act, speak no work, and think no thought, the state (like the corporation) has "no anatomical parts to be kicked or consigned to the calaboose; no soul for whose salvation the parson may struggle; no body to be roasted in hell or purged for celestial enjoyment." 44 Despite loose language to the contrary from executive branch lawyers and even the Supreme Court, "the" state or "the" government-or "the" United States-is not to be equated with the executive branch. Nor with any one branch, for that matter; each branch is part of an indivisible whole.

#### And less than “the,” which denotes a holistic function.

Webster’s ND [Merriam Webster’s Online Dictionary, https://www.merriam-webster.com/dictionary/the]

4 -- used as a function word before a noun or a substantivized adjective to indicate reference to a group as a whole

### 2NC --- Tech/authority

#### Courts have broad authority

Popofsky 14 (Mark S. Popofsky – law lecturer at Harvard and prof @ Georgetown teaching classes on anti-trust law – works in private practice for antitrust law and Douglas Hallward-Driemeir – works with him in private practice – argued in front of the supreme court 17 times, specializes in antitrust law summer 2014 “Antitrust and the Roberts Court” Antitrust, Vol. 28, No. 3, Summer 2014. American Bar Association https://www.ropesgray.com/-/media/Files/articles/2014/July/Summer14-PopofskyC.pdf?la=en&hash=3B6CDB12F8F459A9EFCEEB08BC76A4E4C79E5008 accessed: 8-12-21)//bp

ALTHOUGH THE SUPREME COURT’S overall caseload has shrunk under Chief Justice Roberts, 1 the Court’s antitrust docket strikingly has tripled. Since 2005, when Chief Justice Roberts succeeded William Rehnquist, the Court has taken 14 antitrust cases, compared to just five decided by the Rehnquist Court between 1993 and 2003. 2 The Supreme Court’s renewed interest in antitrust law is welcome. Numerous important issues in the antitrust field remain unsettled. The common-law nature of American antitrust law, moreover, benefits from greater Supreme Court guidance. Some view competition law in general, and antitrust law in particular, as chiefly a form of administrative regulation— a field governed by rules and decisions formulated by the antitrust enforcement agencies. 3 Competition law, it is sometimes decried, merely involves predicting the positions regulators will take. The structure of competition law enforcement overseas—typically an agency model with limited judicial review—and the prominence of agency-driven merger enforcement domestically reinforce this perception. But the depiction of U.S. antitrust law as primarily a matter of administrative regulation is fundamentally wrong. The structure of American antitrust enforcement is at its essence a judicial enforcement (or “law enforcement”) model. Private attorneys general bring the vast majority of antitrust cases. 4 Likewise, the Department of Justice must bring suit in federal court in order to vindicate its views of antitrust law. Even the Federal Trade Commission, which can proceed administratively, ultimately is subject to judicial review. Just as in other areas of the law, the federal courts have the last word on the meaning of our antitrust laws. 5 The Court has interpreted the Sherman and Clayton Acts as creating a species of common law, the meaning of which can evolve with changing conditions, which gives the federal courts a critical role in fashioning our competition laws. As Professor Areeda put it, Congress “invest[ed] the federal courts with a jurisdiction to create and develop an ‘antitrust law’ in the manner of the common law courts.”6Tellingly, even in merger control, where the view of antitrust as administrative regulation has the most purchase, federal courts can and do render important decisions that shape the field and determine outcomes. Viewed from this perspective, the Supreme Court’s recent rediscovery of antitrust reaffirms the vital importance of the federal courts in the dynamic process of common-law development that characterizes our antitrust laws. 7 In this piece, we explore three themes emerging from this reengagement: the Roberts Court’s (1) raising the bar to class actions, a development that transcends antitrust; (2) resistance to specialized rules in favor of broad standards, a development that reinforces the importance of evolution of antitrust law in the lower courts; and (3) protection of price competition, which marks the continuation of a longstanding theme.

### 2NC --- AT: L2NB

**The court’s immune to political response**

**Mazzone ’18** [Jason; August 9; Professor of Law at the University of Illinois at Urbana-Champaign; Chicago-Kent Law Review, “Above Politics: Congress and the Supreme Court in 2017,” <https://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=4207&context=cklawreview>; RP]

Absent, too, in the modern Congress is any real sense that the Supreme Court can be brought to heel: say, by constitutional amendment, by stripping the Court of funding, by hauling in members of the Court to justify their rulings before congressional investigatory committees, by appointing special counsels to review and report back on what the Court does, by impeaching the Justices (or locking them up), or by simply ignoring or defying judicial rulings. Perhaps the Court does not rule in ways that offend enough members of Congress (or their constituents) for them to invest the energy—and political capital—required to generate these sorts of measures. Perhaps, instead, members of Congress do not consider such measures **appropriate** in our constitutional system. In either case, modesty on the part of Congress is the result, even in an era when a single party controls both the Congress and the White House. The lesson for the Court is that so long as it continues doing—more or less—what is has done in recent years, it has very little to fear from the Congress. Conclusion After President Trump nominated Neil Gorsuch to fill the vacancy on the Supreme Court left by the death of Justice Scalia, fifteen House Republicans sponsored a Resolution that “the House firmly supports the nomination of Neil Gorsuch to the Supreme Court” and “the Senate should hold a swift confirmation of this nomination.”229 The proposed resolution died, without further action, in the Committee on the Judiciary. While Gorsuch was, of course, confirmed, the failure of the Republican-controlled House to pass a simple resolution supporting the nomination is telling. After an election season in which the Supreme Court figured very prominently, aside from the Senate’s confirmation of a new Justice, Congress in 2017 accomplished nothing with respect to the Supreme Court. Various bills and resolutions—some sponsored by Republicans, others by Democrats, and some garnering bipartisan support—targeted statutory and constitutional rulings by the Court and sought also to impose new regulations upon the Court’s activities. Even the most modest of these proposals failed to advance through the legislative process and become law. We like to think that the Supreme Court, guided solely by the rule of law, is above politics. The experience of 2017 suggests that the Court may also be above politics in the quite different sense that its rulings and activities are largely immune to political response and redress.

## A1

### 2NC --- no us-russia war

#### No U.S.-Russian war—they’ll never risk it

Ted Galen Carpenter 18, senior fellow in defense and foreign policy studies at the Cato Institute, 7-28-2018, "Russia Is Not the Soviet Union," National Interest, https://nationalinterest.org/feature/russia-not-soviet-union-27041?page=0%2C1)

The problem with citing such examples is that they applied to a different country: the Soviet Union. Too many Americans act as though there is no meaningful difference between that entity and Russia. Worse still, U.S. leaders have embraced the same kind of uncompromising, hostile policies that Washington pursued to contain Soviet power. It is a major blunder that has increasingly poisoned relations with Moscow since the demise of the Union of Soviet Socialist Republics (USSR) at the end of 1991. One obvious difference between the Soviet Union and Russia is that the Soviet governing elite embraced Marxism-Leninism and its objective of world revolution. Today’s Russia is not a messianic power. Its economic system is a rather mundane variety of corrupt crony capitalism, not rigid state socialism. The political system is a conservative autocracy with aspects of a rigged democracy, not a one-party dictatorship that brooks no dissent whatsoever. Russia is hardly a Western-style democracy, but neither is it a continuation of the Soviet Union’s horrifically brutal totalitarianism. Indeed, the country’s political and social philosophy is quite different from that of its predecessor. For example, the Orthodox Church had no meaningful influence during the Soviet era—something that was unsurprising, given communism’s official policy of atheism. But today, the Orthodox Church has a considerable influence in Putin’s Russia, especially on social issues. The bottom line is that Russia is a conventional, somewhat conservative, power, whereas the Soviet Union was a messianic, totalitarian power. That’s a rather large and significant difference, and U.S. policy needs to reflect that realization. An equally crucial difference is that the Soviet Union was a global power (and, for a time, arguably a superpower) with global ambitions and capabilities to match. It controlled an empire in Eastern Europe and cultivated allies and clients around the world, including in such far-flung places as Cuba, Vietnam, and Angola. The USSR also intensely contested the United States for influence in all of those areas. Conversely, Russia is merely a regional power with very limited extra-regional reach. The Kremlin’s ambitions are focused heavily on the near abroad, aimed at trying to block the eastward creep of the North Atlantic Treaty Organization (NATO) and the U.S.-led intrusion into Russia’s core security zone. The orientation seems far more defensive than offensive. It would be difficult for Russia to execute anything more than a very geographically limited expansionist agenda, even if it has one. The Soviet Union was the world’s number two economic power, second only to the United States. Russia has an economy roughly the size of Canada’s and is no longer ranked even in the global top ten . It also has only three-quarters of the Soviet Union’s territory (much of which is nearly-empty Siberia) and barely half the population of the old USSR. If that were not enough, that population is shrinking and is afflicted with an assortment of public health problems (especially rampant alcoholism). All of these factors should make it evident that Russia is not a credible rival, much less an existential threat, to the United States and its democratic system . Russia's power is a pale shadow of the Soviet Union's. The only undiminished source of clout is the country's sizeable nuclear arsenal. But while nuclear weapons are the ultimate deterrent, they are not very useful for power projection or warfighting, unless the political leadership wants to risk national suicide. And there is no evidence whatsoever that Putin and his oligarch backers are suicidal. Quite the contrary, they seem wedded to accumulating ever greater wealth and perks.

