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#### Text: The 50 United States and relevant subnational entities should enact and enforce substantial legislation on anticompetitive petitioning.

#### State antitrust is enforceable and solvent.

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Although much attention recently has been focused upon debates in Congress, potential legislative changes to U.S. antitrust law are not limited to proposals at the federal level. Many states are considering changes to their own antitrust laws, which usually can be enforced by state attorneys general and private plaintiffs. Importantly, New York legislators have introduced two bills that propose sweeping changes to the State’s antitrust law, the Donnelly Act, building on measures introduced in New York’s last legislative session.

These proposals, if enacted, would make New York’s single firm conduct statutory provisions the most aggressive in the United States and would give the New York Attorney General a more prominent role in reviewing transactions—including by creating a first-of-its-kind state merger notification requirement. These changes would allow New York’s antitrust law to reach a range of conduct not actionable under any existing federal or state antitrust law, and would introduce European-style antitrust standards to New York. Accordingly, this reform would create considerable new compliance challenges and risk for companies potentially subject to New York antitrust law, whether or not those companies are located in New York.

Other U.S. states and territories are considering antitrust law changes, but the New York proposals are the most significant. Although much of the conversation concerning developments in antitrust law has focused on “Big Tech” companies, these proposals would affect businesses across all sectors of the economy. This alert discusses these legislative proposals and key implications for businesses.

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#### T Prohibition

#### “Prohibition” requires a declaration of per se illegality

Loevinger 61 (Honorable Lee Loevinger- Assistant Attorney General in charge of the Antitrust Division. “THE RULE OF REASON IN ANTITRUST LAW” , *Section of Antitrust Law* , 1961, Vol. 19, PROCEEDINGS AT THE ANNUAL MEETING, ST. LOUIS, MISSOURI, AUGUST 7 THROUGH 11, 1961 (1961), pp. 245-251, JSTOR accessed online via KU libraries, date accessed 9/13/21)

Running through the history of antitrust law are two contrapuntal themes: A prohibition of restraint of trade and a principle lately called the "rule of reason" which limits the prohibition. The legal rule against restraint of trade began in the 15th century in cases holding that a contract by which a man agreed not to practice his trade or profession was illegal.1 However, in the course of development of the common law, it became established that agreements which were ancillary to the sale or transfer of a trade or business and which were limited so as to impose a restriction no greater than reasonably necessary to protect the purchaser's interest.2

Thus, when the Sherman Act incorporated the common-law principles on this subject into federal statutory law 3 by adopting the concept of restraint of trade, it presumably imported both the principle that restrictions on competition are illegal and also the principle that in some circumstances a showing of reasonableness will legalize restrictions on competition. Nevertheless, when the question was first presented to the United States Supreme Court under the Sherman Act, it was clearly held (despite later disavowals4 ) that the justification of reasonableness was not available as a defense to a combination which had the effect of restraining trade.' Indeed, it was intimated that the question of reasonableness was not open to the courts in these actions at common law.6 However, when the Court reviewed this matter in Standard Oil Co. v. United States,7 it said in fairly explicit terms both that the Sherman Act prohibited only contracts or acts which unreasonably restrained competition and that the standard of reasonableness had been applied to all restraints of trade at the common law. The Court's assertion is somewhat weakened by the fact that it construed the rule of reason not as applying a standard for judging the character or consequences of the challenged conduct, but as a technique involving the application of human intelligence, or reason, to the problem of making a judgment about whether the conduct does restrain trade.'

#### The aff violates—they create a new legal standard for courts to decide whether a practice is “unreasonable” based on weighing evidence—not a declaration of illegality without inquiry

McKibben 85 (Michael D. McKibben-Vanderbilt University Law School, J.D., 1985, Vanderbilt Law Review, Associate Editor; Patrick Wilson Scholar. The Resale Price Maintenance Compromise: A Presumption of Illegality, 38 Vanderbilt Law Review 163 (1985), Available at: <https://scholarship.law.vanderbilt.edu/vlr/vol38/iss1/3> , date accessed 9/13/21)

In United States v. Colgate & Co." the Court developed a major exception to Dr. Miles. The Colgate doctrine allows a weak form of RPM by manufacturers or wholesalers that have attempted unilaterally to set prices.6 Although the Colgate doctrine has lost much of its vitality due to years of restrictive interpretation, in Russell Stover Candies, Inc. v. FTC7 the United States Court of Appeals for the Eighth Circuit upheld Colgate against a challenge by the Federal Trade Commission. In addition, the Supreme Court, in Monsanto Co. v. Spray-Rite Service Corp.," recently intimated new-found support for the Colgate doctrine and a possible willingness to reconsider the Dr. Miles per se prohibition against RPM.9

The outcome of vertical pricing cases under section 1 has depended upon the perceived effects of RPM on competition. Current RPM decisions, however, rest on the principles of stare decisis and, therefore, do not depend upon political and economic theories that have developed since Dr. Miles.10 Early courts denounced vertical restraints as analogous to horizontal price fixing, which courts have assumed the drafters of the Sherman Act intended to prohibit per se. 11 Later cases, however, illustrate that the analogy between vertical and horizontal trade restrictions is not analytically sound, and the Supreme Court's attempt to maintain the per se approach to RPM has led to serious theoretical and practical problems. 12

This Note explores several problems with recent RPM decisions: (1) the effect of the per se rule on producers' rights to control their marketing strategies; (2) inconsistent use of the plural action requirement as a foil for avoiding or invoking the per se rule; (3) the suppression of benign or procompetitive activities because of the rule; (4) the difficulties with free rider marketing; and (5) the obstacles to advice and planning that recent decisions have created. This Note contends that a new standard, a rebuttable presumption13 against legality, would alleviate most, if not all, problems that the inflexible per se rule causes.

A rebuttable presumption, followed by rule of reason analysis 14 [[BEGIN FOOTNOTE 14]] 14. Under the rule of reason "the factfinder weighs all of the circumstances of a case in deciding whether a restrictive practice should be prohibited as imposing an unreasonable restraint on competition." Sylvania, 433 U.S. at 49. [[END FOOTNOTE 14]] in cases in which the defendant satisfies the threshold inquiry,15 would restore certainty and intellectual honesty to RPM cases. The rebuttable presumption would eliminate the need to reconcile contrary cases and the need to consider issues that parties now must address under the rule of reason. While the rebuttable presumption does not require that courts maintain or reject the Colgate doctrine,16 this Note argues that the Court could retain Colgate but primarily rely upon the guidelines and safeguards of the rebuttable presumption. This new line of inquiry would retain the benefits of the per se rule-efficiency and certainty-and would remain flexible enough to accommodate special cases in which RPM may be beneficial to the market. In many cases, the rebuttable presumption also would save society, courts, and litigants the protracted costs of rule of reason analysis.

Part II of this Note considers major RPM cases since the early 1900s, with special focus on Russell Stover and Filco v. Amana Refrigeration, Inc.,'17 cases which protect the defendant under the Colgate doctrine. Part III analyzes the weaknesses of the per se rule and the benefits that could inure to manufacturers and the marketplace under the rebuttable presumption. Part IV examines the strengths and weaknesses of the rule of reason and offers an improved rule of reason approach as the second part of the rebuttable presumption standard. Finally, Part V outlines a suggested analysis for RPM disputes using a rebuttable presumption of illegality. Part V also considers the effects of the presumption on federal antitrust laws.

II. THE CURRENT CONTROVERSY

A. Minimum Price Restrictions in the Supreme Court

Vertical price restrictions are written or oral directives setting a price above or below which a manufacturer wishes its distributors to sell. If the manufacturer establishes a price below which a distributor should not resell a product, the manufacturer is imposing minimum price RPM. Maximum price RPM-the setting of price ceilings- and minimum RPM are per se violations of section 1 of the Sherman Act."' Nonprice vertical restrictions, however, which include primarily territorial distributorship limitations, generally are reviewed under the rule of reason. 19

1. Dr. Miles: The Per Se Rule

Dr. Miles Medical Co. v. John D. Park & Sons Co.20 is the basis of much of the current academic criticism of the Supreme Court's RPM approach.2 ' The plaintiff Dr. Miles, a medicine manufacturer, required its wholesalers and retailers to adhere to a minimum resale price schedule. The plaintiff also required its wholesalers to maintain control over the retailers' subsequent resale prices. The defendant Park & Sons, a wholesaler that refused to purchase from Dr. Miles under the minimum price contract, bought Dr. Miles' medicines from third parties and resold them below the plaintiff's price schedule. The plaintiff charged the defendant with inducing the plaintiff's distributors to breach their contracts by reselling to a price cutter.22 The Court denied the plaintiff's request for relief and held that the plaintiff's contract provision was void under common law and the Sherman Act. 3

After determining that the agreement between Dr. Miles and its vendees fulfilled the duality requirement of the Sherman Act,24 the Court found that the plaintiff's resale price schedule eliminated competition by controlling the price at which all purchasers received the product.25 The Court refused to accept the defendant's argument that producers of patented products have a right ordinary sellers do not have-the right to dictate the destiny of their products.26 The Court inquired whether the plaintiff had a right to restrain trade. The Court held that generally a right to control alienation does not exist without an agreement.2 7 Applying the common-law rule that contractual restraints on alienation must be reasonable and limited to the necessity of the circumstances, 2 the Court found that Dr. Miles' agreement did not fit any of the common forms of acceptable restraints.29

The Court's final inquiry was whether the benefits that the plaintiff gained from its pricing restrictions were entitled to more protection than the property rights that the defendants had in the medicine.30 The Court's response to this issue forms the heart of the per se rule.31 [[BEGIN FOOTNOTE 31]] 31. Per se rules prohibit certain conduct without inquiry into possible justifications for the conduct. Courts impose per se rules when the interests of judicial economy outweigh other interests. See Note, Fixing the Price Fixing Confusion: A Rule of Reason Approach, 92 YALE L.J. 706, 708 (1983). [[END FOOTNOTE 31]] Although the Court never explicitly condemned all vertical price fixing agreements, it found that the effects of the Dr. Miles scheme were the same as the effects that could result from horizontal price fixing at the dealer level. The Court, therefore, held that both kinds of price fixing were illegal.3 2 The Supreme Court's focus on the effects of the alleged violative activity, without regard to its purposes or benefits, is characteristic of other Supreme Court per se decisions. 3

The breadth of the Dr. Miles decision is still unclear.3 4 A narrow interpretation of the holding is that express contractual provisions restraining resale prices violate the Sherman Act. The decision left open many further questions, the first of which the Court answered by creating the Colgate exception.

2. The Colgate Exception

The Court's 1919 decision in United States v. Colgate & Co.35 is still difficult for courts and commentators to harmonize with the Dr. Miles rule of per se illegality.3 6 In Colgate the prosecution charged the defendant under the Sherman Act 37 with forming an illegal combination to fix resale prices among the wholesalers and retailers of the defendant's soap and toilet products.3 8 Colgate circulated price lists, along with provisions for penalties to distributors that did not adhere to the defendant's price lists. Colgate also engaged in policing activities, such as obtaining information from other distributors concerning noncomplying dealers, and requesting assurances from nonuniform pricers that they would comply with the defendant's guidelines. 39

The trial court sustained the defendant's demurrer 40 and the Supreme Court affirmed on direct appeal. The Court permitted the defendant's pricing structure based on the trial court's finding that Colgate reserved no contractual rights in the goods after their sale to dealers. Colgate could enforce the price restrictions only by later refusing to deal with wholesalers and retailers that breached their contracts.41 According to the Court, because the contracts in Dr. Miles "undertook to prevent dealers from freely exercising the right to sell," Dr. Miles was distinguishable from Colgate.42 The Court then laid out the Colgate doctrine: "In the absence of any purpose to create or maintain a monopoly, the [Sherman Act] does not restrict the long recognized right of a trader or manufacturer engaged in an entirely private business, freely to exercise his own independent discretion as to parties with whom he will deal. 43 If the Court had employed the "effects only" logic that it used in Dr. Miles, Colgate would have been an inconsequential extension of the Dr. Miles progeny. By blending the section 1 duality requirement with common-law business principles, however, the Court created an exception to the per se rule.44

3. Narrowing Colgate

The Court quickly issued three decisions reaffirming the viability of Colgate, but in increasingly narrow circumstances. 45 Less than one year after Colgate, the Court decided United States v. A. Schrader's Son, Inc.46 Schrader's Son was factually similar to Dr. Miles,47 but the district court initially held for the defendant, reasoning that Colgate implicitly had overruled Dr. Miles.48 The Supreme Court reversed, stressing that its intent in Colgate was only to preserve the manufacturer's right to announce its pricing policy and cease to do business with dealers that failed to comply. 49

Based on this narrow interpretation of Colgate, the Court extended the scope of Dr. Miles to implicit agreements that attempt to make resale rates binding, including agreements "implied from a course of dealing or other circumstances." 0 The Court contrasted Colgate's holding with situations in which "the parties are combined through agreements designed to take away dealers' control of their own affairs and thereby destroy competition." 51 This language created a major expansion of the per se rule by shifting the Court's inquiry from "contract" to the less restrictive term "agreement." The Court's characterization of implicit agreements as section 1 violations is the basis of most criticism of the per se rule.52 Schrader's Son did not resolve the open distinction between implicit agreements that derive from dealer acceptance of fixed prices and unilateral declarations of terms that originate from a manufacturer's normal course of dealing.

The Supreme Court was quick to quell rumors of Colgate's early demise. In Frey & Son, Inc. v. Cudahy Packing Co.53 the trial court instructed the jury that the plaintiff could prevail despite the lack of an express or implied agreement or objections to the seller's pricing demands.5 4 The Supreme Court held that the jury instruction was insufficient to establish the defendant's liability under section 1. 55 Despite the Court's inability to draw a clear distinction between Dr. Miles and Colgate, the Court refused to extend the per se rule to prohibit inferential agreements.

#### VOTE NEG

#### FIRST---Ground---balancing tests devastate core links, because they allow the practice when it’s beneficial. AND, creates a moving target, because the disallowed behavior is context-dependent.