## A2

### 2NC --- DPT wrong

#### Empirics disprove it

Rosato, 2011 (Sebastian, Dept of Political Science at Notre Dame. “On the Democratic Peace” Chapter 15 in The Handbook on the Political Economy of War, 2011 from Edward Elgar Publishing)

Despite imposing these definitional restrictions, proponents of the democratic peace cannot exclude up to five major wars, a figure which, if confirmed, would invalidate the democratic peace by their own admission (Ray 1995, p. 27). The first is the War of 1812 between Britain and the United States. Ray argues that it does not contradict the claim because Britain does not meet his suffrage requirement. Yet this does not make Britain any less democratic than the United States at the time where less than half the adult population was eligible to vote. In fact, as Layne (2001, p. 801) notes, "the United States was not appreciably more democratic than un re formed Britain." This poses a problem for the democratic peace; if the United States was a democracy, and Ray believes it was, then Britain was also a democracy and the War of 1812 was an inter-democratic war. The second case is the American Civil War. Democratic peace theorists believe the United States was a democracy in 1861, but exclude the case on the grounds that it was a civil rather than interstate war (Russett 1993, pp. 16-17). However, a plausible argument can be made that the United States was not a state but a union of states, and lhat this was therefore a war between states rather than within one. Note, for example, that the term "United States" was plural rather than singular at the time and the conflict was known as the "War Between the States."7 This being the case, the Civil War also contradicts the claim. The Spanish-American and Boer wars constitute two further exceptions to the rule. Ray excludes the former because half of the members of Spain's upper house held their positions through hereditary succession or royal appointment. Yet this made Spain little different to Britain, which he classifies as a democracy at the time, thereby leading to the conclusion that the Spanish-American War was a war between democracies. Similarly, it is hard to accept his claim that the Orange Free State was not a democracy during the Boer War because black Africans were not allowed to vote when he is content to classify the United States as a democracy in the second half of the nineteenth century (Ray 1993, pp. 265, 267; Layne 2001. p. 802). In short, defenders of the democratic peace can only rescue their core claim through the selective application of highly restrictive criteria. Perhaps the most important exception is World War I, which, by virtue of the fact that Germany fought against Britain, France, Italy, Belgium and the United States, would count as five instances of war between liberal states in most analyses of the democratic peace.9 As Ido Oren (1995, pp. 178-9) has shown. Germany was widely considered to be a liberal state prior to World War I: "Germany was a member of a select group of the most politically advanced countries, far more advanced than some of the nations that are currently coded as having been 'liberal\* during that period." In fact, Germany was consistently placed toward the top of that group, "either as second only to the United States ... or as positioned below England and above France." Moreover, Doyle\*s assertion that the case ought to be excluded because Germany was liberal domestically, but not in foreign affairs, does not stand up to scrutiny. As Layne (1994, p. 42) points out, foreign policy was "insulated from parliamentary control" in both France and Britain, two purportedly liberal states (see also Mearsheimer 1990, p. 51, fn. 77; Layne 2001, pp. 803 807). Thus it is difficult to classify Germany as non-liberal and World War I constitutes an important exception to the finding.

# 1NR

## A2

## Infra

### 2NC --- O/V

#### outweighs nuke war

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

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

#### a. Warming makes nuke war and every impact inevitable

Torres, 16 (Phil Torres; author, Affiliate Scholar @ Institute for Ethics and Emerging Technologies, founder of the X-Risks Institute, published articles for Bulletin of the Atomic Scientists, Salon, Journal of Future Studies, and the Journal of Evolution and Technology; 7-22-2016, "Op-ed: Climate Change Is the Most Urgent Existential Risk," FLI - Future of Life Institute, http://futureoflife.org/2016/07/22/climate-change-is-the-most-urgent-existential-risk/, accessed 8-9-2016)

For example, according to the Intergovernmental Panel on Climate Change, the effects of climate change will be “severe,” “pervasive,” and “irreversible.” Or, as [a 2016 study](http://www.climate.unibe.ch/~stocker/papers/clark16natcc.pdf) published in Nature and authored by over twenty scientists puts it, the consequences of climate change “will extend longer than the entire history of human civilization thus far.” Furthermore, [a recent article](http://advances.sciencemag.org/content/1/5/e1400253.full?con=&dom=pscau&src=syndication) in Science Advances confirms that humanity has already escorted the biosphere into the sixth mass extinction event in life’s 3.8 billion year history on Earth. Yet [another study](http://www.nature.com/nature/journal/v486/n7401/full/nature11018.html) suggests that we could be approaching a sudden, irreversible, catastrophic collapse of the global ecosystem. If this were to occur, it could result in “widespread social unrest, economic instability and loss of human life.” Given the potential for environmental degradation to elevate the likelihood of nuclear wars, nuclear terrorism, engineered pandemics, a superintelligence takeover, and perhaps even an [impact winter](https://en.wikipedia.org/wiki/Impact_winter), it ought to take precedence over all other risk concerns — at least in the near-term. Let’s make sure we get our priorities straight.

#### b. The bill is a pre-req to AI competition

Jennifer **Rubin 12/29** Opinion columnist covering politics and policy, foreign and domestic 12/29/20 “Biden sounds like he has made a choice on China” https://www.washingtonpost.com/opinions/2020/12/29/biden-sounds-like-he-has-made-choice-china/

In short, “America First” is precisely the wrong strategy to deploy when facing international challengers. The current administration, as Biden puts it, created an “enormous vacuum” by receding from the world stage and believing that the president could win over adversaries with his peculiar brand of personal diplomacy, which vacillated between fawning and frenetic bombast. Biden offers a clear-eyed view of our big-power adversaries. However, when coupled with rational analysis as to how we maximize our leverage, he might just succeed where the Trump administration failed. Wright made another sage observation: “Biden should use competition with China as a bridge to Senate Republicans.” Since many Republicans claim to be tough on China, he should seek their buy-in and define the contours of what a tough-on-China policy looks like. Biden’s approach, Wright suggested, should include enlisting Republicans to support when it comes to “pending legislation on investments in the semiconductor industry and 5G infrastructure, appointing assistant secretaries for Asia at the State Department and the Pentagon who can easily win bipartisan support, and showing that he is serious about using the Treasury and Commerce Departments to compete with China.” A robust response to China, Biden can explain to Republicans, includes some items already on his domestic agenda items: “targeted infrastructure investments, including clean technology; an industrial policy to compete with China on 5G, quantum computing, and artificial intelligence; a limited and strategic decoupling from China in certain areas; and bolstering the resilience of the U.S. economy to external shocks, which would include making supply chains more secure,” as Wright says. This approach to China may be a point of bipartisan agreement, despite Republicans’ campaign [rhetoric]~~hysteria~~ that Biden is somehow weak on China. If Biden and his team can find domestic investments that serve to improve our international position in relation to China, even right-wing Republicans might be hard-pressed to stiff him. The Biden administration’s first opportunity to sketch out his approach to China will come when his national security nominees appear for their Senate confirmation hearings. They would do well to use that setting to educate the Senate and the country as to their boss’s “reformist” outlook on big-power competition.