#### “Per se” is the only shot at unique links—topical affs impose rules not standards

Crane 7 Daniel A. Crane is Assistant Professor, Benjamin N. Cardozo School of Law, Yeshiva University, Rules Versus Standards in Antitrust Adjudication, 64 Wash. & Lee L. Rev. 49 (2007), https://scholarlycommons.law.wlu.edu/wlulr/vol64/iss1/3

In recent years, there has been a marked transition away from rules and toward standards in collaborative conduct cases. This occurred in an obvious way beginning in the 1970s as the Burger and then Rehnquist courts overruled Warren court precedents that had condemned a variety of business agreements as per se illegal. As common business practices such as vertical territorial allocations, 37 maximum resale price setting, 38 expulsions of members from industry associations, 39 and manufacturer acquiescence in a retailer's demand to terminate a competing retailer that was deviating from the manufacturer's MSRP40 went from the per se rule to the rule of reason, the domain of rules shrunk and the domain of standards grew. Significantly, the Court declined the Chicago School's call to move vertical restraints from per se illegality to per se legality. In State Oil, Justice O'Connor-who is also fond of balancing tests in constitutional law 4 -went out of her way to make clear that the Court was not holding "that all vertical maximum price fixing is per se lawful.' 42 Vertical restraints would still require scrutiny, but under the multi-factored rule of reason. The transition from rules to standards did not take place solely due to a juridical shift of particular business practices from one category to another. Instead, the entire judicial rhetoric of antitrust has moved in a more nuanced, standard-based direction over the past few decades. With few exceptions, 43 the courts have stopped creating new categories of per se illegal conduct, even though commercial circumstances and practices evolve over time and litigation frequently explores new areas of commercial behavior. Since the mid-1970s, the Supreme Court seems to have frozen the canon of per se illegal practices, without necessarily pushing all other behavior into rule of reason. Instead, arguably beginning with National Society of Professional Engineers v. FTC'4 in 1978, the Court adopted what later became known as the "quick look" approach. In subsequent cases like NCAA v. Board ofRegents45 and California 46 Dental Ass'n v. FTC, the Court described the quick look approach as involving an initial court determination, based on a "rudimentary understanding of economics, ' , 47 that the practice at issue has obvious anticompetitive effects, which puts the defendant to the burden of immediately putting forth a 48 procompetitive justification for the practice.

#### SECOND---Bidirectionality---rule of reason creates legally protected practices

Graglia 8 (Lino A. Graglia is the A. Dalton Cross Professor of Law at the University of Texas. “The Antitrust Revolution”, *Engage* Vol. 9, Issue 3, <https://fedsoc-cms-public.s3.amazonaws.com/update/pdf/HfSHUKp1jnxxov80FkGORMCD5eojoela0HkiRejm.pdf> , October 2008, date accessed 9/14/21)

Although Section 1 of the Sherman Act prohibits “every contract, combination…, or conspiracy, in restraint of trade,”7 it was early and necessarily—since the purpose of every contract is to restrain—decided that it prohibited only “unreasonable” restraints on trade.8 Under the resulting “Rule of Reason,” only business practices found to be net anticompetitive and without efficiency justification were (and are) illegal. Some practices, however, have been declared to be always or almost always anticompetitive and without justification—and therefore are said to be illegal per se. Because a challenged practice’s anticompetitive effects and lack of justification are typically very difficult to show—largely because they characterize few business practices—the Rule of Reason tends to become a rule of legal per se.9 The Rule of Reason means that antitrust plaintiff s will rarely win and, therefore, that few antitrust suits will be brought. Th e liberal justices of the Warren Court dealt with the “problem” by tending to declare nearly all challenged practices illegal per se.

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#### The United States federal government should

#### ---modernize the grid, including at least the implementation of microgrids

#### ---increase Department of Defense network visibility

#### ---increase information sharing, collaboration, and research and development funding for the private sector

#### ---implement cross-domain deterrence in cyber operations

#### substantially increase funding for research and development in 5g technologies.

#### ---establish a universal basic minimum income pegged to inflation in the United States via deficit spending

#### It solves the aff faster

Keane 17 – Christopher Keane is Vice President for Research and Professor of Physics at Washington State University. “When the federal budget funds scientific research, it’s the economy that benefits” Published July 26, 2017. Accessed 6/26/18. (<http://theconversation.com/when-the-federal-budget-funds-scientific-research-its-the-economy-that-benefits-80651>; EG)

Emergency: You need more disposable diapers, right away. You hop into your car and trust your ride will be a safe one. Thanks to your phone’s GPS and the microchips that run it, you map out how to get to the store fast. Once there, the barcode on the package lets you accurately check out your purchase and run. Each step in this process owes a debt to the universities, researchers, students and the federal funding support that got these products and technologies rolling in the first place. By some tallies, almost two-thirds of the technologies with the most far-reaching impact over the last 50 years stemmed from federally funded R&D at national laboratories and research universities. The benefits from this investment have trickled down into countless aspects of our everyday lives. Even the internet that allows you to read this article online has its roots in federal dollars: The U.S. Department of Defense supported installation of the first node of a communications network called ARPANET at UCLA back in 1969. As Congress debates the upcoming budget, its members might remember the economic impacts and improved quality of life that past congressional support of basic and applied research has created. Federal dollars do more than fund labs Here in the state of Washington, federally funded research at both my employer, Washington State University, and the University of Washington has led to transformational innovations. It’s helped spawn not only new products that save and improve lives, but productivity growth through new businesses and services. The Zhang lab at WSU works on recycling carbon composite fiber materials. Robert Hubner, WSU, CC BY-ND Just a few examples include new kinds of composite-based lumber, smart home technology for the aged, kidney dialysis machines, airport explosive detectors and new varieties of wheat, potatoes and other agricultural crops that we enjoy at our tables and in numerous products. All these inventions relied on federal investment combined with university research lab expertise. The important final step was commercialization. Together it all led to positive economic impacts. We see this pattern again and again. For instance, next time you’re on Google, remember it was founded by two Stanford University doctoral students who were funded in part by National Science Foundation Graduate Fellowships. Fast forward 20 years and here in my backyard, the company is busy building a new campus in downtown Seattle that may house 3,000-4,000 workers by 2019. Many of those hired will likely be graduates from both WSU and UW. The fact is that thousands of companies can trace their roots to federally funded university research. And since the majority of federally funded research takes place at America’s research universities – often in concert with federal labs and private research partners – these spinoff companies are often located in their local communities all across the country. Just one of these firms, headquartered in Broomfield, Colorado, employs over 2,800 workers and started with researchers at the University of Colorado who create instruments, data exploitation solutions and technologies for civil, commercial, aerospace and defense applications. Another in Audubon, Pennsylvania develops rapid, noninvasive “liquid biopsy” tests for cancer screening and early detection based on research from the University of Pennsylvania. And another company with 85 employees in Madison develops high-density DNA microarrays for pharmaceutical research based on research from the University of Wisconsin. The list goes on and on. A Washington state case study Focusing federal research funding on research universities who enjoy strong corporate and business partners has strategic value. There is little doubt that the state of Washington’s recent economic successes, for example, comes down to a cycle of innovation and discovery that feeds additional economic growth and private-public-university relationships. Federal R&D funding is a key ingredient. Our two public research universities have strong relationships with federal funding agencies. Together Washington State University and the University of Washington – the largest recipient of federal research funding in the nation among public universities – form the technological and intellectual pillar around which many of our state’s successful businesses are built and sustained. Both universities graduate thousands of undergraduate and graduate students who provide a constant supply of educated, trained workers. In turn, the universities and federal R&D investment benefit from the active engagement and monetary support of business leaders and professionals. Innovative ideas and knowledge percolate back and forth between federally funded research and the private sector. A recent milestone provides an example. Gassing up with renewable, affordable jet fuel – thanks to a public/private research collaboration. Robert Hubner, WSU, CC BY-ND Federal research dollars helped solidify a collaboration aimed at solving a big problem: the high carbon emissions from air travel, a contributor to climate change. WSU worked together with the UW and a host of other regional public research institutions, the U.S. Department of Agriculture, Alaska Airlines, Weyerhaeuser Corp., Gevo, Inc. and a large alliance of private industry to develop a renewable, affordable source of jet fuel. Each collaborator brought unique expertise to the innovation table. USDA provided the funding and the policy commitment to the development of biofuels that spurred matching investment from private partners. Alaska Airlines brought the need to reduce its carbon emissions and its leadership in applying clean technologies to improve its environmental performance. WSU contributed decades of pertinent experience in both basic science and applied research. UW researchers demonstrated the fuel’s potential reduction in life cycle greenhouse gas emissions. And, Gevo, Inc. brought its private-sector skills and patented technology in developing bio-based alternatives to petroleum-based products. The sum of these parts created a strong, successful partnership that took a big step toward sustainable aviation. Individual researchers with their deep expertise remain the bedrock of the research enterprise. But teams of scientists – drawn from research universities, government and the private sector – all working on multidisciplinary problems are having an increasing impact. Recipe for amplifying R&D investment Importantly, this phenomenon is not unique to the state of Washington. The **nation’s most active innovation hubs and successful regional economies have similar factors that drive economic growth and resiliency, including: Top-tier research institutions supported by federal, state and private funding**; A concentration of talented and diverse workers; An ecosystem of firms, entrepreneurs and intermediaries; Accessible pools of risk capital; A global orientation; and Communities that take advantage of the area’s unique assets and advantages in creating a desirable quality of life. We see these conditions coming together around the country: in Silicon Valley, the Raleigh-Durham Research Triangle Park, Boston’s metro area and other innovation hubs in cities like Boulder, Colorado; Madison, Wisconsin; Austin, Texas; and Gainesville, Florida. It’s this cooperative model and leveraging of federal R&D dollars that have long been this nation’s competitive advantage. With fewer federal dollars allocated to scientific R&D, the next Silicon Valley – with its potential for an economic renaissance for a new area not even on our innovation map yet – may not emerge as quickly.

#### solve detection and deter attacks.

Buchanan and Sulmeyer 16 (Ben and Michael; 12/13/2016; post-doctoral fellow at the Belfer Center’s Cyber Security Project, director of the Belfer Center’s Cyber Security Project; “Russia and Cyber Operations: Challenges and Opportunities for the Next U.S. Administration,” <http://carnegieendowment.org/2016/12/13/russia-and-cyber-operations-challenges-and-opportunities-for-next-u.s.-administration-pub-66433>; Date Accessed: 7/10/2017; DS)

To better position the United States against increased Russian cyber operations, an approach designed to improve American operations in three areas is essential: **defense, detection, and deterrence**. Implementing these recommendations in these areas will enable U.S. policymakers to have greater confidence in the baseline level of security in key networks, a better chance of quickly **identify**ing **and thwart**ing Russian intrusions when they do occur, and a clearer posture for limiting Russian behavior. The standard of baseline defenses must improve, both in government networks and in privately operated critical infrastructure. Network defenders should prioritize deploying audited code—software that has been **checked for vulnerabilities**—and applying security updates in order to **minimize the opportunities for intrusion** as much as possible. Ideally, such efforts will minimize the percentage of successful intrusion attempts, enabling defenders to focus their time on more sophisticated threats, such as those potentially posed by Russia. This will likely involve **replacing older so-called legacy systems** that were not built with security in mind. In the case of federal networks, Congress should **authorize the modernization** of important information technology infrastructure; the 2016 budget request from President Barack Obama contains initiatives that are a useful starting point.21 A related component of defense is detection. The faster adversaries can be spotted and removed from a network, the **less damage** the adversaries will be able to do. Better perimeter defenses are a fundamental part of cybersecurity, but they are not by themselves sufficient. Within both the private and public sector, networks should be designed or, where applicable, redesigned to **increase the visibility** defenders have into all activity taking place. With better network visibility, defenders should monitor their own networks for anomalous activity that could indicate the presence of an intruder.22 Older systems will likely have to be replaced over time in order to achieve this; President Obama’s proposal for information technology modernization in government is also a good start.23 To aid this effort, the United States government should **increase its information sharing** with the private sector. It should prioritize efforts to declassify as much as possible threat intelligence on sophisticated foreign actors, including Russian operators, and share this data with the relevant sector-specific information sharing and analysis organizations. When this threat intelligence is married with better network architecture, ongoing detection of malicious activity becomes a more tractable problem. Where appropriate, the United States should increase its intelligence collection in order to inform this effort. In addition, the U.S. government should lead or encourage a **widespread effort to detect adversaries** already lurking in American critical infrastructure. This mission, which will likely involve a private-public partnership in some areas, should seek to identify intrusions that have already taken place and remove them from the affected networks. The goal should be to reduce, as much as possible, the Russian ability to perform ongoing collection and to hold key U.S. targets at risk. Decontamination of networks is a challenging and resource-intensive undertaking, but it is vital. The last recommendation relates to deterrence. The United States should make it clear that there are costs for intrusive cyber operations, especially when those operations exceed acceptable norms of behavior. In order to make this deterrent credible, the United States must be **prepared to retaliate** for activities it deems inappropriate. But this response does not need to be limited to cyber operations. Indeed, there is already a precedent for non-cyber-operation responses to intrusions, a concept known as **cross-domain deterrence**. In response to cases like the hacking of campaign officials and the leaking of their personal emails, the United States should identify the perpetrators and consider an unambiguous public rejoinder. The Department of Justice has obtained indictments against Chinese and Iranian cyber operators; where appropriate, it should consider using that tool against Russian actors. This **naming and shaming**, combined with the possible restrictions on travel—due to fear of arrest—that accompany indictments indicates to operators that the United States is capable of doing attribution and that there perhaps **will be consequences** for their actions. In addition, sanctions in response to cyber activity may also be merited. The 2015 executive order signed by President Obama enables the United States to impose sanctions on other nations for their behavior in cyberspace. With Russia, there are already sanctions in place due to the conflict in Ukraine, but additional targeted sanctions for cyber activity may be warranted.24

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#### Anti-trust is based in free-market logics of competition and consumerism that reify neoliberal exploitation. Monopolies are inevitable in a world of government collusion and empire-building, only the alt solves.

Tell 21, PhD, is author of the book “Charter School Report Card.” His main research interests include charter schools, neoliberal education policy, privatization and political economy (Shawgi, July 29th, “EMPTY RHETORIC THAT SEEKS TO MISINFORM AND APPEASE: ON BIDEN'S FARCICAL ANTI-MONOPOLY EXECUTIVE ORDER,” *Hampton Think*, <https://www.hamptonthink.org/read/on-bidens-farcical-anti-monopoly-executive-order?rq=antitrust>, Accessed 09-24-2021)

One of these is the inexorable tendency of competition to lead to monopoly under capitalism. Competition means winners and losers. By definition, not everyone can win when competing. Competition means rivalry for supremacy. Thousands compete in the Olympics, for example, but only a select few (“winners”) go home with a gold medal.[1] It is no accident that the economy, media, and politics are heavily monopolized by a handful of billionaires while billions of people who actually produce the wealth in society and run society remain marginalized and disempowered.

This brutal reality cannot be reversed or overcome with the utterance of a few platitudes, the passage of some policies, or the creation of some agencies that claim to be able to fix the outdated economic system, especially when all of the above come from billionaires themselves.

On July 9, 2021, President Joe Biden issued an Executive Order on Promoting Competition in the American Economy (https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/).

The order is about 7,000 words long and full of anticonscious statements. Disinformation pervades the entire order.

The opening paragraph begins with the following disinformation:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the interests of American workers, businesses, and consumers, it is hereby ordered….

Here, “American workers, businesses, and consumers” are casually misequated and no mention is made of citizens or humans. The implication is that consumerism is normal, healthy, and desirable, and that workers and big business somehow have the same aims, world outlook, and interests. This conceals the fact that owners of capital and workers have antagonistic irreconcilable interests and that people exist as humans and citizens, not just utilitarian consumers and shoppers in a taken-for-granted system based on chaos, anarchy, and violence.

Disinformation is further escalated in the next paragraph:

A fair, open, and competitive marketplace has long been a cornerstone of the American economy, while excessive market concentration threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers.