#### a. Warming collapses democracy

Linker, 19 (Damon Linker is a senior correspondent at TheWeek.com. He is also a former contributing editor at The New Republic and the author of The Theocons and The Religious Test, “Will climate change destroy democracy?”, The Week, May 7, 2019, https://theweek.com/articles/839648/climate-change-destroy-democracy)//babcii

Like nearly everyone who hears such conclusions, from do-nothing skeptics on the denialist right to sky-is-falling alarmists on the environmental left, I lack the knowledge or expertise required to assess their accuracy. But let’s assume that the UN study is trustworthy and its quasi-apocalyptic predictions are sound. For the sake of argument, let’s go further and assume that all the recent major reports warning of existential environmental threats due to climate change are accurate: Major world cities inhabited by hundreds of millions of people will soon be under water. Storms will dramatically increase in severity. So will droughts, floods, and famines, spreading suffering across the globe and provoking refugee flows on a scale never seen or contemplated in human history. What kind of politics are we likely to see in such a world? It’s hard to know for sure, but it’s unlikely to be either liberal or democratic. There’s an oddly apolitical character to most of our talk about environmental threats. Environmental activists, climate scientists, and their journalistic popularizers blast the bad news as [loudly and hyperbolically](https://theweek.com/articles/824408/dangerous-addiction-political-hyperbole) as possible, hoping to wake people up to the multitude of dangers confronting us on every side. Meanwhile, policy intellectuals propose myriad ideas for mitigating this or that part of the problem while largely ignoring the challenge of how to get any one of them, let alone all of them, enacted. Neither camp spends much time reflecting on the capacity of our liberal-democratic political systems to respond effectively to the circumstances that confront and await us. One reason why such reflection has been lacking is that it reveals a reality even bleaker than the one sketched in all those studies of the environmental side of the equation. None of the greatest political philosophers in Western history — from Plato and Aristotle on down through Machiavelli, Hobbes, Locke, Rousseau, and Hume — would be surprised by the lack of resolve on the part of the nations of the world to address global environmental threats. Arguably the problem of politics is getting individuals and groups in a given political community to put aside their own self-interest in favor of the common good. All will benefit in the end, but getting there requires sacrifice. How much sacrifice is just for each? And how can each be persuaded not to free-ride on the sacrifices of others? This was recognized as a problem in the ancient Greek city states, it’s a bigger problem in the much larger and more pluralistic nation states of the modern world, and it's an exponentially greater problem among the “community of nations” in the contemporary world as a whole. It was in part reflection on this problem that inspired Plato to reject democracy as a form of government and instead propose the rule of philosopher-kings — wise leaders who would deliberate and act with the common good in mind at all times. That, for Plato, would be the only way to solve the problem of politics. Whenever environmentally minded activists and pundits express panic and dismay at the inability of the nations of the world to change course to avert disaster, they tacitly acknowledge that Plato had a point: if only they — the environmentally responsible who place the good of the planet above other, narrower considerations — were given overriding political power, the world, and human civilization, might have a chance. That's one way in which the wisdom of liberal-democratic government is being called into question today. As climate change and the collapse of biodiversity accelerates, leading to human suffering and destabilization, the case for keeping political power in the hands of populations that refused to address the problem when it could have made a difference (and that still succumb to bickering when attempting to fashion a response) is likely to decline, creating a hunger for extra-democratic leadership to address the consequences with wisdom and resolution. But let's consider another, seemingly happier possibility: a near-term future in which the nations of the world somehow come to their collective senses and embrace a combination of radical changes in energy production and consumption, agriculture and food production, and population size and growth. As a result, greenhouse-gas emissions, pollution, and other forms of environmental strain begin to recede, allowing the planet and its human inhabitants to reverse course, recover, and avert the worst doomsday scenarios. That sounds delightful — at least until we realize that these changes could only be achieved by the implementation of significant cuts to economic growth. To slow or halt climate change, we need to get smaller — producing fewer offspring, expending less energy, emitting less pollution, consuming fewer resources. This presents its own significant political problem. From the start, modern politics — from classical liberalism on through to more progressive forms of political action like modern liberalism and socialism — have presumed the presence of economic growth and expanding prosperity over time. The promise of material betterment over the course of individual lives and from one generation to the next fuels individual and collective ambition and hope that, in turn, powers the economy. Optimism, hope for the future, faith in progress over time — they are indispensable to keeping our politics decent and broadly democratic. By contrast, when economic pessimism rises, hope for the future wanes, and faith in progress dies out, politics becomes darker, with anger, blame, and bitterness taking the place of contentment. Add in the possibility of economic contraction being paired with the consequences of unavoidable environmental degradation, including refugee flows testing the openness and generosity of the world’s wealthier nations, and we're left with a perfect storm of variables all pointing in the direction of less liberal and less democratic forms of politics. The Brexit vote, the rise of Donald Trump to the American presidency on an anti-immigration platform, the surge of populist parties across Europe in the wake of a spike in refugees from the Middle East — all of it gives us a taste of the political ugliness that may await us. In a world forced to break its addiction to economic growth and the extravagant hopes wrapped up with it, **democracy itself may soon need to be added to the list of endangered species.**

#### b. AND bill solves democratic leadership --- Climate is the key question

**Bergmann , 21** (Max Bergmann , Max Bergmann is a senior fellow at the Center for American Progress. Carolyn Kenney is a senior policy analyst for National Security and International Policy at the Center., 6-30-2021, accessed on 8-27-2021, Center for American Progress, "Climate Will Test Whether America Is Truly ‘Back’ - Center for American Progress", https://www.americanprogress.org/issues/security/news/2021/06/30/501175/climate-will-test-whether-america-truly-back/)//Babcii

In the end, President Biden’s efforts to restore U.S. leadership on the global stage will ultimately be determined by what actions the United States takes domestically on climate, rather than by what is expressed in an international communique. While U.S. officials are confident they can meet short-term climate targets through executive branch regulation, the world does not trust such an approach after witnessing during the Trump administration how easy it is for these to be undone. Therefore, for America to truly be back globally, it needs to first pass robust climate legislation that commits the United States to taking climate action. The Europeans and the rest of the world are thus paying close attention to the climate provisions in the infrastructure bill. The outcome of this bill and whether it includes the climate provisions—to bolster electric vehicles, modernize the energy grid, and protect and restore nature-based infrastructure—will determine whether America can reclaim the mantle of global leadership. The passage of such a transformative package would suddenly make the United States a leader on climate. It would allow the United States to work with Europe in creating the decarbonized economy of the future. It would also enable the United States to press China for more action, not only diplomatically but also in the arena of global public opinion. For too long the United States has been a climate pariah, allowing China to position itself as a responsible and productive actor when it comes to the issue. Strong U.S. action would suddenly turn the tables and allow the United States to ramp up global pressure on China, which is now the world’s largest emitter, producing more carbon than all developed countries combined. For this to happen, however, the climate provisions President Biden outlined in his initial infrastructure proposal need to make it through the legislative process. Whether they are included in the ultimate infrastructure and budget package that makes it through Congress will be critical not only for saving the planet but for preserving American global leadership.