“Market concentration” has been the norm for generations. Monopolies, cartels, and oligopolies have been around since the late 1800s. Mergers and acquisitions have been taking place non-stop for decades. The so-called “free market” largely disappeared long ago. Objectively, there can be no fairness in a system rooted in wage-slavery and empire-building. Wage-slavery is the precondition for the tendency of the rich to get richer and the poor poorer. It is not a recipe for prosperity and security for all. This is also why inequality, tyranny, violence, and surveillance have been growing over the years. Moreover, what “threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers” is the ongoing political and economic exclusion of people from control over the economy and their lives by the financial oligarchy. There can be no liberty, accountability, and welfare when most people are deprived of real decision-making power and major owners of capital make all the decisions. Problems would not constantly worsen if people had control over their lives. The “best allocation of resources” cannot be made when the economy is carved up, fractured, and controlled by competing owners of capital.

Although recurring economic crises for well over a century have repeatedly discredited “free market” ideology, the 7,000-word executive order is saturated with the language of “choice,” “competition,” and “consumers.” This is the same worn-out language used by privatizers of all hues at home and abroad.

Further, while the executive order gives many examples of “economic consolidation” in numerous sectors, the government is not interested in creating a self-reliant vibrant diverse economy that meets the needs of all. It is not committed to reversing “the harmful effects of monopoly and monopsony.” Numerous antitrust laws have not stopped either. Big mergers and acquisitions have been going on for years. Rather, the executive order is an attempt to restructure economic and political arrangements among different factions of the wealthy elite; it reflects a new stage or form of inter-capitalist rivalry for even greater domination of the economy by fewer owners of capital. In other words, moving forward, the economy will remain monopolized by a few monopolies. Wealth is only going to become more concentrated in fewer hands in the years ahead. Mountains of data from hundreds of sources document growing wealth and income inequality every year.

The bulk of the executive order is filled with endless directives, strategies, rules, and suggestions for how to curb “unfair practices” and promote “fairness” and “competition.” But these all ring hollow given concrete realities and past experience.

Today, governments at all levels have been taken over by global private monopoly interests and have become instruments of decisions made on a supranational basis. There is a fine-tuned revolving door between officials from government and the private sector; they have become synonymous for all essential purposes. The same people who run major corporations also serve in high-level government positions where they advance the narrow interests of the private sector and then they leave government and return to their high-level corporate positions. There is a reason why the majority of members of Congress are millionaires. The Executive Branch in the United States, especially the President’s Office, is a major tool for the expression of the will of the most powerful monopolies. This is why billions of dollars are spent every few years to select the President of the country.

A modern economy must be controlled and directed by workers themselves. Only such an economy can provide for the needs of all and avoid endless economic distortions. Uneven economic development, “unfair” arrangements, “market concentration,” monopolies, oligopolies, and recurring crises cannot be avoided so long as those who actually produce the social product have no control over the social product. Workers have first claim to the wealth they produce and have the right to decide how, where, and when that wealth is used. Major owners of capital are historically superfluous and a big block to progress. They are not needed for a healthy vibrant self-reliant economy that meets the needs of all.

#### All capitalism is racial capitalism---the system of competition the aff perpetuates cannot sustain itself without theft of indigenous land, super-exploitation of black labor, imperial extraction, and racist devaluation of ‘disposable populations.’

\*2 point font and paragraph merging for readability.

\*\*Footnote 14 is inserted below the paragraph it’s cited in, other footnotes excluded for readability.

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Drawing on the intellectual production of twentieth-century Black anticapitalists, I theorize modern U.S. racial capitalism as a racially hierarchical political economy constituting war and militarism, imperialist accumulation, expropriation by domination, and labor superexploitation.14 The racial here specifically refers to Blackness, defined as African descendants’ relationship to the capitalist mode of production—their structural location—and the condition, status, and material realities emanating therefrom.15 It is out of this structural location that the irresolvable contradiction of value minus worth arises. Stated differently, Blackness is a capacious category of surplus value extraction essential to an array of political-economic functions, including accumulation, disaccumulation, debt, planned obsolescence, and absorption of the burdens of economic crises.16 At the same time, Blackness is the quintessential condition of disposability, expendability, and devalorization.

[Footnote 14]: Another feature of modern U.S. racial capitalism is property by dispossession. In Theft Is Property! Dispossession and Critical Theory, Robert Nichols draws on the experience of Indigenous peoples in the United States, Canada, and New Zealand to theorize how the “system of landed property” was fundamentally predicated on violent dispossession. While the Anglo-derived legal-political regimes differed in these localities, the “intertwined and co-constitutive” material effects converged in the legalized theft of indigenous territory amounting in “approximately 6 percent of the total land on the surface of Earth.” Such dispossession, Nichols notes, is recursive: “In a standard formulation one would assume that ‘property’ is logically, chronologically, and normatively prior to ‘theft.’ However, in this (colonial) context, theft is the mechanism and means by which property is generated: hence its recursivity. Recursive dispossession is effectively a form of property-generating theft.” As such, theft and dispossession, through property regimes, are an ongoing feature of the Indigenous reality of modern U.S. racial capitalism. Robert Nichols, Theft Is Property! Dispossession and Critical Theory (Durham: Duke University Press, 2020), 50–51.

My operationalization of capitalism follows Oliver Cromwell Cox’s explication in Capitalism and American Leadership.17 Modern U.S. racial capitalism arose in the context of the First World War, when, as Cox explains, the United States took advantage of the conflict to capture the markets of South America, Asia, and Africa for its “over-expanded capacity.”18 Cox further expounds upon this auspicious moment of ascendant modern U.S. racial capitalism thus: By 1914, the United States had brought its superb natural resources within reach of intensive exploitation. Under the stimulus of its foreign-trade outlets, the financial assistance of the older capitalist nations, and a flexible system of protective tariffs, the nation developed a magnificent work of transportation and communication so that its mines, factories, and farms became integrated into an effectively producing organism having easy access to its seaports.… [Likewise,] further internal expansion depended upon far greater emphasis on an ever widening foreign commerce.… Major entrepreneurs of the United States proceeded to step up their campaign for expansion abroad. The war accentuated this movement. It accelerated the growth of [modern] American [racial] capitalism and impressed upon its leaders as nothing had before the need for external markets.19 Relatedly, Peter James Hudson argues that the First World War fundamentally changed the terms of order of international finance, allowing New York to compete with London, Paris, and Berlin for the first time in the realm of global banking. This was not least because the Great War “drastically reordered global credit flows,” with the United States transforming from a debtor into a creditor nation.20 In addition to Latin American and Caribbean nations and businesses turning to the United States for financing and credit, domestic saving and investment patterns were altered to the benefit of imperial financial institutions like the City Bank.21 Although the United States is, to use Cox’s terminology, more a “lusty child of an already highly developed capitalism” than an exceptional capitalist power, the nation perfected its techniques of accumulation through its vast natural wealth, large domestic market, imbalance of Northern and Southern economies, and, importantly, through its lack of concern for the political and economic welfare of the overwhelming masses of its population, least of all the descendants of the enslaved.22 Modern U.S. racial capitalism is thus sustained by military expenditure, the maintenance of an extremely low standard of living in “dependent” countries, and the domestic superexploitation of Black toilers and laborers. Cox notes that Black labor has been the “chief human factor” in wealth production; as such, “the dominant economic class has always been at the motivating center of the spreads of racial antagonism. This is to be expected since the economic content of the antagonism, especially at its proliferating source in the South, has been precisely that of labor-capital relations.”23 In a general sense, racial capitalism in the United States constitutes “a peculiar variant of capitalist production” in which Blackness expresses a structural location at the bottom of the labor hierarchy characterized by depressed wages, working conditions, job opportunities, and widespread exclusion from labor unions.24 Furthermore, modern U.S. racial capitalism is rooted in the imbrication of anti-Blackness and antiradicalism. Anti-Blackness describes the reduction of Blackness to a category of abjection and subjection through narrations of absolute biological or cultural difference; ruling-class monopolization of political power; negative and derogatory mass media propaganda; the ascent of discriminatory legislation that maintains and reinscribes inequality, not least various modes of segregation; and social relations in which distrust and antipathy toward those racialized as Black is normalized and in which “interracial mass behavior involving violence assumes a continuously potential danger.”25 Anti-Blackness thus conceals the inherent contradiction of Blackness—value minus worth—obscuring and distorting its structural location by, as Ralph and Singhal remark, contorting it into only a “debilitated condition.”26 Antiradicalism can be understood as the physical and discursive repression and condemnation of anticapitalist and/or left-leaning ideas, politics, practices, and modes of organizing that are construed as subversive, seditious, and otherwise threatening to capitalist society. These include, but are not limited to, internationalism, anti-imperialism, anticolonialism, peace activism, and antisexism. Anti-Blackness and antiradicalism function as the legitimating architecture of modern U.S. racial capitalism, which includes rationalizing discourses, cultural narratives, technologies of repression, legal structures, and social practices that inform and are informed by racial capitalism’s political economy.27 Throughout the twentieth century, anti-Blackness propelled the “Black Scare,” defined as the specter of racial, social, and economic domination of superior whites by inferior Black populations. Antiradicalism, in turn, was enunciated through the “Red Scare,” understood as the threat of communist takeover, infiltration, and disruption of the American way of life.28 For example, in the 1919 Justice Department Report, Radicalism and Sedition Among the Negroes, As Reflected in Their Publications, it was asserted that the radical antigovernment stance of a certain class of Negroes was manifested in their “ill-governed reaction toward race rioting,” “threat of retaliatory measures in connection with lynching,” open demand for social equality, identification with the Industrial Workers of the World (IWW), and “outspoken advocacy of the Bolshevik or Soviet doctrine.”29 Here, anti-Blackness, articulated through the fear of the “assertion of race consciousness,” was attached to the IWW and Bolshevism—in other words, to anticapitalism—to make it appear even more subversive and dangerous. Likewise, antiradicalism, expressed through the denigration of the IWW and Soviet Doctrine, was made to seem all the more threatening and antithetical to the social order in its linkage with Black insistence on equality and self-defense against racial terrorism. In this way, “defiance and insolently race-centered condemnation of the white race” and “the Negro seeing red” came to be understood as seditious in the context of modern U.S. racial capitalism. The link between my theory of modern U.S. racial capitalism and Robinson’s catholic theory of racial capitalism, beyond his “suggest[ion] that it was there,” is vivified through the prison abolitionist and scholar Ruth Wilson Gilmore, who writes: “Capitalism…[is] never not racial.… Racial capitalism: a mode of production developed in agriculture, improved by enclosure in the Old World, and captive land and labor in the Americas, perfected in slavery’s time-motion, field factory choreography, its imperative forged on the anvils of imperial war-making monarchs.”30 Racial capitalism, she continues, “requires all kinds of scheming, including hard work by elites and their compradors in the overlapping and interlocking space-economies of the planet’s surface. They build and dismantle and reconfigure states, moving capacity into and out of the public realm. And they think very hard about money on the move.”31 Perhaps more than Gilmore, though, my approach aligns with that of Neville Alexander as described by Hudson.32 Like Alexander, who focused on South Africa, I offer a particularistic understanding of racial capitalism, mine being rooted in the political economy of Blackness and the legitimating architectures of anti-Blackness and antiradicalism in the United States. Gilmore qua Robinson offers a more universalist and transhistorical conception. Like Alexander, my theory of modern U.S. racial capitalism is primarily rooted in (Black) Marxist-Leninists and fellow travelers. This is an important epistemological distinction: whereas Robinson finds Marxism-Leninism to be, at best, inattentive to race, my theory of modern U.S. racial capitalism is rooted in the work of Black freedom fighters who, as Marxist-Leninists, were able to offer potent and enduring analyses and critiques of the conjunctural entanglements of racialism, white supremacy, and anti-Blackness, on the one hand, and capitalist exploitation and class antagonism on the other hand.33 Although Robinson draws on scholars like Fernand Braudel, Henri Pirenne, David Brion Davis, and Eli Heckscher to understand European history, socialist theory, and the European working class, the work of Black Marxists like James Ford, Walter Rodney, Amílcar Cabral, and Paul Robeson offer me those same intellectual, historical, and theoretical resources. Finally, I agree with Alexander that the resolution to racial capitalism is antiracist socialism, not a cultural-metaphysical Black radical tradition. In what remains of this essay, I will draw on the work of Black Marxist-Leninists and anticapitalists to explicate the defining features of modern U.S. racial capitalism—war and militarism, imperialist accumulation, expropriation by domination, labor superexploitation, and property by dispossession. In this, I demonstrate that their critiques and analyses offer a blueprint for theorizing modern U.S. racial capitalism. War and militarism facilitate the endless drive for profit. Military conflicts between imperial powers result in the reapportioning of boundaries, possessions, and spheres of influence that often exacerbate racial and spatial economic subjection. War and militarism also perpetuate the endless construction of “threats,” primarily in racialized and socialist states, against which to defend progress, prosperity, freedom, and security. The manufacturing of conflict legitimates the mobilization of extraordinary violence to expropriate untold resources that produce relations of underdevelopment, dependency, extraversion, and disarticulation in the Global South. Moreover, the ruling elite and labor aristocracy in imperialist countries, not least the United States, wage perpetual war to defend their way of life and standard of living against the racialized majority who, because they would benefit most from the redistribution of the world’s wealth and resources, represent a perpetual threat. Here, Du Bois’s 1915 essay, “The African Roots of War,” is instructive.34 Though he does not directly analyze the United States, he nonetheless demonstrates how racism, white supremacy, and the plunder of Africa underpinned the capitalist imperialist war that engulfed the world from July 1914 to November 1918—a war that catapulted the United States into the center of the capitalist world system. Using Du Bois’s own words, Hubert Harrison, the father of Harlem radicalism, makes the direct link: But since every industrial nation is seeking the same outlet for its products, clashes are inevitable and in these clashes beaks and claws—armies and navies—must come into play. Hence beaks and claws must be provided beforehand against the day of conflict, and hence the exploitation of white men in Europe and America becomes the reason for the exploitation of black and brown and yellow men in African and Asia. And, therefore, it is hypocritical and absurd to pretend that the capitalist nations can ever intend to abolish wars.… For white folk to insist upon the right to manage their own ancestral lands, free from the domination of tyrants, domestic and foreign, is variously described as “democracy” and “self-determination.” For Negroes, Egyptians and Hindus to seek the same thing is impudence.… Truly has it been said that “the problem of the 20th century is the problem of the ‘Color Line.'” And wars are not likely to end; in fact, they are likely to be wider and more terrible—so long as this theory of white domination seeks to hold down the majority of the world’s people under the iron heel of racial oppression.35 For Du Bois, the imperialist rivalry for the booty on offer in Africa drove Berlin’s efforts to consolidate its place in the sun by displacing London in particular. While Vladimir Lenin understood that “the war [was] a product of half a century of development of world capitalism and of billions of threads and connections,” Du Bois expanded this analysis by providing a critique of the racial foundations of capitalist expansion.36 He held that the struggle to the death during the Great War for African resources and labor had begun to “pay dividends” centuries earlier through the enslavement of African peoples, the subsequent conflation of color and inferiority, and the reduction of what was routinely referred to as the “Dark Continent” to a space of backwardness ideally suited for dispossession. He further noted that “with the waning possibility of Big Fortune…at home, arose more magnificently the dream of exploitation abroad,” especially in Africa—a dream shared by white labor and the ruling class.37 In other words, this “democratic despotism” allowed for the white working class to “share the spoil of exploiting ‘chinks and niggers,'” and facilitated the creation of “a new democratic nation composed of united capital and labor” that perpetuated racial capitalism across class lines.38 Moreover, this national unity was strengthened through the disrespect and dehumanization of the racialized toilers and peasants in the plundered colonies that mitigated the exploitation and impoverishment of the white working class in imperial countries. This superexploitation allowed white workers to get a share, however pitiful, of “wealth, power, and luxury…on a scale the world never saw before” and to benefit from the “new wealth” accumulated from the “darker nations of the world” through cross-class consent “for governance by white folk and economic subjection to them”—a consensus solidified through the doctrine of “the natural inferiority of most men to the few.”39 Given the entanglement of racialization and capitalist exploitation, Du Bois averred, “Racial slander must go. Racial prejudice will follow…the domination of one people by another without the other’s consent, be the subject people black or white, must stop. The doctrine of forcible economic expansion over subject people must go.” Insofar as this admonishment applied as much to the United States as to European imperialists, beyond the international proletariat, it was the darker peoples and nations of the world who would challenge racial capitalism, not least “the twenty-five million grandchildren of the European slave trade…and first of all the ten million black folk in the United States.”40