### 1NR --- Top

#### Passes now but vote is tight and time is key

**Lillis and Wong, 9-16** (Mike Lillis, writer @ The Hill, and Scott Wong, Senior Reporter @ The Hill, 9-16-2021, accessed on 9-17-2021, The Hill, "Democrats brace for toughest stretch yet with Biden agenda", <https://thehill.com/homenews/house/572624-democrats-brace-for-toughest-stretch-yet-with-biden-agenda)//babcii>

All of this is complicating the math for Pelosi and her leadership team, who given their historically narrow 220-212 majority can lose no more than three Democratic votes. Timing is another headache for the Speaker: She’s promised moderates she will bring the Senate-passed $1.2 trillion infrastructure package to the floor by Sept. 27. But top progressives have threatened to oppose that smaller package until the larger $3.5 trillion bill is headed to Biden’s desk. With his legislative legacy on the line, Biden has begun to take a more hands-on role in reaching out to potential holdouts on Capitol Hill and whipping support. On Wednesday, Biden hosted centrist Sens. [Joe Manchin](https://thehill.com/people/joe-manchin) (D-W.Va.) and [Kyrsten Sinema](https://thehill.com/people/kyrsten-sinema) (D-Ariz.) in [separate meetings at the White House](https://thehill.com/policy/energy-environment/572506-democrats-hope-biden-can-flip-manchin-and-sinema); both have demanded that the $3.5 trillion package Biden wants be scaled back significantly. Biden’s top aides also have been in constant communication with skeptical House moderates. Coming on the heels of Biden’s $1.9 trillion American Rescue Plan, which passed in March to address the coronavirus pandemic, the Democrats’ $3.5 trillion domestic spending package marks the most expensive expansion of social safety net programs in decades. It would extend health benefits for seniors, paid leave for workers, child care for parents, and subsidies for those in public housing, among countless other programs designed to help the working classes after 40 years of wage stagnation. To offset the costs, Democrats have proposed to raise taxes on the highest earners, corporations and those who get income from capital gains. The bill would levy additional taxes on tobacco products, attach new limits to the carried interest benefit and provide $80 billion for the IRS to bolster its audit powers in search of tax cheats. Unlike a proposal in the Senate, it would not tax wealth or the transfer of large fortunes to heirs — another topic of contention that’s sure to gain prominence as the package moves toward Biden’s desk. Republicans have consistently panned the legislation as an egregious over-expansion of the federal government — one that they say would discourage innovation, harm the economy and explode the federal debt. Not a single Republican in either chamber is expected to support the package, putting pressure on Democratic leaders in both chambers to unite their troops behind whatever emerges as the final product. They have little room to spare.

#### Passes now but any delay kills the bill

Hohmann, 9-6 (James Hohmann, Politics, policy, the law and other matters @ WaPo, “Editorial-Opinion; Joe Manchin is foolish to indefinitely hold up the reconciliation bill,” Washington Post, 9/6/21, https://www.washingtonpost.com/opinions/2021/09/06/joe-manchin-is-foolish-indefinitely-hold-up-reconciliation-bill/)

In politics, speed wins. Dithering only makes passing even a compromise bill much harder because it gives critics the chance to organize opposition. The U.S. Chamber of Commerce, National Association of Manufacturers, Business Roundtable and other corporate interests are all mobilizing to derail the bill. Pelosi aims to settle differences between House and Senate Democrats on various topline numbers by Sept. 15, so committees can then hash out specifics. She's agreed to hold a vote the roughly $1 trillion infrastructure plan by Sept. 27. But liberals say they won't vote for infrastructure if there's still no deal on reconciliation. The window for Democrats to govern is closing fast. The rule of thumb in the Capitol has always been that you govern in odd-numbered years and campaign in even-numbered ones. 2022 begins in four months.

### 2AC --- 1

#### Biden is changing tactics and it is effective

Datco 9-17 (Christian Datoc, 9-17-2021, "Biden tells reconciliation bill holdouts they can either side with him or against the middle class," No Publication, https://news.yahoo.com/biden-tells-reconciliation-bill-holdouts-103000013.htmlguccounter=1&amp;guce\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&amp;guce\_referrer\_sig=AQAAADmEYGyEEK41Hud7l4D6pYakZcDoZEBRX4XEgDpWH6LYZQKKqMvYFHXsG-TVRbC\_zROFE6QMH\_9Xv9lS0JHXIQhxyifbRamsK26KRLzkwRmDNtI-cUS4\_5-SstJall-X7LL\_fDjp\_aWqfej6TvaLGETjHLFOANbX90OG9ozm\_pQk

President Joe Biden unveiled a negotiating strategy Thursday to galvanize support among Democratic holdouts for his multitrillion-dollar budget reconciliation proposal. White House officials told the Washington Examiner the new strategy would present the vote as a fork in the road: Members can either protect the current economic status quo or extend a hand to the middle class. One official added the president's spending agenda, nearly $3 trillion of which would be funded by raising taxes on corporations and the wealthy, is not about penalizing the rich but lowering "the cost of raising a child, of prescription drugs, of taking care of an aging parent, of healthcare, of high-speed internet, and of hearing aids." Biden's new framing comes as centrist Democrats, including Arizona Sen. Kyrsten Sinema and West Virginia Sen. Joe Manchin, continue to voice concerns over the full scope of the "Build Back Better" package that currently totals $3.5 trillion, in addition to the $1.2 trillion bipartisan infrastructure package. "I believe we are at an inflection point in this country. One of those moments where the decisions we’re about to make can change — literally change — the trajectory of our nation for years and possibly decades to come," the president said during a speech at the White House. "Each inflection point in this nation’s history represents a fundamental choice. I believe that America at this moment is facing such a choice, and the choice is this: Are we going to continue with an economy where the overwhelming share of the benefits go to big corporations and the very wealthy, or are we going to take this moment right now to set this country on a new path? One that invests in this nation, creates real sustained economic growth, and that benefits everyone, including working people and middle-class folks? That’s something we haven’t realized in this country for decades." "This is an opportunity to be the nation that we know we can be, a nation where all of us — all of us, not just those at the top — are getting a share of the benefits of a growing economy in the years ahead," he concluded. "Let’s not squander this moment trying to preserve an economy that hasn’t worked too well for Americans for a long time. Let’s not look backward just trying to rebuild what we had. Let’s look forward together as one America, not to build back but to build back better." Assuming no Republicans vote "yay" on budget reconciliation, Biden will need all 50 Democratic votes to send the bill to his desk. Administration officials confirmed the president's Wednesday meetings with both Manchin and Sinema were to discuss a "path forward" on the $3.5 trillion package. "Today's meeting was productive, and Kyrsten is continuing to work in good faith with her colleagues and President Biden as this legislation develops," a spokesman for Sinema's office said Wednesday evening.

### 2AC --- 2

### 2AC --- 3/4

#### Plan is long and drawn out – sucks floor time – post plan companies settle in court and break law anyway

Chakravorti 20, Bhaskar, contributor, “Antitrust Isn’t the Solution to America’s Biggest Tech Problem,” October 02, 2020, accessed 9/14/21, https://hbr.org/2020/10/antitrust-isnt-the-solution-to-americas-biggest-tech-problemAH

Any antitrust action against these companies will be long and drawn-out — no matter its conclusion — for a number of reasons. First, the complaints against the industry are varied, ranging from anti-competitiveness to privacy issues, data protection, and vulnerability to misinformation. Second, there are multiple large companies in the crosshairs, with different products and different suggested remedies. Third, multiple agencies are pursuing action, from the DOJ and the Federal Trade Commission to the House initiative led by Democrats to the Senate initiative led by Republicans, and each has a different approach, motivation, and timeline. Fourth, the technology itself keeps evolving. Finally, there is a precedent for settling with the tech industry: Previous antitrust actions have resulted in settlements or consent decrees where lawmakers got something from each of the companies in exchange for leaving them intact, which might well encourage companies to drag the fight out as long as possible. Putting these considerations together, it reasonable to expect a lengthy process that risks frittering away the current momentum, and which ends with a settlement that resolves issues on the margins.