Imperialist accumulation denotes the rapacious conscription of resources and labor for the purpose of superprofits through violent means that are generally reserved for populations deemed racially inferior. On the precipice of the Great Depression, the prominent Black communist James Ford beautifully explicated imperialist accumulation. In his 1929 report on the Second World Congress of the League Against Imperialism, he explained that the extant political economy constituted the consolidation of Africa’s partition and the “complete enslavement of its people”; the arresting of its industrialization, which hindered the development of the “toiling masses”; and the relegation of the continent to a source of raw material, a market for European goods, and a dumping ground for accumulated surplus capital. In the U.S. South, the Black poor were dehumanized by Wall Street, “white big business,” and the “rising Negro bourgeoisie” whose condition of possibility was the subjection of the Black working class. This oppression was exacerbated by rigid racial barriers, disenfranchisement, and lynching. Ford further argued that the West Indies, subjected to U.S. militarism and occupation on behalf of Wall Street, were largely transformed into a marketplace for U.S. goods. Moreover, throughout Africa, the U.S. South, and the Caribbean, Black workers were impressed into forced labor, laying railroads, building roads and bridges, and working in mines; were entrapped on plantations through peonage; and were subjected to convict leasing. In addition, they suffered intolerable working conditions and routinized violence.41

Expropriation by domination designates the seizure and confiscation of land, assets, property, bodies, and other sources of material wealth set to work by relations of economic dependence. This relationship exists both between nations and between groups. A quintessential enunciation of expropriation by domination between groups is We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government Against the Negro People, edited by the Black Communist William Patterson (with significant help from his wife and comrade Louise Thompson Patterson) and submitted to the United Nations by the Civil Rights Congress in 1951.42 The petition meticulously documented the past and present expropriation of Black people by the ruling class of modern U.S. racial capitalism through consistent and persistent discrimination in employment, unfair wages, forced ghettoization, inequitable and inferior accommodation and services, and the denial of justice in the courts. It further argued that this process was sustained by genocidal terror, white supremacist law, and the drive of monopoly capitalists for superprofits. Importantly, We Charge Genocide noted that, for primarily economic reasons, the historical and geographical locus of anti-Black genocide was the “Black Belt” of the Southern United States, a region expropriated by the Northern industrial capitalists and by Southern landowners alike. This was due in large part to plantation systems of sharecropping and peonage—legacies of slavery—in which Black political and economic rights were virtually nonexistent, Black laborers were inexorably tied to the land through debt, and the threat of violence and death precluded demands for justice. For Patterson, such expropriation by domination was the basis of “racist contamination that has spread throughout the United States.”43 We Charge Genocide further conveyed that expropriation by domination, a central element of modern U.S. racial capitalism, was more than a domestic concern because such practices “at home must inevitably create racist commodities for export abroad—must inevitably tend toward war.”44

Labor superexploitation can be understood as an economic relationship in which the intensity, form, and racial basis of exploitation differs little from slavery. Its effects are so extreme that it pushes racialized, particularly Black, labor effectively below the level of sheer physical subsistence. As Harrison explained, in the context of modern U.S. racial capitalism, Black workers “form a group that is more essentially proletarian than any other American group” because enslaved Africans were brought to the “new world” to be ruthlessly exploited. This reality fixed their social status as the most despised group, which in turn intensified their subjection.45 Likewise, organizations like the American Negro Labor Congress and the Anti-Imperialist League analyzed that the racial capitalist superexploitation of Black nations like Haiti in the first quarter of the twentieth century for the purposes of consolidating Wall Street control over land, commercial relations, and production was accompanied by the brutalization of Black labor, the export of Jim Crow practices, military occupation, and political repression.46 In effect, superexploitation results from the conjuncture of white supremacy, racialization, and the “badge of slavery,” which exacerbates the conditions of exploitation to which white working classes are subjected. As the Black Marxist Harry Haywood argued in 1948, “the stifling effects of the race factor are most strikingly illustrated by the drastic differences in the economic and cultural status of Negroes and whites.… Beyond all doubt, the oppression of the Negro, which is the basis of the degradation of the ‘poor whites,’ is of separate character demanding a special approach.”47 Superexploitation, he explained further, constitutes a combination of direct exploitation, outright robbery, physical violence, legal coercion, and perpetual indebtedness. It stifles “the free economic and cultural development” of the Black masses “through racist persecution as a basic condition for maintaining” virtual enslavement.48

The entrapment of Black women in domestic labor throughout the twentieth century—a function of their “triple oppression”—is perhaps the most glaring example of labor superexploitation under modern U.S. racial capitalism. In 1936, the lifelong Black radical Louise Thompson explained that Black women’s superexploitation in the capitalist mode of production was based on their race, sex, and subordination in the labor market.49 That same year, Black militants Marvel Cooke and Ella Baker published an article titled “The Bronx Slave Market” in which they studied triple oppression as it related to Black domestic workers. Cooke and Baker explained that the entanglements of racism, sex-based labor subordination, and structural poverty were deeply intensified by the Great Depression and forced Black domestic workers to pauperize their labor for the abysmal wage of less than thirty cents an hour. This form of labor exploitation was unique to the female sex because domestic work was conventional “women’s work,” and it was racialized insofar as the denigration of Black people fitted this group of women for low-wage, unprotected, and contingent labor.50

#### The new “cold war” battle for tech supremacy with China is a race manufactured to cover up US digital colonialism---only movements against capitalism can reign in US imperialism and prevent the aff’s impact.

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A Chinese or US digital empire?

In the West, there is a lot of chatter about “a new Cold War,” with the US and China battling it out for global technological supremacy. Yet, a close look at the tech ecosystem shows that US corporations are overwhelmingly dominant in the global economy.

China, after decades of high growth, generates around 17 percent of global GDP and is predicted to overtake the US by 2028, feeding into claims that American empire is on the decline (a narrative that was previously popular with the rise of Japan). When measuring the Chinese economy by purchasing power parity, it is already larger than the US. However, as economist Sean Starrs points out, this wrongly treats states as self-contained units, “interacting as billiard balls on a table.” In reality, Starrs contends, American economic dominance “hasn’t declined, it globalized.” This is particularly true when looking at Big Tech.

In the post-WWII period, corporate production was spread across transnational production networks. For instance, in the 1990s, companies like Apple began outsourcing electronics manufacturing from the US to China and Taiwan, exploiting sweatshop workers employed by companies like Foxconn. US tech transnationals often design the IP for, say, high-performance router switches (e.g. Cisco) while outsourcing manufacturing capacity to hardware manufacturers in the South.

Starrs profiled the world’s top 2,000 publicly traded companies, as ranked by Forbes Global 2000, and organized them according to 25 sectors, showing the dominance of US transnationals. As of 2013, they dominated in terms of profit shares in 18 of the top 25 sectors. In his forthcoming book American Power Globalized: Rethinking National Power in the Age of Globalization, Starrs shows that the US remains dominant. For IT Software & Services, US profit share is 76 percent versus China’s 10 percent; for Technology Hardware & Equipment, it is 63 percent for the US versus 6 percent for China, and for Electronics, it is 43 and 10 percent, respectively. Other countries, such as South Korea, Japan and Taiwan, often fare better than China in these categories as well.

Portraying the US and China as equal contenders in the battle for global tech supremacy, as is often done, is therefore highly misleading. For example, a 2019 United Nations “Digital Economy” report states that: “Geography of the digital economy is highly concentrated in two countries” — the United States and China. But the report not only ignores factors identified by authors like Starrs it also fails to account for the fact that most of China’s tech industry is dominant inside China, save a handful of major products and services, such as 5G (Huawei), CCTV cameras (Hikvision, Dahua), and social media (TikTok), which also hold large market shares abroad. China also has substantial investments in some foreign tech firms, but this hardly suggests a genuine threat to the dominance of the US, which has a much larger share of foreign investments as well.

In reality, the US is the supreme tech empire. Outside of US and Chinese borders, the US leads in the categories of search engines (Google); web browsers (Google Chrome, Apple Safari); smartphone and tablet operating systems (Google Android, Apple iOS); desktop and laptop operating systems (Microsoft Windows, macOS); office software (Microsoft Office, Google G Suite, Apple iWork); cloud infrastructure and services (Amazon, Microsoft, Google, IBM); social networking platforms (Facebook, Twitter); transportation (Uber, Lyft); business networking (Microsoft LinkedIn); streaming entertainment (Google YouTube, Netflix, Hulu), and online advertising (Google, Facebook) — among others.

The upshot is, whether you are an individual or a business, if you are using a computer, American companies benefit the most. They own the digital ecosystem.

Political domination and the means of violence

The economic power of US tech giants goes hand-in-hand with their influence in the political and social spheres. As with other industries, there is a revolving door between tech executives and the US government, and tech corporations and business alliances spend a great deal lobbying regulators for policies favorable to their specific interests — and digital capitalism in general.

Governments and law enforcement agencies, in turn, form partnerships with tech giants to do their dirty work. In 2013, Edward Snowden famously revealed that Microsoft, Yahoo, Google, Facebook, PalTalk, YouTube, Skype, AOL, and Apple all shared information with the National Security Agency via the PRISM program. More revelations followed, and the world learned that data stored by corporations and transmitted over the internet is sucked into enormous government databases for exploitation by states. Countries in the South have been targets of NSA surveillance, from the Middle East to Africa and Latin America.

Police and the military also work with tech corporations, who are happy to cash fat checks as providers of surveillance products and services, including in countries across the South. For example, through its little-known Public Safety and Justice Division, Microsoft has built an extensive partnership ecosystem with “law enforcement” surveillance vendors, who run their tech on Microsoft cloud infrastructure. This includes a city-wide command-and-control surveillance platform called “Microsoft Aware” that was purchased by police in Brazil and Singapore and a police vehicle solution with facial recognition cameras that has been rolled out in Cape Town and Durban, South Africa.

Microsoft is also deeply involved with the prison industry. It offers a variety of prison software solutions that cover the entire correctional pipeline, from juvenile “offenders” to pretrial and probation, through jail and prison, as well as those released from prison and put on parole. In Africa, they partnered with a company called Netopia Solutions, which offers aPrison Management Software (PMS) platform that includes “escape management” and prisoner analytics.0

While it is not clear where exactly Netopia’s Prison Management Solution is deployed, Microsoft stated that “Netopia is [a Microsoft partner/vendor] in Morocco with a deep focus on transforming digitally, government services in North and Central Africa.” Morocco has a track record of brutalizing dissidents and torturing prisoners, and the US recently recognized its annexation of Western Sahara, in contravention of international law.

For centuries, imperial powers tested technologies to police and control their citizens on foreign populations first, from SirFrancis Galton’s pioneering work on fingerprinting applied in India and South Africa, to America’s combination of biometrics and innovations in managing statistics and data management that formed the first modern surveillance apparatus to pacify the Philippines. As historian Alfred McCoy has shown, the collection of surveillance technologies deployed in the Philippines offered a testing ground for a model which was eventually brought back to the United States for use against domestic dissidents. Microsoft and its partners’ high-tech surveillance projects suggest that Africans continue to serve as a laboratory for carceral experimentation.

Conclusion

Digital technology and information plays a central role in politics, economy, and social life everywhere. As part of the American empire project, US transnational corporations are reinventing colonialism in the South through their ownership and control of intellectual property, digital intelligence, and the means of computation. Most of the core infrastructure, industries, and functions performed by computers are the private property of American transnational corporations, who are overwhelmingly dominant outside US borders. The largest firms, such as Microsoft and Apple, dominate global supply chains as intellectual monopolies.

An unequal exchange and division of labor ensues, reinforcing dependency in the periphery while perpetuating mass immiseration and global poverty.

Instead of sharing knowledge, transferring technology, and providing the building blocks for shared global prosperity on equal terms, the rich countries and their corporations aim to protect their advantage and shake down the South for cheap labor and rent extraction. By monopolizing the core components of the digital ecosystem, pushing their tech in schools and skills training programs, and partnering with corporate and state elites in the South, Big Tech is capturing emerging markets. They will even profit from surveillance services provided to police departments and prisons, all to make a buck.

#### Capitalism causes extinction---the only alternative is an international workers organization led by the Global South.

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Any serious treatment of the renewal of socialism today must begin with capitalism’s creative destruction of the bases of all social existence. Since the late 1980s, the world has been engulfed in an epoch of catastrophe capitalism, defined as the accumulation of imminent catastrophe on every side due to the unintended consequences of “the juggernaut of capital.”1 Catastrophe capitalism in this sense is manifested today in the convergence of (1) the planetary ecological crisis, (2) the global epidemiological crisis, and (3) the unending world economic crisis.2 Added to this are the main features of today’s “empire of chaos,” including the extreme system of imperialist exploitation unleashed by global commodity chains; the demise of the relatively stable liberal-democratic state with the rise of neoliberalism and neofascism; and the emergence of a new age of global hegemonic instability accompanied by increased dangers of unlimited war.3

The climate crisis represents what the world scientific consensus refers to as a “no analogue” situation, such that if net carbon emissions from fossil fuel combustion do not reach zero in the next few decades, it will threaten the very existence of industrial civilization and ultimately human survival.4 Nevertheless, the existential crisis is not limited to climate change, but extends to the crossing of other planetary boundaries that together define the global ecological rift in the Earth System as a safe place for humanity. These include: (1) ocean acidification; (2) species extinction (and loss of genetic diversity); (3) destruction of forest ecosystems; (4) loss of fresh water; (5) disruption of the nitrogen and phosphorus cycles; (6) the rapid spread of toxic agents (including radionuclides); and (7) the uncontrolled proliferation of genetically modified organisms.5

This rupturing of planetary boundaries is intrinsic to the system of capital accumulation that recognizes no insurmountable barriers to its unlimited, exponential quantitative advance. Hence, there is no exit from the current capitalist destruction of the overall social and natural conditions of existence that does not require exiting capitalism itself. What is essential is the creation of what István Mészáros in Beyond Capital called a new system of “social metabolic reproduction.”6 This points to socialism as the heir apparent to capitalism in the twenty-first century, but conceived in ways that critically challenge the theory and practice of socialism as it existed in the twentieth century.

The Polarization of the Class System

In the United States, key sectors of monopoly-finance capital have now succeeded in mobilizing elements of the primarily white lower-middle class in the form of a nationalist, racist, misogynist ideology. The result is a nascent neofascist political-class formation, capitalizing on the long history of structural racism arising out of the legacies of slavery, settler colonialism, and global militarism/imperialism. This burgeoning neofascism’s relation to the already existing neoliberal political formation is that of “enemy brothers” characterized by a fierce jockeying for power coupled with a common repression of the working class.7 It is these conditions that have formed the basis of the rise of the New York real-estate mogul and billionaire Donald Trump as the leader of the so-called radical right, leading to the imposition of right-wing policies and a new authoritarian capitalist regime.8 Even if the neoliberal faction of the ruling class wins out in the coming presidential election, ousting Trump and replacing him with Joe Biden, a neoliberal-neofascist alliance, reflecting the internal necessity of the capitalist class, will likely continue to form the basis of state power under monopoly-finance capital.

Appearing simultaneously with this new reactionary political formation in the United States is a resurgent movement for socialism, based in the working-class majority and dissident intellectuals. The demise of U.S. hegemony within the world economy, accelerated by the globalization of production, has undermined the former, imperial-based labor aristocracy among certain privileged sections of the working class, leading to a resurgence of socialism.9 Confronted with what Michael D. Yates has called “the Great Inequality,” the mass of the population in the United States, particularly youth, are faced with rapidly diminishing prospects, finding themselves in a state of uncertainty and often despair, marked by a dramatic increase in “deaths of despair.”10 They are increasingly alienated from a capitalist system that offers them no hope and are attracted to socialism as the only genuine alternative.11 Although the U.S. situation is unique, similar objective forces propelling a resurgence of socialist movements are occurring elsewhere in the system, primarily in the Global South, in an era of continuing economic stagnation, financialization, and universal ecological decline.

But if socialism is seemingly on the rise again in the context of the structural crisis of capital and increased class polarization, the question is: What kind of socialism? In what ways does socialism for the twenty-first century differ from socialism of the twentieth century? Much of what is being referred to as socialism in the United States and elsewhere is of the social-democratic variety, seeking an alliance with left-liberals and thus the existing order, in a vain attempt to make capitalism work better through the promotion of social regulation and social welfare in direct opposition to neoliberalism, but at a time when neoliberalism is itself giving way to neofascism.12 Such movements are bound to fail at the outset in the present historical context, inevitably betraying the hopes that they unleashed, since focused on mere electoral democracy. Fortunately, we are also seeing the growth today of a genuine socialism, evident in extra-electoral struggle, heightened mass action, and the call to go beyond the parameters of the present system so as to reconstitute society as whole.

The general unrest latent at the base of U.S. society was manifested in the uprisings in late May and June of this year, which took the form, practically unheard of in U.S. history since the U.S. Civil War, of massive solidarity protests with millions of people in the streets, and with the white working class, and white youth in particular, crossing the color line *en masse* in response to the police lynching of George Floyd for no other crime than being a Black man.13 This event, coming in the midst of the COVID-19 pandemic and the related economic depression, led to the June days of rage in the United States.

But while the movement toward socialism, now taking hold even in the United States at the “barbaric heart” of the system, is gaining ground as a result of objective forces, it lacks an adequate subjective basis.14 A major obstacle in formulating strategic goals of socialism in the world today has to do with twentieth-century socialism’s abandonment of its own ideals as originally articulated in Karl Marx’s vision of communism. To understand this problem, it is necessary to go beyond recent left attempts to address the meaning of communism on a philosophical basis, a question that has led in the last decade to abstract treatments of The Communist Idea, The Communist Hypothesis, and The Communist Horizon by Alain Badiou and others.15 Rather, a more concrete historically based starting point is necessary, focusing directly on the two-phase theory of socialist/communist development that emerged out of Marx’s Critique of the Gotha Programme and V. I. Lenin’s The State and Revolution. Paul M. Sweezy’s article “Communism as an Ideal,” published more than half a century ago in Monthly Review in October 1963, is now a classic text in this regard.16

Marx’s Communism as the Socialist Ideal

In The Critique of the Gotha Programme—written in opposition to the economistic and laborist notions of the branch of German Social Democracy influenced by Ferdinand Lassalle—Marx designated two historical “phases” in the struggle to create a society of associated producers. The first phase was initiated by the “revolutionary dictatorship of the proletariat,” reflecting the class-war experience of the Paris Commune and representing a period of workers’ democracy, but one that still carried the “defects” of capitalist class society. In this initial phase, not only would a break with capitalist private property take place, but also a break with the capitalist state as the political command structure of capitalism.17 As a measure of the limited nature of socialist transition in this stage, production and distribution would inevitably take the form of to each according to one’s labor, perpetuating conditions of inequality even while creating the conditions for their transcendence. In contrast, in the later phase, the principle governing society would shift to from each according to one’s ability, to each according to one’s need and the elimination of the wage system.18 Likewise, while the initial phase of socialism/communism would require the formation of a new political command structure in the revolutionary period, the goal in the higher phase was the withering away of the state as a separate apparatus standing above and in antagonistic relation to society, to be replaced with a form of political organization that Frederick Engels referred to as “community,” associated with a communally based form of production.19

In the later, higher phase of the transition of socialism/communism, not only would property be collectively owned and controlled, but the constitutive cells of society would be reconstituted on a communal basis and production would be in the hands of the associated producers. In these conditions, Marx stated, “labor” will have become not a mere “means of life” but “itself…the prime necessity of life.”20 Production would be directed at use values rather than exchange values, in line with a society in which “the free development of each” would be “the condition for the free development of all.” The abolition of capitalist class society and the creation of a society of associated producers would lead to the end of class exploitation, along with the elimination of the divisions between mental and manual labor and between town and country. The monogamous, patriarchal family based on the domestic enslavement of women would also be surmounted.21 Fundamental to Marx’s picture of the higher phase of the society of associated producers was a new social metabolism of humanity and the earth. In his most general statement on the material conditions governing the new society, he wrote: “Freedom, in this sphere [the realm of natural necessity], can consist only in this, that socialized man, the associated producers, govern the human metabolism of nature in a rational way…accomplishing it with the least expenditure of energy” in the process of promoting conditions of sustainable human development.22

Writing in The State and Revolution and elsewhere, Lenin deftly captured Marx’s arguments on the lower and higher phases, depicting these as the first and second phases of communism. Lenin went on to emphasize what he called “the scientific distinction between socialism and communism,” whereby “what is usually called socialism was termed by Marx the ‘first,’ or lower phase of communist society,” whereas the term communism, meaning “complete communism,” was most appropriately used for the higher phase.23 Although Lenin closely aligned this distinction with Marx’s analysis, in later official Marxism this came to be rigidified in terms of two entirely separate stages, with the so-called communist stage so removed from the stage of socialism that it became utopianized, no longer seen as part of a continuous or ongoing struggle. Based on a wooden conception of the socialist stage and the intermediary principle of distribution to each according to one’s labor, Joseph Stalin carried out an ideological war against the ideal of real equality, which he characterized as a “reactionary, petty-bourgeois absurdity worthy of a primitive sect of ascetics but not of a socialist society organized on Marxist lines.” This same stance was to persist in the Soviet Union in one way or another all the way to Mikhail Gorbachev.24

Hence, as explained by Michael Lebowitz in The Socialist Imperative, “rather than a continuous struggle to go beyond what Marx called the ‘defects’ inherited from capitalist society, the standard interpretation” of Marxism in the half-century from the late 1930s to the late ’80s “introduced a division of post-capitalist society into two distinct ‘stages,’” determined economistically by the level of development of the productive forces. Fundamental changes in social relations emphasized by Marx as the very essence of the socialist path were abandoned in the process of living with and adapting to the defects carried over from capitalist society. Instead, Marx had insisted on a project aimed at building the community of associated producers “from the outset” as part of an ongoing, if necessarily uneven, process of socialist construction.25

This abandonment of the socialist ideal associated with Marx’s higher phase of communism was wrapped up in a complex way with changing material (and class) conditions and eventually the demise of Soviet-type societies, which tended to stagnate once they ceased to be revolutionary and even resurrected class forms, heralding their eventual collapse as the new class or nomenklatura abandoned the system. As Sweezy argued in 1971, “state ownership and planning are not enough to define a viable socialism, one immune to the threat of retrogression and capable of moving forward on the second leg of the movement to communism.” Something more was needed: the continuous struggle to create a society of equals.26

For Marx, the movement toward a society of associated producers was the very essence of the socialist path embedded in “communist consciousness.”27 Yet, once socialism came to be defined in more restrictive, economistic terms, particularly in the Soviet Union from the late 1930s onward, in which substantial inequality was defended, post-revolutionary society lost the vital connection to the dual struggle for freedom and necessity, and hence became disconnected from the long-term goals of socialism from which it had formerly derived its meaning and coherence.

Based on this experience, it is evident that the only way to build socialism in the twenty-first century is to embrace precisely those aspects of the socialist/communist ideal that allow a theory and practice radical enough to address the urgent needs of the present, while also not losing sight of the needs of the future. If the planetary ecological crisis has taught us anything, it is that what is required is a new social metabolism with the earth, a society of ecological sustainability and substantive equality. This can be seen in the extraordinary achievements of Cuban ecology, as recently shown by Mauricio Betancourt in “The Effect of Cuban Agroecology in Mitigating the Metabolic Rift” in Global Environmental Change.28 This conforms to what Georg Lukács called the necessary “double transformation” of human social relations and the human relations to nature.29 Such an emancipatory project must necessarily pass through various revolutionary phases, which cannot be predicted in advance. Yet, to be successful, a revolution must seek to make itself irreversible through the promotion of an organic system directed at genuine human needs, rooted in substantive equality and the rational regulation of the human social metabolism with nature.30

Freedom as Necessity

Building on G. W. F. Hegel’s philosophy, Engels famously argued in Anti-Dühring that real freedom was grounded in the recognition of necessity. Revolutionary change was the point at which freedom and necessity met in concrete praxis. Although there was such a thing as blind necessity beyond human knowledge, once objective forces were grasped, necessity was no longer blind, but rather offered new paths for human action and freedom. Necessity and freedom fed on each other, requiring new periods of social change and historical transcendence.31 In illustrating this materialist dialectical principle, Lenin acutely observed, “we do not know the necessity of nature in the phenomena of the weather. But while we do not know this necessity, we do know that it exists.”32 We know the human relation to the weather and nature in general inevitably varies with the changing productive relations governing our actions.

Today, the knowledge of anthropogenic climate crisis and of extreme weather events is removing human beings from the realm of blind necessity and demanding that the world’s population engage in the ultimate struggle for freedom and survival against catastrophe capitalism. As Marx stated in the context of the severe metabolic rift imposed on Ireland as a result of British colonialism in the nineteenth century, the ecological crisis presents itself as a case of “ruin or revolution.”33 In the Anthropocene, the ecological rift resulting from the expansion of the capitalist economy now exists on a scale rivaling the biogeochemical cycles of the planet. However, knowledge of these objective developments also allows us to conceive the necessary revolution in the social metabolic reproduction of humanity and the earth. Viewed in this context, Marx’s crucial conception of a “community of associated producers” is not to be viewed as simply a far-off utopian conception or abstract ideal but as the very essence of the necessary human defense in the present and future, representing the insistent demand for a sustainable relation to the earth.34

But where is the agent of revolutionary change? The answer is that we are seeing the emergence of the material preconditions of what can be called a global environmental proletariat. Engels’s Condition of the Working Class in England, published in 1845, was a description and analysis of working-class conditions in Manchester, shortly after the so-called Plug Plot Riots and at the height of radical Chartism. Engels depicted the working-class environment not simply in terms of factory conditions, but much more in terms of urban developments, housing, water supply, sanitation, food and nutrition, and child development. The focus was on the general epidemiological environment enforced by capitalism (what Engels called “social murder” and what Norman Bethune later called “the second sickness”) associated with widespread morbidity and mortality, particularly due to contagious disease.35 Marx, under the direct influence of Engels and as a result of his own social epidemiological studies twenty years later while writing Capital, was to see the metabolic rift as arising not only in relation to the degradation of the soil, but equally, as he put it, in terms of “periodical epidemics” induced by society itself.36

What this tells us—and we could find many other illustrations, from the Russian and Chinese Revolutions to struggles in the Global South today—is that class struggle and revolutionary moments are the product of a coalescence of objective necessity and a demand for freedom emanating from material conditions that are not simply economic but also environmental in the broadest sense. Revolutionary situations are thus most likely to come about when a combination of economic and ecological conditions make social transformations necessary, and where social forces and relations are developed enough to make such changes possible. In this respect, looked at from a global standpoint today, the issue of the environmental proletariat overlaps with and is indistinguishable from the question of the ecological peasantry and the struggles of the Indigenous. Likewise, the struggle for environmental justice that now animates the environmental movement globally is in essence a working-class and peoples’ struggle.37

The environmental proletariat in this sense can be seen as emerging as a force all over the world, as evident in the present period of ecological-epidemiological struggle in relation to COVID-19. Yet, the main locus of revolutionary ecological action in the immediate future remains the Global South, faced with the harsh reality of “imperialism in the Anthropocene.”38 As Samir Amin observed in Modern Imperialism, Monopoly Finance Capital, and Marx’s Law of Value, the triad of the United States, Europe, and Japan is already using the planet’s bio-capacity at four times the world average, pointing toward ecological oblivion. This unsustainable level of consumption of resources in the Global North is only possible because

a good proportion of the bio-capacity of society in the South is taken up by and to the advantage of these centers [in the triad]. In other words, the current expansion of capitalism is destroying the planet and humanity. The expansion’s logical conclusion is either the actual genocide of the peoples of the South—as “overpopulation”—or, at the least, their confinement to ever-increasing poverty. An eco-fascist strand of thought is being developed which gives legitimacy to this kind of “final solution” to the problem.39

A New System of Social Metabolic Reproduction

A revolutionary process of socialist construction aimed at building a new system of social reproduction in conformity with the demands of necessity and freedom cannot occur without an overall “orienting principle” and “measure of achievement” as part of a long-term strategy. It is here, following Mészáros, that the notion of substantive equality or a society of equals, also entailing substantive democracy, comes into play in today’s struggles.40 Such an approach not only stands opposed to capital at its barbaric heart but also opposes any ultimately futile endeavor to stop halfway in the transition to socialism. Immanuel Kant spelled out the dominant liberal view shortly after the French Revolution when he stated that “the general equality of men as subjects in a state coexists quite readily with the greatest inequality in degrees of the possessions men have.… Hence, the general equality of men coexists with great inequality of specific rights of which there may be many.”41 In this way, equality came to be merely formal, existing merely “on paper” as Engels pointed out, not only with respect to the labor contract between capitalist and worker but also in relation to the marriage contract between men and women.42 Such a society establishes, as Marx demonstrated, a “right of inequality, in its content, like every right.”43 The idea of substantive equality, consistent with Marx’s notion of communism, challenges all of this. It demands a change in the constitutive cells of society, which can no longer consist of possessive individualists, or individual capitals, reinforced by a hierarchical state, but must be based on the associated producers and a communal state. Genuine planning and genuine democracy can only start through the constitution of power from the bottom of society. It is only in this way that revolutions become irreversible.