#### The tech lobby fights the aff – they are *absurdly* powerful

Kang 19 (Cecilia Kang and Kenneth P. Vogel, 6-5-2019, "Tech Giants Amass a Lobbying Army for an Epic Washington Battle (Published 2019)," NYT, <https://web.archive.org/web/20210810105317/https://www.nytimes.com/2019/06/05/us/politics/amazon-apple-facebook-google-lobbying.html> accessed: 8-22-21) //bp

WASHINGTON — Faced with the growing possibility of antitrust actions and legislation to curb their power, four of the biggest technology companies are amassing an army of lobbyists as they prepare for what could be an epic fight over their futures. Initially slow to develop a presence in Washington, the tech giants — Amazon, Apple, Facebook and Google — have rapidly built themselves into some of the largest players in the influence and access industry as they confront threats from the Trump administration and both parties on Capitol Hill. The four companies spent a combined $55 million on lobbying last year, doubling their combined spending of $27.4 million in 2016, and some are spending at a higher rate so far this year, according to the Center for Responsive Politics, which tracks lobbying and political contributions. That puts them on a par with long-established lobbying powerhouses like the defense, automobile and banking industries. As they have tracked increasing public and political discontent with their size, power, handling of user data and role in elections, the four companies have intensified their efforts to lure lobbyists with strong connections to the White House, the regulatory agencies, and Republicans and Democrats in Congress. Of the 238 people registered to lobby for the four companies in the first three months of this year — both in-house employees and those on contract from lobbying and law firms — about 75 percent formerly served in the government or on political campaigns, according to an analysis of lobbying and employment records. Many worked in offices or for officials who could have a hand in deciding the course of the new governmental scrutiny. The influence campaigns encompass a broad range of activities, including calls on members of Congress, advertising, funding of think-tank research and efforts to get the attention of President Trump, whose on-again, off-again streak of economic populism is of particular concern to the big companies. Last month, the industry lobbying group, the Internet Association, which represents Amazon, Facebook and Google, awarded its Internet Freedom Award to Ivanka Trump, the president’s daughter and White House senior adviser. “They are no longer upstarts dipping a toe in lobbying,” said Sheila Krumholz, the executive director of the Center for Responsive Politics. “They have both feet in.” Facebook and Google are dogged by concerns over their handling of consumer data, harmful content and misinformation. Amazon’s rapid expansion has been met with unease over labor conditions and the company’s effect on small businesses. Apple’s control over its app store makes it hard for new apps to get discovered, some rivals say. Earlier this week, the threat of government action became more real, driving down their stock prices. The House Judiciary Committee announced a broad antitrust investigation into big tech. And the two top federal antitrust agencies agreed to divide oversight over Apple, Amazon, Facebook and Google as they explore whether the companies have abused their market power to harm competition and consumers. “Unwarranted, concentrated economic power in the hands of a few is dangerous to democracy — especially when digital platforms control content,” Speaker Nancy Pelosi tweeted after the Judiciary Committee announced its investigation. “The era of self-regulation is over.” The industry’s troubles mean big paydays for the lawyers, political operatives and public relations experts hired to ward off regulations, investigations and lawsuits that could curtail the companies’ huge profits. The companies all had earlier ties to Democrats but have also worked to develop closer relationships with Republicans. Facebook is paying two lobbyists who worked for Ms. Pelosi, including her former chief of staff Catlin O’Neill, who now serves as a director of United States public policy for the social media company. Ms. Pelosi received nearly $43,000 in total donations for her 2018 re-election campaign from employees and political action committees of Facebook, Amazon and Alphabet, Google’s corporate parent — each of which ranked among her top half-dozen sources of campaign cash. She had been a champion of tech companies, which have a robust presence in her district in California. But her support for the industry appeared more tenuous last month, when she said Facebook’s refusal to take down a doctored video of her that made her appear drunk demonstrated how the social network contributed to misinformation and enabled Russian interference in the 2016 election. Google is paying two contract lobbyists who worked as lawyers on the Republican staff of the House Judiciary Committee. One of the lawyers, Sean McLaughlin, also served as a deputy assistant attorney general under President George W. Bush. “Having conducted congressional investigations from the inside, Sean is able to counsel clients on how to respond to them from the outside,” reads Mr. McLaughlin’s biography on the website of his firm, Hunton Andrews Kurth LLP, which was paid $50,000 by Google to lobby Congress during the first three months of the year, according to lobbying records. The Washington office of Amazon, whose chief executive, Jeff Bezos, has drawn regular criticism from Mr. Trump, is led by a former Federal Trade Commission official, Brian Huseman. And its roster of outside lobbyists includes three Democratic former members of Congress — Norm Dicks of Washington, Vic Fazio of California and Kendrick B. Meek of Florida — as well as two former Justice Department lawyers. One of them, Seth Bloom, was a trial lawyer in the department’s antitrust division in the late 1990s before going on to work on antitrust issues for the Senate Judiciary Committee’s Democratic staff. He went on to lobby for Amazon, including in connection with its purchase in 2017 of the grocery chain Whole Foods, which required a review of competition concerns by the Federal Trade Commission. Amazon paid $30,000 to Mr. Bloom’s firm to lobby Congress on issues “related to competition in technology industries” during the first three months of the year. In that span, Amazon also paid $70,000 to the lobbying firm of a top Trump fund-raiser, Brian Ballard, to lobby Congress and the administration. Top-tier lobbyists in Washington can make millions of dollars a year. One of the lobbyists on the account for Mr. Ballard’s firm, Daniel F. McFaul, worked on Mr. Trump’s presidential transition team and then briefly as chief of staff for Representative Matt Gaetz, Republican of Florida. Mr. Gaetz is a member of a House Judiciary subcommittee that is planning a set of hearings, testimony from executives of top companies and subpoenas for internal corporate documents. Even before Senator Josh Hawley, Republican of Missouri, was sworn in at the beginning of the year, the tech companies reached out to him. Mr. Hawley had investigated Google as his state’s attorney general, and the industry saw him as a threat. Facebook called, as did Twitter and Google. This winter, in Mr. Hawley’s windowless temporary office, the lobbyists for the companies came to meet with Mr. Hawley’s aides, arguing that their companies contributed to Missouri’s economy and were innovative businesses that did more good than harm for consumers, according to a person familiar with the meetings. “There is a burgeoning awareness that there is a big problem with the dominance of big tech,” Mr. Hawley said in a recent interview. “Big tech may be more socially powerful than the trusts of the Roosevelt era, and yet they still operate like a black box.” The internet giants have learned from the hard lessons of Microsoft, which was caught flat-footed with a sparse lobbying presence in the 1990s when federal antitrust officials called for a breakup of the software giant. Google has especially been forced to deal with regulatory issues, both in Europe, where it has been hit with three multibillion-dollar penalties, and in the United States, where it escaped an Obama administration-era Federal Trade Commission investigation without any action being taken. The companies have separately argued that they have not violated antitrust laws. Google and Facebook say that their services are free and do not harm competitors and that consumers can turn to alternative search and social networking apps. Amazon has said it has a large share of online commerce but only a small fraction of the overall retail market. And Apple argues that the majority of apps in its store are free and that the company rejects only apps that violate its policies on hate speech and pornography, for instance, or try to take too much data from users. “We have seen these tech companies escape accountability for years,” said Lisa Gilbert, the vice president of legislative affairs for the government watchdog group Public Citizen. The group, which has called for more user data protections and for breaking up Facebook, published a study last month showing that in the last two decades, 59 percent of top Federal Trade Commission officials who left the agency entered financial relationships with technology interests regulated by it. The head of the Justice Department’s antitrust division, Makan Delrahim, was paid as a contract lobbyist by Google in 2007 to win approval for its acquisition of DoubleClick, which had drawn antitrust concerns. He is now facing pressure to recuse himself if the Justice Department pursues an investigation of the company. Federal employees are barred from working on specific issues that affect their former private sector employers or interests, and generally face “cooling off” periods of one to two years after leaving government, during which they cannot lobby their former colleagues. But there are all manner of loopholes. Ms. Gilbert’s group has called for stricter conflict-of-interest provisions. She said that “in this moment of enhanced scrutiny, the tech companies are going to be looking for those who have the Rolodexes that matter to try to stop regulation and legislation of the type that’s required to protect consumers.” It is hard to avoid the increasing prominence of the companies in Washington. They finance some of the most influential think tanks from across the political spectrum, sometimes making it difficult for critical voices to win funding. Google and Facebook have provided funding to hundreds of influential trade groups and think tanks across the ideological spectrum, including the U.S. Chamber of Commerce, the American Conservative Union, the Brookings Institution and the Center for American Progress. In the spring of 2018, Facebook moved into a new office with room for as many as 200 lobbyists, policy experts and engineers for its Washington-based security team. With a full cafeteria, soaring ceilings, wall-size abstract art and concrete floors, the office copies its look from Facebook’s Frank Gehry-designed headquarters in Menlo Park, Calif. Apple is preparing to move into a bigger office, and Google recently opened one of the city’s biggest corporate lobbying offices. Amazon also opened a new office near Capitol Hill, where it regularly hosts policy events with members of Congress. And Amazon recently announced that it would place a second corporate headquarters across the Potomac River from downtown Washington, in Arlington, Va. Last December, in the evening after Google’s chief executive, Sundar Pichai, testified for the first time at a House hearing, the company hosted a holiday party with hundreds of government officials at the trendy Wharf along the Potomac. Scores of lawmakers, including Representatives Debbie Wasserman Schultz, Democrat of Florida, and Darrell Issa, Republican of California, gathered under neon displays of YouTube and Google. Mr. Issa, who had questioned Mr. Pichai earlier in the day and was within weeks of leaving office, was waiting near one of several open bars for a cocktail.

#### The plan is controversial

Folio 21 Joseph Charles Folio III Of Counsel, David J. Shaw Partner, and Alexander Paul Okuliar Co-chair Global Antitrust Law Practice Group, 3-25-2021, " FTC Lays Groundwork for Rulemakings: Are New Substantive Competition Rules Coming?," No Publication, https://www.mofo.com/resources/insights/210511-ftc-lays-groundwork-rulemakings.html

In addition to the rulemaking proposal at the FTC, there is heightened activity on the Hill that may lead to reform in one way or another. The antitrust subcommittees in the Senate and the House have held numerous hearings on these competition issues, and legislators from both parties are debating different proposals to change the antitrust laws. In particular, in 2020, the House Judiciary Committee’s Antitrust Subcommittee conducted a bipartisan investigation into competition in digital markets. At the conclusion of the Subcommittee’s investigation, the Democratic majority issued a lengthy report finding that major digital companies were violating existing antitrust laws and recommending extensive changes to the law that could dramatically reshape how companies are allowed to operate.[17] Significantly, the report questioned the consumer welfare standard—the touchstone of antitrust enforcement for the past 50 years—and criticized the Supreme Court for “adopting a narrow construction of ‘consumer welfare’ as the sole goal of the antitrust laws.”[18] The report’s recommendations “for future consideration” included breaking up major digital companies in order to separate “adjacent lines of business,” mandating nondiscrimination and prohibiting self-preferencing, requiring interoperability and data portability, prohibiting mergers and acquisitions by “dominant platforms,” and prohibiting “abuses of superior bargaining power.”[19] Although the House Judiciary committee officially adopted the report on a party-line vote, aspects of its findings had bipartisan support. The Republican minority’s (more limited) companion report identified several areas of agreement, including concerns that tech companies were “using ‘killer acquisitions’ to remove up-and-coming competitors from the marketplace,” and that the burdens of proof for mergers and predatory pricing cases required reevaluation.[20] These narrow areas of agreement reflect a shared interest in action, which may embolden reformers, but most of the antitrust bills introduced this Congress seem intended more to “signal” to core constituencies rather than make new law. For these reasons, aside from modest proposals to increase funding for antitrust enforcement, significant bipartisan antitrust legislation remains unlikely. In an environment where broad antitrust legislation remains out of reach, the committee report is more likely to serve as a roadmap for future FTC rulemaking, especially insofar as one of its authors is set to become an FTC commissioner.

### 2AC --- 5

#### Wins only build long-term capital – link outweighs

Purdum 10, Columnist for Vanity Fair, (Todd, “Obama Is Suffering Because of His Achievements, Not Despite Them,” 12-20 [www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html](http://www.vanityfair.com/online/daily/2010/12/obama-is-suffering-because-of-his-achievements-not-despite-them.html))

With this weekend’s decisive Senate repeal of the military’s “Don’t Ask, Don’t Tell” policy for gay service members, can anyone seriously doubt Barack Obama’s patient willingness to play the long game? Or his remarkable success in doing so? In less than two years in office—often against the odds and the smart money’s predictions at any given moment—Obama has managed to achieve a landmark overhaul of the nation’s health insurance system; the most sweeping change in the financial regulatory system since the Great Depression; the stabilization of the domestic auto industry; and the repeal of a once well-intended policy that even the military itself had come to see as unnecessary and unfair. So why isn’t his political standing higher? Precisely because of the raft of legislative victories he’s achieved. Obama has pushed through large and complicated new government initiatives at a time of record-low public trust in government (and in institutions of any sort, for that matter), and he has suffered not because he hasn’t “done” anything but because he’s done so much—way, way too much in the eyes of his most conservative critics. With each victory, Obama’s opponents grow more frustrated, filling the airwaves and what passes for political discourse with fulminations about some supposed sin or another. Is it any wonder the guy is bleeding a bit? For his part, Obama resists the pugilistic impulse. To him, the merit of all these programs has been self-evident, and he has been the first to acknowledge that he has not always done all he could to explain them, sensibly and simply, to the American public. But Obama is nowhere near so politically maladroit as his frustrated liberal supporters—or implacable right-wing opponents—like to claim. He proved as much, if nothing else, with his embrace of the one policy choice he surely loathed: his agreement to extend the Bush-era income tax cuts for wealthy people who don’t need and don’t deserve them. That broke one of the president’s signature campaign promises and enraged the Democratic base and many members of his own party in Congress. But it was a cool-eyed reflection of political reality: The midterm election results guaranteed that negotiations would only get tougher next month, and a delay in resolving the issue would have forced tax increases for virtually everyone on January 1—creating nothing but uncertainty for taxpayers and accountants alike. Obama saw no point in trying to score political debating points in an argument he knew he had no chance of winning. Moreover, as The Washington Post’s conservative columnist Charles Krauthammer bitterly noted, Obama’s agreement to the tax deal amounted to a second economic stimulus measure—one that he could never otherwise have persuaded Congressional Republicans to support. Krauthammer denounced it as the “swindle of the year,” and suggested that only Democrats could possibly be self-defeating enough to reject it. In the end, of course, they did not. Obama knows better than most people that politics is the art of the possible (it’s no accident that he became the first black president after less than a single term in the Senate), and an endless cycle of two steps forward, one step back. So he just keeps putting one foot in front of the other, confident that he can get where he wants to go, eventually. The short-term results are often messy and confusing. Just months ago, gay rights advocates were distraught because Obama wasn’t pressing harder to repeal “Don’t Ask, Don’t Tell.” Now he is apparently paying a price for his victory because some Republican Senators who’d promised to support ratification of the START arms-reduction treaty—identified by Obama as a signal priority for this lame-duck session of Congress—are balking because Obama pressed ahead with repealing DADT against their wishes. There is a price for everything in politics, and Obama knows that, too.