It was the explicit recognition of the challenge and burden of twenty-first-century socialism in these terms that represented the extraordinary threat to the prevailing order constituted by the Venezuelan Revolution led by Hugo Chávez. The Bolivarian Republic challenged capitalism from within through the creation of communal power and popular protagonism, generating a notion of revolution as the creation of an organic society, or a new social metabolic order. Chávez, building on the analyses of Marx and Mészáros, mediated by Lebowitz, introduced the notion of “the elementary triangle of socialism,” or (1) social ownership, (2) social production organized by workers, and (3) satisfaction of communal needs.44 Underlying this was a struggle for substantive equality, abolishing the inequalities of the color line and the gender line, the imperial line, and other lines of oppression, as the essential basis for eliminating the society of unequals.

In “Communism as an Ideal,” Sweezy emphasized the new forms of labor that would necessarily come into being in a society that used abundant human productivity more rationally. Many categories of work, he indicated, would “be eliminated altogether (e.g. coalmining and domestic service), and insofar as possible all jobs must become interesting and creative as only a few are today.” The reduction of the enormous waste and destruction inherent in capitalist production and consumption would open up space for the employment of disposable time in more creative ways.

In a society of equals—one in which everyone stands in the same relation to the means of production and has the same obligation to work and serve the common welfare—all “needs” that emphasize the superiority of the few and involve the subservience of the many will simply disappear and will be replaced by the needs of liberated human beings living together in mutual respect and cooperation.… Society and the human beings who compose it constitute a dialectical whole: neither can change without changing the other. And communism as an ideal comprises a new society and a new [human being].45

More than simply an ideal, such an organizing principle in which substantive equality and substantive democracy are foremost in the conception of socialism/communism is essential not only to create a socialist path to a better future but as a necessary defense of the global population confronted with the question of survival. Dystopian books and novels notwithstanding, it is impossible to imagine the level of environmental catastrophe that will face the world’s peoples, especially those at the bottom of the imperialist hierarchy, if capitalism’s creative destruction of the metabolism of humanity and the earth is not stopped mid–century.

According to a 2020 article on “The Future of the Human Climate Niche” in the Proceedings of the National Academy of Sciences, based on existing trends, 3.5 billion people are projected to be living in unlivable heat outside the human climate niche by 2070, under conditions comparable to those of the Sahara desert.46 Even such projections fail to capture the enormous level of destruction that will fall on the majority of humanity under capitalist business as usual. The only answer is to leave the burning house and to build another now.47

The International of Workers and Peoples

Although untold numbers of people are engaged in innumerable struggles against the capitalist juggernaut in their specific localities all around the world, struggles for substantive equality, including battles over race, gender, and class, depend on the fight against imperialism at the global level. Hence, there is a need for a new global organization of workers based on the model of Marx’s First International.48 Such an International for the twenty-first century cannot simply consist of a group of elite intellectuals from the North engaged in World Social Forum-like discussion activities or in the promotion of social-democratic regulatory reforms as in the so-called Socialist and Progressive Internationals. Rather, it needs to be constituted as a workers-based and peoples-based organization, rooted from the beginning in a strong South-South alliance so as to place the struggle against imperialism at the center of the socialist revolt against capitalism, as contemplated by figures such as Chávez and Amin.

In 2011, just prior to his final illness, Chávez was preparing, following his next election, to launch what was to be called the New International (pointedly not a Fifth International) focusing on a South-South alliance and giving a global significance to socialism in the twenty-first century. This would have extended the Bolivarian Alliance for Peoples of Our America to a global level.49 This, however, never saw the light of day due to Chávez’s rapid decline and untimely death.

Meanwhile, a separate conception grew out of the efforts of Amin, working with the World Forum for Alternatives. Amin had long contemplated a Fifth International, an idea he was still presenting as late as May 2018. But in July 2018, only a month before his death, this had been transformed into what he called an Internationale of Workers and Peoples, explicitly recognizing that a pure worker-based International that did not take into account the situation of peoples was inadequate in confronting imperialism.50 This, he stated, would be an organization, not just a movement. It would be aimed at the

alliance of all working peoples of the world and not only those qualified as representatives of the proletariat…including all wage earners of the services, peasants, farmers, and the peoples oppressed by modern capitalism. The construction must also be based on the recognition and respect of diversity, whether of parties, trade unions, or other popular organizations of struggle, guaranteeing their real independence.… In the absence of [such revolutionary] progress the world would continue to be ruled by chaos, barbarian practices, and the destruction of the earth.51

The creation of a New International cannot of course occur in a vacuum but needs to be articulated within and as a product of the building of unified mass organizations expanding at the grassroots level in conjunction with revolutionary movements and delinkings from the capitalist system all over the world. It could not occur, in Amin’s view, without new initiatives from the Global South to create broad alliances, as in the initial organized struggles associated with the Third World movement launched at the Bandung Conference in 1955, and the struggle for a New International Economic Order.52 These three elements—grassroots movements, delinking, and cross-country/cross-continent alliances—are all crucial in his conception of the anti-imperialist struggle. Today this needs to be united with the global ecological movement.

Such a universal struggle against capitalism and imperialism, Amin insisted, must be characterized by audacity and more audacity, breaking with the coordinates of the system at every point, and finding its ideal path in the principle of from each according to one’s ability, to each according to one’s need, as the very definition of human community. Today we live in a time of the perfect coincidence of the struggles for freedom and necessity, leading to a renewed struggle for freedom as necessity. The choice before us is unavoidable: ruin or revolution.

#### The alternative requires rejecting the aff and critically interrogating the neoliberal discourse of the 1AC---resisting capitalist pedagogy in educational spaces is the first step towards a broader movement away from Capitalism.

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As educators, it is crucial for us to examine how we talk, teach, and write about inequality as an object of critique in an age of precarity, uncertainty and the current pandemic crisis. This is especially true at a time when a growing number of authoritarian regimes around the globe substitute replace thoughtful dialogue and critical engagement with the suppression of dissent and a culture of forgetting r. How do we situate our analysis of education as part of a broader discourse and mode of analysis that interrogates the promises, ideals, and claims of a substantive democracy? How do we fight against iniquitous relations of power and wealth that empty power of its emancipatory possibilities, and as Hannah Arendt has argued, “makes most people superfluous as human beings”? How might we understand how neoliberal ideology, with its appropriation of market-based values, regressive notions of freedom and agency, uses language to infiltrate daily life? How does a pandemic pedagogy in the service of neoliberalism produce identities defined by market values, and normalize a notion of responsibility and individuality that convinces people that whatever problem they face they have no one to blame but themselves? Repeated endlessly on right-wing media platforms, the underlying conditions that disproportionately produce chronic illness among poor people of color disappear among a public distracted, if not persuaded, by a pandemic pedagogy that celebrates unchecked self-interest, disdains social responsibility, and turns away from the reality of a society with deep-seated institutional rot and unravelling of social connections and the social contract.

Pandemic pedagogy thrives on inequality and becomes a militarized and heartless normalizing tool to convince the broader public that the lives of the elderly, sick, and vulnerable should be valued according to how much they contribute to the economy. And if they are willing to die in order not to be a drain on the economy, all well and good. Nothing escapes the cruel logic of neoliberalism with its arrogance and hubris on full display as it bathes in the glow of right-wing populism, ultra-nationalism, and neofascism. Its accoutrements of dictatorship are everywhere and can be seen in the swagger of militia that storm state capitals, in police who punch and pepper spray protesters and push elderly men to the ground, and in military forces on the streets without badges reinforcing a climate of fear, repression, and unaccountability. There is more at work here than a lack of humanity on the part of the Trump administration. As the Irish journalist Fintan O’Toole observes, there is also the deepening grip of a culture of cruelty and dehumanization. He writes:

“As a society the American people are being habituated into accepting cruelty on a wide scale. Americans are being taught by Trump and his administration not to see other people as human beings whose lives are as important as their own. Once that line has been crossed – and it is not just Trump and the people around him, but many of Trump’s supporters as well – then we know where that all leads, what the ultimate destination is. There is no mystery about it. We know what happens when a government and its leaders dehumanize large numbers of people.”

Depoliticization and the Authoritarian Turn

Neoliberalism is not only an economic system, it is also an ideological apparatus that relentlessly attempts to structure consciousness, values, desires, and modes of identification in ways that align individuals with its governing structures. Central to this pedagogical project is the attempt to prevent individuals from translating private issues and troubles into broader systemic considerations. By doing this, it becomes difficult for individuals to grasp the historical, social, economic, and political forces at work in shaping a social order as a human activity deeply immersed in specific relations of power. Neoliberalism’s attempt to erase or rewrite historical and social forces makes it difficult for individuals to imagine alternative notions of society, with themselves as collective actors, or view their problems as more than the limitations of faulty character, moral failure, or a problem of personal responsibility. Reducing individuals to isolated, discrete, hermetically-sealed human beings whose lives are shaped only by notions of self-reliance and self-sufficiency is a pedagogical strategy that utterly depoliticizes people, leading them to believe that however a society is shaped, it is part of a natural order. President Trump echoed this “no alternative” narrative when asked about celebrities and rich people having special access to being tested for the coronavirus while few others had access. He replied, “Perhaps that’s been the story of life.”

This individualization of the social with its mounting privatization, gated communities, and social atomization undermines collective action, any viable notion of solidarity, and weakens the notion of global connectivity. The philosopher Byung-Chul Han has rightly argued that contemporary neoliberal society is shaped by a dysfunctional notion of solitude and hermitically-sealed notions of agency, all of which undermine the values and social connections vital to a democracy. He writes:

“Those subject to the neoliberal economy do not constitute a we that is capable of collective action. The mounting egoization and atomization of society is making the space for collective action shrink… The general collapse of the collective and the communal has engulfed it. Solidarity is vanishing. Privatization now reaches into the depths of the soul itself. The erosion of the communal is making all collective efforts more and more unlikely.”

This panoptical nature of hyper-individualism is more aligned with shared fears than shared responsibilities. Under such circumstances, trust and the notion that all life is related become difficult to grasp as the myopic language of private self-interest inures individuals to wider social problems such as extreme inequality. There is no understanding in this discourse of the damage fanatical entrepreneurialism does to our embodied collectivity. Nor is there any value attributed to the important responsibilities, social values, and notion of the common good that exceeds who we are as individuals, or how we have been shaped by diverse social forces in particular ways.

It should be clear that questions of economic and social justice cannot be addressed by a neoliberal pedagogy that enshrines self-interest and privatization while converting every social problem into individualized market solutions or regressive matters of personal responsibility. Under neoliberalism’s disimagination machine, individual responsibility is coupled with an ethos of greed, avarice, and personal gain. One consequence is the tearing up of social solidarities, public values, and an almost pathological disdain for democracy. This radical form of privatization is also a powerful force for the rise of fascist politics because it depoliticizes individuals, immerses them in the logic of social Darwinism, and makes them susceptible to the dehumanization of those considered a threat or disposable.

Just as the spread of the pandemic virus in the United States was not an innocent act of nature, neither is the rise and pervasive grip of inequality. What is clear is that neoliberal support for unbridled individualism has weakened democratic pressures and eroded democracy and equality as governing principles. Moreover, as a mode of public pedagogy, it has undercut social provisions, the social contract, and support for public goods such as education, public health, essential infrastructure, public transportation, and the most basic elements of the welfare state. As a form of pedagogical practice, neoliberalism has morphed into a form of pandemic pedagogy that sacrifices social needs and human life in the name of an economic rationality that values reviving economic growth over human rights. As a lived system of meaning and values, self-reliance and rugged individualism are the only categories available for shaping how individuals view themselves, and their relationship to others and to the planet. The individualization of everyone and the reduction of social problems to private troubles is paralleled by sanctioning a world marked by borders, walls, racism, hate, and a rejection of government intervention in the interest of the common good. Most importantly, neoliberal individualization personalizes power, creating a depoliticized subject whose only obligation as a citizen is defined by consuming and living in a world free from ethical and social responsibilities. In many ways, it does not just empty politics of any substance, it destroys its emancipatory prospects.

The neoliberal strategists use education not only to mask their abuses and the effects of their criminogenic policies, they also – in a time of crisis, when dissatisfaction of the masses might lead to chaos, revolts, and dangerous levels of resistance – move dangerously close to creating the conditions for a fascist politics. The noted theologian Frei Betto is right in stating that under such conditions, “…they cover up the causes of social ills and cover up their effects with ideologies that, by obscuring causes, fuel mood in the face of the effects. That’s why neoliberalism is now showing its authoritarian face – building walls that divide countries and ethnic groups, executive power over legislature and judiciary, disinformation about digital networks, the cult of the homeland, the brazen offensive against human rights.”