#### PC is finite for biden and warming policies

Sensiba, 20, MA @ American Military U, analyst @ Clean Technica (Jennifer, “Don’t Encourage Biden To Waste Political Capital,” Clean Technica, 11-6-20 <https://cleantechnica.com/2020/11/06/dont-encourage-biden-to-waste-political-capital/>)

If we want clean energy to succeed in the upcoming Biden administration, we have to (a) be realistic, and (b) fight like hell to keep him focused on it as much as possible. Political capital is scarce, and the threats to our future from climate change are real, so allowing the various Democratic lobbies to suck all of the oxygen out of the room is not an option. Here’s a quick rundown of the problem and some ideas on what we can do to help clean energy win. It’s All About Political Capital In short, political capital is a way to think about political power in democratic countries. Yes, winning elections does give some political power, but you can’t effectively use it unless you have coalitions, alliances, trust, goodwill, and influence. Your earned trust and connections are like money (capital). You can work hard to earn it and build it up, but it’s easy to spend it and even waste it, just like money. If you get power from an election and then quickly spend all of the political capital impressing loyalists, you’ll get to the point where you can’t win future elections (Trump is a great example of this), can’t get votes together for legislation, and can’t get people to help you in a variety of other ways. At worst, a political leader who has run completely out of political capital might not even be able to get normal citizens to follow laws. As the consent of the governed is withdrawn, you see protests, riots, violence, terrorism, and even war. For better or worse, Biden won’t start out with much political capital to begin with. After a narrowly won election, not taking the Senate (because many voters rejected Trump but voted for Republicans further down the ballot), and then extended accusations of cheating, it’s not going to be easy to get things done. Earning More Political Capital Is Essential To get more political capital, Biden will need to find ways to heal the rifts after the election. This is true after any election, but the job is going to be that much harder in 2021. While there’s a segment of the population that will never accept a president of the opposite party, there are still plenty of reasonable people who will need to be won over (at least a little). If we want Biden to succeed, we need to not take part in divisive politics. Don’t rub Trump fans’ faces in it, as tempting as that can be. Be nice to people on social media, even if they’re hurt or feeling pain over the loss of an election. Try to understand that people have whipped up many people into fear of a Democratic president, and cut them some slack. Do anything you can to discourage “sore winners” next year. Don’t Encourage The Don Quixotes To Waste It On The Impossible There are things that simply aren’t possible with a Democratic president and a Republican Senate. No matter how badly people might want an expansive Green New Deal, gun control, high taxes on the rich, and other such things, it’s just not going to happen. Like Don Quixote, a fictional senile old man who tried to fight imaginary monsters (who were, in reality, windmills), there are people in the Democratic Party who would gladly waste what little political capital is available on their quixotic quests. If it’s not going to happen, it’s not harmless to try anyway, or even to make a bunch of noise about it. Everything has a cost, and the cost of pushing these policies is that policies you could get passed into law don’t happen. Executive Power Is Expensive While Trump abused executive power frequently, don’t be tempted by calls for Biden to take revenge and do the same thing. The short term gains may be enticing, but the longer term costs are much bigger than they might appear to be at first. Trump found out the hard way that pushing for things like the border wall, fights against LGBT rights, and attempts to prop up the failing coal industry alienates reasonable people. It’s easy to say “Trump did it! We can too!”, but don’t forget that was part of his undoing. The worst thing a President Biden could do is use unconstitutional executive orders for something divisive like gun control. Yes, Trump actually did this, because he thought it would make him look good after the Las Vegas shooting, but it divided his own supporters. Loyalists made excuses or claimed it was part of some elaborate game to “beat the libs,” while people who really believed in gun rights deeply lost trust in Trump. Make no mistake, a Democratic president doing this would quickly earn the hostilities of both camps and suffer a deeper cost than Trump did. That’s just one example. There are many other little regulatory things a President Biden could do to put the screws to Republicans, but in most cases it simply isn’t worth it when we need real legislation to get the job done. Focus On The Possible! The best way to make actual progress on clean energy is to look for ways to find common ground with part of the Republican Party. Libertarian-leaning Republicans are big on free markets, and don’t like things like tariffs and subsidies. One way to put renewable energy on better footing would be to cut fossil fuel subsidies, and that’s something you’d find Republican supporters for. Tariffs that drive up the cost of solar panels are another target that you’d find Republican allies against. Another possible source of Republican support comes from Republicans concerned with national preparedness and energy security. American cars (e.g., Tesla vehicles, the Nissan LEAF, the Chevy Bolt, the Ford Mustang Mach-E) that run on American fuel (electricity) would have been a Republican dream in 2005, and definitely could be today. Add in that you can generate the fuel at home, store it safely, and enable broad swaths of the public’s homes and most key facilities to run uninterrupted when the power goes out, and you have an emergency preparedness winner. Solar roofs and Powerwalls are also great for preppers and homesteaders, many of whom are Republicans. I’m sure with some creativity we can come up with many other ways to make real progress on renewable energy, but it’s going to take goodwill, trust, and lots of healing to get there. Be sure to be part of that solution.

### 2AC --- 7

#### The bill solves warming.

Bordoff 3/15/21 (Jason – professor of international and public affairs at Columbia University and a former senior director on the staff of the National Security Council, “The Time for a Green Industrial Policy Is Now,” https://foreignpolicy.com/2021/03/15/biden-climate-energy-transition-green-new-deal-industrial-policy/)

Now that U.S. President Joe Biden’s $1.9 trillion plan for economic stimulus and pandemic relief has become law, his administration will turn its attention to a multitrillion-dollar plan to rebuild the United States’ ailing infrastructure. Its scope goes far beyond roads and bridges. Viewed in combination with other parts of Biden’s economic agenda, it reflects a new openness on both sides of the aisle to what has traditionally been known as industrial policy. Critics deride industrial policy as protectionist and as the government picking “winners,” but when it comes to clean energy—a top priority for Biden—a push by his administration to build new and innovative clean energy sectors using industrial policy may actually be the greatest contribution it can make to combating climate change. Industrial policy, long anathema to mainstream economic policymakers in Washington, is back in vogue. The Biden administration’s Build Back Better economic plan includes targeted support for specific industries to make them more competitive with Asia and Europe and government procurement provisions to boost domestic manufacturing with “Buy America” requirements. As White House economist Jared Bernstein wrote in Foreign Policy, “the rationale for industrial policy is as strong as ever.” Biden’s national security advisor, Jake Sullivan, similarly wrote in Foreign Policy that “advocating industrial policy … should be considered something close to obvious.” Even Republicans, such as Sen. Marco Rubio, have been willing to deviate from the free-market’s gospel by endorsing industrial policy. The push for industrial policy has been particularly strong for clean energy—as a way to combine battling climate change with building strategically important parts of the economy. The Green New Deal in 2019 drew the link between achieving net-zero emissions and creating millions of jobs by investing in the “industry of the United States.” Biden’s top economic advisor, Brian Deese, said, “some of the biggest opportunities” in climate policy right now are “what some people would call straight-out industrial policy.” Industrial policy is a phrase used to mean different things. Broadly speaking, it refers to government intervention in the economy to promote and protect targeted sectors, often those considered strategically important. The term is therefore instinctively distasteful to those schooled in the laissez-faire, free-market orthodoxy of Adam Smith’s “invisible hand.” They worry about a creeping state capitalism that favors well-connected companies, stifling innovation and competition. In reality, of course, the energy sector has never been free of government intervention. Nearly every source of energy receives some degree of favorable tax treatment. Nuclear energy receives government liability protection. Government investment and research gave rise to the shale revolution. As Robert McNally points out in his book, Crude Volatility: The History and the Future of Boom-Bust Oil Prices, the Texas Railroad Commission was the most successful oil cartel in history in setting prices, and even a Republican president like Dwight D. Eisenhower protected the domestic oil industry from the threat of imported oil. The argument for government’s role in the energy sector is even stronger today. To be fair, there are good reasons for government intervention in the energy market. Energy use and production can impose harm on others, such as through air pollution and carbon emissions. Energy innovation delivers benefits to all of us beyond the economic gains the innovator can capture. Energy infrastructure investment, such as pipelines, transmission lines, and electric vehicle chargers, may be hampered if any one firm’s investments benefit all their competitors or if it risks monopolistic market power of energy delivery mechanisms. The argument for government’s role in the energy sector is even stronger today. First, the world faces an existential threat from climate change. With time running short to begin sharply curbing emissions, market forces will not deliver the pace of transition needed without robust government intervention. Second, the scale of that transition creates enormous economic opportunity to build new energy sectors. With the economy in a deep hole from the pandemic, leading in these new sectors can spur significant job growth. Finally, given the strategic importance of energy—critical to every citizens’ economic and physical well-being and safety, as the recent crisis in Texas reminded us—there is a strong national security rationale to develop these technologies and capabilities in the United States. As the energy system transitions to cleaner alternatives, there will be new risks associated with the critical minerals’ supply chains required for renewable energy and batteries, cybersecurity, and global trade chokepoints, which argues for reinforcing the domestic U.S. industrial base in these technologies. To tackle the problem of climate change, Sullivan and Biden’s China advisor, Kurt Campbell, persuasively argued that the United States must pursue not only cooperation but also economic competition with China, for example. Noting that both Democrats and Republicans “are making a convincing case for a new U.S. industrial policy,” they called for more government investment in infrastructure and research in clean energy, among other areas, to confront such a “challenging economic competitor” as China. The argument against industrial policy to combat climate change is that the government cannot anticipate which technologies will deliver the cheapest solutions. Yet, as the International Energy Agency explained, most of the key technologies the energy sector needs to reach net-zero emissions are known today. Market forces are still powerful—when properly directed by a carbon price—to give firms and consumers the right incentives to adopt and develop those technologies and to determine which ones emerge as the best solutions in different energy sectors. Moreover, critics of industrial policy argue that if the goal is to reduce emissions as fast as possible, it should matter less whether the technology is made in the United States than whether it is as cheap as possible so more people will adopt it. Germany’s Energiewende, a comprehensive plan to shift the country to renewable energy, has been criticized for its high cost per ton of emissions avoided, which economists have estimated to be between $600 and $1500, much costlier than most other policy interventions. (To put the German numbers in context: The Obama administration estimated the total harm caused by one ton of carbon dioxide to be around $50, although there are good arguments to revise that figure higher.) Jason Furman, a Harvard professor and former Obama administration economic advisor, said “if you think climate change is the biggest challenge facing the country … you should want to make sure a lot of solar and wind energy is produced in the United States. You shouldn’t care nearly as much where panels and turbines are produced.” Furman’s view is correct if the goal is to cut emissions in the United States as fast as possible. But what if the goal is to decarbonize the entire world’s emissions as fast as possible? What if the goal is to show climate leadership by helping all nations achieve net-zero emissions? In that case, the measure of U.S. climate policy should be less about how fast it brings down domestic emissions, only 15 percent of the world’s annual total, than about how fast it brings down the cost of clean technologies needed for the rest of the world to decarbonize. Some clean energy technologies, such as solar and wind power or electric vehicles, are fairly cost competitive today relative to their carbon-intensive counterparts. Yet as Bill Gates explained in his new book, the cost difference between carbon-emitting and carbon-free production—what he calls the “green premium”—remains exceptionally high for many sectors and technologies, such as cement and steel, air travel and shipping, long-duration energy storage to cope with the intermittency of renewable energy, and steady sources of electricity like nuclear power or natural gas with carbon capture and storage. These technologies may not be needed to make a large dent in emissions by 2030, but they will absolutely be needed to achieve net-zero emissions by mid-21st century. Consider that the largest source of global greenhouse gas emissions comes from what Gates calls “making things,” such as the production of cement, steel, and plastics—sectors that will almost certainly need nascent technologies to decarbonize. The technologies needed for sectors that are hard to decarbonize also offer many of the biggest economic opportunities for growth. To promote domestic industries developing technologies for such hard-to-decarbonize sectors, policies should boost demand for such products, spur their deployment, and lower production costs. As first U.S. Treasury Secretary Alexander Hamilton famously explained: “In matters of industry, human enterprise ought, doubtless, to be left free in the main, not fettered by too much regulation; but practical politicians know that it may be beneficially stimulated by prudent aids and encouragements on the part of the Government.” What might such a clean energy industrial policy look like? Dramatically increasing clean energy research and development funding can accelerate needed innovation. Subsidies can lower the cost of clean energy technologies, and a carbon price can increase the cost of carbon-intensive alternatives. The government can use its procurement power to create more demand or reduce risk for developers by signing long-term energy purchase agreements or guaranteeing them a certain price by paying the difference to prevailing market prices (the “contract for difference” model used in the United Kingdom). Low-cost loans and loan guarantees can support projects by lowering the cost of capital and the barriers to accessing private capital because of perceived technological risk. Infrastructure investment and streamlined permitting can boost demand and overcome chicken-and-egg problems. For example, there may be little incentive to develop zero-carbon hydrogen or install carbon-capture technology on power plants if there are no pipelines to transport fuel or carbon dioxide—but firms will not build the infrastructure until the new technology is commercialized. Trade and economic policy can align U.S. competitiveness with a global clean energy transition, such as through export finance to help clean energy companies compete with Chinese and other competitors in emerging markets. Some argue industrial policy should also protect U.S. firms through import tariffs or “Buy America” provisions, but such protectionist tools risk backfiring if retaliatory measures by other countries close export markets to these new domestic industries. There are three reasons a U.S. clean energy industrial policy makes particular sense today. First, the technologies needed for sectors that are hard to decarbonize also offer many of the biggest economic opportunities for growth. According to the International Energy Agency, almost half of the cumulative emission reductions needed to achieve net-zero emissions by 2050 come from technologies that are not yet commercially available. China already dominates the market for solar panels and batteries, a result of government decisions taken more than a decade ago, so it would be very difficult for the United States to displace China in these technologies, which China already produces very cheaply. By contrast, the United States is well-positioned to build a strong industrial base to produce and export zero-carbon energy in the form of hydrogen and ammonia, fuel cells to produce zero-carbon electricity, or carbon-capture and removal technologies. Second, these technologies will be needed to decarbonize globally, and by bringing the cost of these technologies down through government investments, Washington can help accelerate their deployment outside the United States as well. In this way, a U.S. industrial policy to promote clean energy can serve not as protectionism but as one of the country’s greatest contributions to global efforts to combat climate change. In the future, roughly 95 percent of all greenhouse gas emissions will come from outside the United States. Yet developing market countries, which are poorer and use much less energy per capita than developed countries do, will not adopt low-carbon solutions unless they are affordable.

### 2AC --- 8

#### Warming leads to extinction.

Kareiva 18, Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al. (Peter, “Existential risk due to ecosystem collapse: Nature strikes back,” *Futures*, 102)

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (climate change, global freshwater cycle, and ocean acidification) do pose existential risks. This is because of intrinsic positive feedback loops, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all directly connected to the provision of food and water, and shortages of food and water can create conflict and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. Ample clean water is not a luxury—it is essential for human survival. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes Humans are remarkably ingenious, and have adapted to crises throughout their history. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). However, the many stories of human ingenuity successfully addressing existential risks such as global famine or extreme air pollution represent environmental challenges that are largely linear, have immediate consequences, and operate without positive feedbacks. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, the Earth’s climate system is rife with positive feedback loops. In particular, as CO2 increases and the climate warms, that very warming can cause more CO2 release which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that forest fires will become more frequent and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This catastrophic fire embodies the sorts of positive feedbacks and interacting factors that could catch humanity off-guard and produce a true apocalyptic event. Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that runaway climate change, and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks portends even greater existential risks. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

# 2NR

#### 5 minute google search disproves this deficit

**SHRM, 16** (“Sherman Anti Trust Act of 1890”, SHRM, April 21, 2016, <https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/sherman-anti-trust-act.aspx#:~:text=The%20Sherman%20Antitrust%20Act%20%28the%20full%20text%20of,with%20foreign%20nations%2C%20is%20declared%20to%20be%20illegal.%22)//babcii>

In a seminal 1904 decision, the Supreme Court upheld the Federal Government's suit under the Sherman Antitrust Act to dissolve the Northern Securities Company (a railroad holding company) in State of Minnesota v. Northern Securities Company. Then, in 1911, after years of litigation, the court found Standard Oil Company of New Jersey in violation of the Sherman Antitrust Act because of its excessive restrictions on trade, particularly its practices of eliminating competitors by buying them out directly and by driving them out of business by temporarily slashing prices in a given region. In this historic decision, the Supreme Court established an important legal standard termed the **rule of reason. It stated that large size and monopoly in themselves are not necessarily bad** and do not violate the **Sherman Antitrust Act**. Rather, it is the use of certain tactics to attain or preserve such position that is illegal. The court ordered Standard Oil to dismantle 33 of its most important affiliates and to distribute the stock to its own shareholders and not to a new trust. The result was the creation of a number of completely independent and vertically integrated oil companies, each of which ranked among the most powerful in the world. The consequent vigorous competition gave a big impetus to innovation and expansion of the oil industry as a whole.