Neoliberalism and its regressive notion of individualism and individual responsibility has undermined the belief that human beings both make the world and can change it. The pandemic has ushered in a crisis that undermines that belief and opens the door for rethinking what kind of society and notion of politics will be faithful to the creation of a socialist democracy that speaks to the core values of justice, equality and solidarity. Under such circumstances, private resistance must give way to collective resistance, and personal and political rights must include economic rights. If inequality is to be defeated, the social state must replace the corporate state and social rights must be guaranteed for all. There can be no adequate struggle for economic justice and social equality unless economic inequality on a global level is addressed along with a movement for climate justice, the elimination of systemic racism and a halt to the spiraling militarism that has resulted in endless wars. This can only take place if the anti-democratic ideology of neoliberalism, with its collapse of the public into the private and its institutional structures of domination, are fully addressed and discredited. Étienne Balibar is right in stating that the triumph of neoliberalism has resulted in the “death zones of humanity.” Following Balibar, what must be made clear is that neoliberal capitalism is itself a pandemic and a dangerous harbinger of an updated fascist politics

### 1NC

#### Climate-focused infrastructure funding will pass now

Collinson 10-29-2021, analyst @ CNN (Stephen, “Democrats fight one another in Washington as Americans struggle,” *CNN*, <https://www.cnn.com/2021/10/29/politics/congress-spending-bill-president-joe-biden-italy-g20-democrats/index.html>)

Changing millions of lives

There is no doubt that if it passes, the social spending package, which makes housing, education, health care and home care more affordable, has the potential to change millions of lives. The climate proposals could unleash a new green economy as well as help save the planet. And Biden will probably eventually get his Washington victory lap. His domestic policy chief Susan Rice told CNN's Anderson Cooper Thursday the White House was "very confident" a framework accepted by House progressives would be the basis of the spending bill that would now be able to pass both chambers. The two holdout moderate Democrats, Joe Manchin of West Virginia and Kyrsten Sinema of Arizona, are yet to publicly and unreservedly endorse the framework. The question now, after another missed deadline, is when the situation will change. In the last few days, the spectacle of Democrats ditching multi-billion dollar programs and hurriedly trying to come up with new ways to fund the bill has left an impression of chaos that hardly enhances the reputation of one of the biggest social spending bills in generations. The longer the impasse lingers, the greater the risk that moderate Senate Democrats will get cold feet. Or that progressives will sour on a framework for a deal that cuts out many of their favorite programs, including paid family leave and free community college. Biden's departure for the G20 summit in Italy and the UN climate conference in Scotland was set by Democratic leaders as the latest deadline to pass the infrastructure and spending bills. On Thursday, it also became the latest must-pass date to be missed, reflecting a growing habit for the White House to set deadlines that are not met and frazzle the President's credibility. As a result of the latest miss, Biden showed up in Rome looking like a President who cannot get his own house in order before he meets world leaders to reaffirm US leadership. Biden had particularly wanted climate programs in the spending bill sent to his desk before he left, to pressure other nations to make significant cuts to carbon emissions at the climate summit. Progressives believe that the social spending bill, which offers universal pre-school, home health care for the sick and the elderly and $500 billion in spending to combat climate change, is a once-in-a-generation chance to overhaul the economy to alleviate the burden on working Americans.

#### Antitrust reform trades off with other legislative priorities

Carstensen 21, JD and MA @ Yale, Former Chair of U-W Law School, Senior Fellow of the American Antitrust Institute (Peter, “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.

#### Reconciliation solves climate change [it passes now, new priorities tradeoff, it’s humanity’s last shot]

Roberts 8-7-2021, energy reporter, formerly of Vox (David, “Crunch time: this is America's last chance at serious climate policy for a decade,” *Vox*, <https://www.canarymedia.com/articles/climate-policy-crunch-time-we-need-congress-to-pass-a-clean-energy-standard-and-tax-credits/>)

Congress is working on what is likely to be its last big shot at climate change policy for a decade or more. If things go well, the legislation will include a clean energy standard (CES) and clean energy tax credits, which together would revolutionize the US electricity system. If things don’t go well, there will be no substantial climate legislation for many years to come. That’s the only question being decided: Will we get a CES and tax credits, or will we get nothing that will tackle fossil fuels this decade? That’s the binary. It’s time to focus. Looking around, it doesn’t seem like clean energy supporters, climate hawks, or the left more broadly really get that. So let’s talk about why this is such an important moment and what’s at stake. The reconciliation bill is likely the last chance for big federal climate legislation The Democratic approach for a while now has been to proceed along dual tracks. On one track, there’s the bipartisan infrastructure bill, hammered out by a group of just over 20 senators from both parties. On the other track, there’s the budget reconciliation bill, which is meant to contain … everything else in Biden’s agenda. The former needs 60 votes; the latter can pass with 50 Democratic votes. This has always been a fraught and delicate strategy. It could crash and burn in any number of ways. But so far, at least, it is hanging together. The bipartisan group unveiled its bill this week; it is slowly inching toward a vote, though Senate Minority Leader Mitch McConnell (R-Ky.) is doing everything he can to slow it down and gum it up. Twitter avatar for @jsfreed Josh Freed @jsfreed Okay, everyone, we’ve been crunching the BID numbers to see what’s in this deal and how it’ll impact clean energy and climate. Warning, this is a long 🧵 … 1/ seinfeld newman GIF July 29th 2021 176 Retweets497 Likes It contains decent chunks of money for things that will indirectly help clean energy — transmission, demonstration projects, R&D — but it lacks anything that will directly confront fossil fuels in the coming decade, the sine qua non of adequate climate policy. As Robinson Meyer argues in The Atlantic, it is not a climate bill, not really. There’s no guarantee the bipartisan bill will pass, and there’s no way to know how the Senate’s bipartisanship fetishists, Sens. Joe Manchin (D-W.V.) and Kyrsten Sinema (D-Ariz.), will react if it doesn’t. But whether it passes or not, when it comes to decent climate policy, it’s all about the reconciliation bill. There won’t be another bill this big while Democrats control Congress, and they won’t control Congress for long. What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. This is the key thing to understand, so I’m going to repeat it: What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. (You may be thinking: can’t Democrats do another reconciliation bill next year? Yes, they can, but the midterms will be in full swing, moderates will be feeling even more cowardly than usual, political appetite for big spending will have dried up in the face of a recovering economy, and focus will have turned, hopefully, to voting reform. This one is it.) Absent substantial federal voting reform — which is looking less and less likely, certainly nothing anyone should bet on — all signs point toward Republicans taking back the House in 2022. It’s unclear what will happen in the Senate, but regardless, if the GOP controls either house, no climate legislation will pass (and no voting reform). Republican presidential candidates can win despite larger and larger losses in the popular vote. And the chances of Democrats controlling both houses of Congress again are only getting dimmer. The structural advantages that favor the GOP in the US system are only tilting further in its favor, while the party is actively extending those advantages with a wave of voter-suppression laws at the state level and an accompanying wave of gerrymandering, which alone could win the GOP the House in 2022, even absent any Dem seats being lost. The GOP is protected in this endeavor by a hyper-conservative Supreme Court (which, by the way, could get even more conservative if the disastrously vain Stephen Breyer hangs on until there’s a Republican president again). The conservative movement in the US is attempting to engineer one-party control of US government (along the lines of their new hero, Hungarian autocrat Viktor Orban). There’s no way to know how successful the endeavor will ultimately be, but it’s a pretty good bet, given current trends, that Democrats won’t control the presidency and both houses of Congress at the same time again for a long while. Last time they lost full control (just before a wave of gerrymandering in 2010), it was a decade until they got it back. Twitter avatar for @sarahposner Sarah Posner @sarahposner New, from me, @TPM: That all begins in January 2023 — which makes this year’s reconciliation bill the Democrats’ last big shot at climate and clean energy policy. There are two key clean-energy policies on the table Climate folk are prone to endless policy arguments; everyone has their favorites. But most of those arguments are immaterial right now. Democrats have lined up behind a menu of clean energy policies in line with Biden’s climate plan. What’s on that menu is what might get in the bill. Might. If it’s not on that menu, it’s not going to get in. There’s no carbon tax. There’s no cap-and-dividend. There’s no prohibition on new fossil fuel infrastructure. You may support any and all of those policies, but they are not live options in the reconciliation bill. Right now, political pressure is best aligned behind options that actually are on the menu. Two in particular are immensely important — together, they would be transformative. The first is a Clean Energy Standard that would reduce electricity sector greenhouse gas emissions 80 percent by 2030. (Biden’s plan calls for 100 percent by 2035, but a reconciliation bill can only extend 10 years out.) It’s not actually going to be a standard, per se, because you can’t pass regulatory standards through reconciliation. Instead, it’s going to be a system of fines and payments that will incentivize utilities to increase their proportion of renewable energy to meet the targets. It’s called a clean electricity payment program (CEPP). A CEPP actually has some advantages over the traditional CES’s and renewable portfolio standard (RPSs) commonly seen in states. For one thing, it’s more progressive: the money to drive the transition comes from federal coffers (via taxes on corporations and the wealthy) rather than from electricity rates, which are regressive. If you’re interested in the details of how a reconciliation-friendly CEPP will be structured, see this piece from Ben Storrow and Scott Waldman of E&E, or this thread from Princeton professor Jesse Jenkins: Twitter avatar for @JesseJenkins JesseJenkins @JesseJenkins Broad contours of a Reconciliation-friendly Clean Electricity Standard (CES) are now coming into public view, as House & Senate Dems prepare a $3.5T Budget Resolution that will kick off a Reconciliation process, which permits passage of budget-related measures w/50+ Senate votes. July 15th 2021 1 Retweet16 Likes The end result will be the same as a conventional CES: the US electricity grid will reach 80 percent decarbonization by 2030, which is an achievable but still incredibly ambitious target. As I’ve said so many times, nothing is more important to deep decarbonization than cleaning up the electricity grid. It’s the core of the “electrify everything” strategy. The second is boosted and expanded clean energy tax credits. The investment tax credit (ITC) and production tax credit (PTC), for wind and solar respectively, would be renewed, but various forms of tax credits would also be extended to energy storage, hydrogen, carbon capture, and other key clean energy technologies. (The details are in flux; for a blueprint, see the Senate Finance Committee’s Clean Energy for America Act or the House Ways and Means’ GREEN Act.) Tax credits will provide the supply push; the CEPP will provide the demand pull. The result will be an enormous surge of clean energy projects and jobs. This is the core of good climate policy: pushing fossil fuels off the grid over the next decade and replacing them with zero-carbon energy. There are other good climate provisions on the Democrats’ menu for reconciliation as well. I would love to see a Civilian Climate Corps. I’d love to see more money for public transportation and an electrified postal service fleet. Lots of smaller climate provisions might make it through just by virtue of not drawing much notice, which would be great. But the CEPP and the tax credits are the one-two punch needed to make a real short-term difference in the energy system. And they are on the menu. Manchin is likely to be skeptical of the CEPP. Although carbon capture counts as clean energy under the program, every analyst understands that the practical effect is going to be to ramp up renewables and ramp down fossil fuels on the grid. Manchin doesn’t actually want that. I have no idea if public pressure will have any effect at all on Manchin, but it couldn’t hurt. Might as well try it. The perilous path ahead for reconciliation Everyone on the left is aware that the reconciliation bill is the last big legislative train leaving the station, and every interest group wants a seat on it. Climate policy will be competing with other Democratic priorities. Especially as Sinema and Manchin arbitrarily reduce the total size of the bill, as they surely will, the factions of the party will be fighting it out over a shrinking pie. It is far from a sure thing that the CEPP and tax credits will survive negotiations. It’s all being decided right now. Everyone who cares about US climate progress should put aside their personal projects and preferences for a few weeks and speak in a unified voice. Call your representatives. Push the groups you’re involved to make noise about it. It’s going to be the CEPP and tax credits or nothing big for climate. If both those policies are put in place, it could set the US power system on a new course and strengthen American credibility at the upcoming COP26 international climate meeting. If they slip through the cracks, climate will have to settle for scraps and the US will surrender all hope of meeting its climate targets or influencing others to do the same. For the next few months, this is all that matters. If you’ve ever considered getting involved, now is the time.

#### Warming is existential

Ng ’19 [Yew-Kwang; May 2019; Professor of Economics at Nanyang Technology University, Fellow of the Academy of Social Sciences in Australia and Member of the Advisory Board at the Global Priorities Institute at Oxford University, Ph.D. in Economics from Sydney University; Global Policy, “Keynote: Global Extinction and Animal Welfare: Two Priorities for Effective Altruism,” vol. 10, no. 2, p. 258-266; RP]

Catastrophic climate change

Though by no means certain, CCC causing global extinction is possible due to interrelated factors of non‐linearity, cascading effects, positive feedbacks, multiplicative factors, critical thresholds and tipping points (e.g. Barnosky and Hadly, 2016; Belaia et al., 2017; Buldyrev et al., 2010; Grainger, 2017; Hansen and Sato, 2012; IPCC 2014; Kareiva and Carranza, 2018; Osmond and Klausmeier, 2017; Rothman, 2017; Schuur et al., 2015; Sims and Finnoff, 2016; Van Aalst, 2006).7

A possibly imminent tipping point could be in the form of ‘an abrupt ice sheet collapse [that] could cause a rapid sea level rise’ (Baum et al., 2011, p. 399). There are many avenues for positive feedback in global warming, including:

* the replacement of an ice sea by a liquid ocean surface from melting reduces the reflection and increases the absorption of sunlight, leading to faster warming;
* the drying of forests from warming increases forest fires and the release of more carbon; and
* higher ocean temperatures may lead to the release of methane trapped under the ocean floor, producing runaway global warming.

Though there are also avenues for negative feedback, the scientific consensus is for an overall net positive feedback (Roe and Baker, 2007). Thus, the Global Challenges Foundation (2017, p. 25) concludes, ‘The world is currently completely unprepared to envisage, and even less deal with, the consequences of CCC’.

The threat of sea‐level rising from global warming is well known, but there are also other likely and more imminent threats to the survivability of mankind and other living things. For example, Sherwood and Huber (2010) emphasize the adaptability limit to climate change due to heat stress from high environmental wet‐bulb temperature. They show that ‘even modest global warming could … expose large fractions of the [world] population to unprecedented heat stress’ p. 9552 and that with substantial global warming, ‘the area of land rendered uninhabitable by heat stress would dwarf that affected by rising sea level’ p. 9555, making extinction much more likely and the relatively moderate damages estimated by most integrated assessment models unreliably low.

While imminent extinction is very unlikely and may not come for a long time even under business as usual, the main point is that we cannot rule it out. Annan and Hargreaves (2011, pp. 434–435) may be right that there is ‘an upper 95 per cent probability limit for S [temperature increase] … to lie close to 4°C, and certainly well below 6°C’. However, probabilities of 5 per cent, 0.5 per cent, 0.05 per cent or even 0.005 per cent of excessive warming and the resulting extinction probabilities cannot be ruled out and are unacceptable. Even if there is only a 1 per cent probability that there is a time bomb in the airplane, you probably want to change your flight. Extinction of the whole world is more important to avoid by literally a trillion times.

# Case

## Adv 1

### 1NC---5G Advantage

#### US already has 5G leadership.

Woo 21, Wall Street Journal reporter. (Stu, 5-26-2021, "The U.S. Is Back in the 5G Game", *WSJ*, <https://www.wsj.com/articles/us-5g-companies-11621870061)---language> edited, brackets

The U.S. government has upended the $35 billion-a-year cellular-equipment industry, ushering in a new era of competition and giving U.S. companies a shot at re-entering a sector they vacated years ago. In the past five years, only China’s Huawei Technologies Co., Sweden’s Ericsson ERIC +0.24% AB and Finland’s Nokia Corp. NOK +4.30% captured more than a 20% share of revenue in the wireless-equipment market, according to Dell’Oro Group, a research firm. No other competitor consistently cracked even 10%. Now that landscape is changing. Pushed by Washington’s campaign to [undermine] cripple Huawei over cybersecurity concerns, countries representing more than 60% of the world’s cellular-equipment market are considering or have already enacted restrictions against Huawei, says Dell’Oro Group. And to take advantage of that opening, the U.S. government—as well as governments in the U.K. and European Union—are considering financial support and other measures to boost domestic cellular-equipment makers trying to crack the three incumbents’ stranglehold on the market. The result is a newly competitive market that is reminiscent of the 1990s, when bygone industry giants such as Lucent, Motorola, Nortel, Siemens and Alcatel fought for a piece of a growing telecom-equipment pie. “It’s got a Wild West feel to it,” says Bill Plummer, a former Nokia and Huawei executive now working at JMA Wireless, a Syracuse, N.Y., 5G company. “We haven’t seen this since probably the eve of the dot-com bust—this dynamic and thriving competitive environment in wireless.” That new environment could benefit everyone—other than, of course, Huawei, Ericsson and Nokia. It will give a host of competitors a chance to win business that only a couple of years ago seemed out of reach. And the new competitive fervor should increase innovation and lower costs for wireless carriers, which could pass on savings—and the fruits of those innovations—to customers. American officials further say the new competitive landscape is crucial to U.S. efforts to counter China’s influence in developing 5G technology, the next generation of wireless technology that will serve as the building blocks for all sorts of future technologies—whether in robot-run factories, heart-rate monitors, or any number of industries and products. The country that dominates 5G will be well-positioned to lead the technology industry in terms of profits and talent in the years ahead.

### 1NC---!D---Cyber

#### No cyber impact.

Lewis 20, PhD, a senior vice president and director of the Technology Policy Program at the Center for Strategic and International Studies in Washington, D.C. (James Andrew, 8-17-2020, "Dismissing Cyber Catastrophe", *CSIS*, https://www.csis.org/analysis/dismissing-cyber-catastrophe)

A catastrophic cyberattack was first predicted in the mid-1990s. Since then, predictions of a catastrophe have appeared regularly and have entered the popular consciousness. As a trope, a cyber catastrophe captures our imagination, but as analysis, it remains entirely imaginary and is of dubious value as a basis for policymaking. There has never been a catastrophic cyberattack.

To qualify as a catastrophe, an event must produce damaging mass effect, including casualties and destruction. The fires that swept across California last summer were a catastrophe. Covid-19 has been a catastrophe, especially in countries with inadequate responses. With ~~man-made~~ actions, however, a catastrophe is harder to produce than it may seem, and for cyberattacks a catastrophe requires organizational and technical skills most actors still do not possess. It requires planning, reconnaissance to find vulnerabilities, and then acquiring or building attack tools—things that require resources and experience. To achieve mass effect, either a few central targets (like an electrical grid) need to be hit or multiple targets would have to be hit simultaneously (as is the case with urban water systems), something that is itself an operational challenge.

It is easier to imagine a catastrophe than to produce it. The 2003 East Coast blackout is the archetype for an attack on the U.S. electrical grid. No one died in this blackout, and services were restored in a few days. As electric production is digitized, vulnerability increases, but many electrical companies have made cybersecurity a priority. Similarly, at water treatment plants, the chemicals used to purify water are controlled in ways that make mass releases difficult. In any case, it would take a massive amount of chemicals to poison large rivers or lakes, more than most companies keep on hand, and any release would quickly be diluted.

More importantly, there are powerful strategic constraints on those who have the ability to launch catastrophe attacks. We have more than two decades of experience with the use of cyber techniques and operations for coercive and criminal purposes and have a clear understanding of motives, capabilities, and intentions. We can be guided by the methods of the Strategic Bombing Survey, which used interviews and observation (rather than hypotheses) to determine effect. These methods apply equally to cyberattacks. The conclusions we can draw from this are:

Nonstate actors and most states lack the capability to launch attacks that cause physical damage at any level, much less a catastrophe. There have been regular predictions every year for over a decade that nonstate actors will acquire these high-end cyber capabilities in two or three years in what has become a cycle of repetition. The monetary return is negligible, which dissuades the skilled cybercriminals (mostly Russian speaking) who might have the necessary skills. One mystery is why these groups have not been used as mercenaries, and this may reflect either a degree of control by the Russian state (if it has forbidden mercenary acts) or a degree of caution by criminals.

There is enough uncertainty among potential attackers about the United States’ ability to attribute that they are unwilling to risk massive retaliation in response to a catastrophic attack. (They are perfectly willing to take the risk of attribution for espionage and coercive cyber actions.)

No one has ever died from a cyberattack, and only a handful of these attacks have produced physical damage. A cyberattack is not a nuclear weapon, and it is intellectually lazy to equate them to nuclear weapons. Using a tactical nuclear weapon against an urban center would produce several hundred thousand casualties, while a strategic nuclear exchange would cause tens of millions of casualties and immense physical destruction. These are catastrophes that some hack cannot duplicate. The shadow of nuclear war distorts discussion of cyber warfare.

State use of cyber operations is consistent with their broad national strategies and interests. Their primary emphasis is on espionage and political coercion. The United States has opponents and is in conflict with them, but they have no interest in launching a catastrophic cyberattack since it would certainly produce an equally catastrophic retaliation. Their goal is to stay below the “use-of-force” threshold and undertake damaging cyber actions against the United States, not start a war.

This has implications for the discussion of inadvertent escalation, something that has also never occurred. The concern over escalation deserves a longer discussion, as there are both technological and strategic constraints that shape and limit risk in cyber operations, and the absence of inadvertent escalation suggests a high degree of control for cyber capabilities by advanced states. Attackers, particularly among the United States’ major opponents for whom cyber is just one of the tools for confrontation, seek to avoid actions that could trigger escalation.

The United States has two opponents (China and Russia) who are capable of damaging cyberattacks. Russia has demonstrated its attack skills on the Ukrainian power grid, but neither Russia nor China would be well served by a similar attack on the United States. Iran is improving and may reach the point where it could use cyberattacks to cause major damage, but it would only do so when it has decided to engage in a major armed conflict with the United States. Iran might attack targets outside the United States and its allies with less risk and continues to experiment with cyberattacks against Israeli critical infrastructure. North Korea has not yet developed this kind of capability.

One major failing of catastrophe scenarios is that they discount the robustness and resilience of modern economies. These economies present multiple targets and configurations; they are harder to damage through cyberattack than they look, given the growing (albeit incomplete) attention to cybersecurity; and experience shows that people compensate for damage and quickly repair or rebuild. This was one of the counterintuitive lessons of the Strategic Bombing Survey. Pre-war planning assumed that civilian morale and production would crumple under aerial bombardment. In fact, the opposite occurred. Resistance hardened and production was restored.1

This is a short overview of why catastrophe is unlikely. Several longer CSIS reports go into the reasons in some detail. Past performance may not necessarily predict the future, but after 25 years without a single catastrophic cyberattack, we should invoke the concept cautiously, if at all. Why then, it is raised so often?

## Adv 2

### Size Not Key---1NC

#### Size isn’t key---big companies aren’t that good at lobbying AND small companies would if broken up.

Robert Atkinson & Michael Lind 18, Mr. Atkinson is the president of the Information Technology and Innovation Foundation. Mr. Lind is a visiting professor at the University of Texas Johnson School of Public Affairs, “A Republic, If You Can Keep It: Big Business and Democracy,” Big Is Beautiful: Debunking the Myth of Small Business, MIT Press, 2018, pp 177-196

The Market Fundamentalist Tradition

While producer republicans fear that big business will turn formerly self-reliant republican citizens into wage slaves at the mercy of employers, market fundamentalists are more concerned that big businesses will enter into an unholy alliance with big government and in the process succeed in enriching themselves at the cost of the freedom of citizens and the pocketbooks of taxpayers.

The claim that “the corporations” control government at all levels is commonly made in the United States. The case would seem to be undeniable, if corporate spending on lobbying and campaign donations is considered in isolation from other political spending and if it is assumed that lobbyists and donors usually get their way. But these assumptions are unrealistic. When all sources of financial influence on politics are considered, it is clear that big business competes for influence with individual wealthy donors, nonprofit organizations, and trade associations representing small business. Nor is it the case that big business always gets its way. Indeed, on many issues, from corporate tax reform to infrastructure investment and immigration reform, the corporate sector has experienced repeated defeat in American politics.

Let us begin with campaign finance and lobbying. In 1907 Congress banned corporations from donating to federal political campaigns. In 1947 Congress then prohibited both unions and corporations from making independent political expenditures to help federal political candidates indirectly. But in 2010, in Citizens United v. Federal Election Commission, the Supreme Court ruled that both unions and corporations could spend unlimited amounts to help candidates as long as their expenditures were “independent” of parties and candidates.

The biggest winners of the campaign spending arms race begun by Citizens United have been not corporations but rich individuals. By February 2016, nearly half of the money that went into Super PACs—41 percent—came from only fifty “megadonors” and their relatives, led by Tom Steyer, a former hedge fund manager who contributes to environmentalist organizations and Democrats.20

Megadonors are an elite within an elite. According to Open Secrets, in the 2016 election only 0.52 percent of the US population made political contributions large enough to be itemized—$200 or over. This one-half of 1 percent of the population was responsible for 70.4 percent of all individual contributions to federal candidates, parties, and PACs.21 Some of these megadonors made their money in the corporate sector, as founders of startups or in some cases as CEOs; others come from finance or real estate; a substantial number inherited their money. It is hard to make a case that their motive for massive political spending is to win benefits for particular industries, much less particular companies or banks. On the contrary, studies show that many of them are motivated by ideology and partisanship, and in most cases they are motived by a desire to improve society.

The partisan preferences of individual megadonors are not typical of the US population. The politics of the American donor class skews in a libertarian direction—liberal on social issues, libertarian in economics. The average megadonor is far more likely than the average American voter to oppose higher taxes on the rich, support high levels of immigration, and favor cutting middle- class entitlements including Social Security and Medicare.22 But the self-interest of the rich, as a class, in policies like abolishing estate taxes and lowering capital gains and income tax rates is different from the particular objectives of particular corporations and particular industries, which typically involve matters of industry-specific regulation and business-related tax breaks.

What about lobbying by corporations and other economic interest groups, rather than individuals? According to Maplight, most of the top ten spenders on lobbying from 2008 to 2016 were not individual corporations at all but trade associations, with the US Chamber of Commerce at the top, followed by the National Association of Realtors, the US Chamber of Commerce Institute for Legal Reform, and Apparel for All. Two corporations—General Electric and Boeing—came in fourth and ninth place, respectively. But the rest are trade or professional associations, including the Pharmaceutical Research & Manufacturers of America, the American Medical Association, the American Hospitals Association, and the National Cable & Telecommunications Association.23 Of the top sixteen business PACs, five represent small business (National Association of Realtors, National Beer Wholesalers, National Auto Dealers Association, National Association of Insurance and Financial Advisors, and Credit Union National Association).24

Some of the industries represented by trade associations with deep pockets are dominated by large firms because they are increasing-returns industries, like pharmaceuticals and cable and broadband. But the top spender, the US Chamber of Commerce, represents many small firms, and the number two lobbying of Commerce, represents many small firms, and the number two lobbying spender, the National Association of Realtors, represents a highly fragmented industry in which the typical realtor’s office is local and employs only a few people. For its part, the American Medical Association has long represented the interests of physicians working alone or in small partnerships, who until recently accounted for most doctors.

Lobbying expenditures, like campaign donations, probably exaggerate the influence of large companies and minimize the actual influence of small businesses. Much of the influence of small business arises from geography. In every congressional district and every state there are family farmers, franchise owners, automobile dealers, realtors, and others whose support politicians cannot ignore. In contrast, the headquarters and production facilities of major national and global corporations are found in a relatively small number of places. Every American state has family farmers and realtors; far fewer have automobile or aerospace manufacturers. Local businesses and their employees and suppliers provide the small business lobby with an unpaid auxiliary army whose influence is exercised through the ballot box rather than by means of campaign contributions. As Charles Brown, James Hamilton, and James Medoff write, “As a lobbyist for the National Federation of Independent Business (NFIB) put it in assessing the impact of these political resources: ‘Small business is a terrifically effective lobbying force. There are more of us. Our members are personally involved in their businesses; they aren’t managers. Our people make up the vast majority of the moderate-to-conservative, politically active people back home.’”25

Moreover, while large firms sometimes lobby for what economists call rent- seeking activities, which divide the economic pie rather than grow it, so too do small firms. For example, the National Federation of Independent Business’s lobbying agenda features three main rent-seeking issues: cutting the tax rates of the wealthy (e.g., cutting the top marginal tax rate and repealing the estate tax), repealing the Affordable Care Act, and eliminating regulations.26

To imagine that if the economy was made up just of small “yeoman” businesses, they would not lobby for programs to protect their economic interests, is to ignore political realty. Small car dealers would still lobby to prohibit large car manufacturers from selling directly to consumers. Small dairy farmers would still lobby for subsidies and trade protection. Organic food growers would still lobby to raise food prices by limiting the use of biotechnology-based crops.

# 2NC

## Cap K

### Overview---2NC (:40)

#### You should actively flip the script – against extinction

Jackson 12, Professor of Peace Studies and the Director of the National Peace and Conflict Studies Centre at the University of Otago, New Zealand (Richard, August 5th, “The Great Con of National Security,” <https://richardjacksonterrorismblog.wordpress.com/2012/08/05/the-great-con-of-national-security/>, Accessed 09-22-2021)

It may have once been the case that being attacked by another country was a major threat to the lives of ordinary people. It may also be true that there are still some pretty serious dangers out there associated with the spread of nuclear weapons. For the most part, however, most of what you’ve been told about national security and all the big threats which can supposedly kill you is one big con designed to distract you from the things that can really hurt you, such as the poverty, inequality and structural violence of capitalism, global warming, and the manufacture and proliferation of weapons – among others.

The facts are simple and irrefutable: you’re far more likely to die from lack of health care provision than you are from terrorism; from stress and overwork than Iranian or North Korean nuclear missiles; from lack of road safety than from illegal immigrants; from mental illness and suicide than from computer hackers; from domestic violence than from asylum seekers; from the misuse of legal medicines and alcohol abuse than from international drug lords. And yet, politicians and the servile media spend most of their time talking about the threats posed by terrorism, immigration, asylum seekers, the international drug trade, the nuclear programmes of Iran and North Korea, computer hackers, animal rights activism, the threat of China, and a host of other issues which are all about as equally unlikely to affect the health and well-being of you and your family. Along with this obsessive and perennial discussion of so-called ‘national security issues’, the state spends truly vast sums on security measures which have virtually no impact on the actual risk of dying from these threats, and then engages in massive displays of ‘security theatre’ designed to show just how seriously the state takes these threats – such as the x-ray machines and security measures in every public building, surveillance cameras everywhere, missile launchers in urban areas, drones in Afghanistan, armed police in airports, and a thousand other things. This display is meant to convince you that these threats are really, really serious.

And while all this is going on, the rulers of society are hoping that you won’t notice that increasing social and economic inequality in society leads to increased ill health for a growing underclass; that suicide and crime always rise when unemployment rises; that workplaces remain highly dangerous and kill and maim hundreds of people per year; that there are preventable diseases which plague the poorer sections of society; that domestic violence kills and injures thousands of women and children annually; and that globally, poverty and preventable disease kills tens of millions of people needlessly every year. In other words, they are hoping that you won’t notice how much structural violence there is in the world.

More than this, they are hoping that you won’t notice that while literally trillions of dollars are spent on military weapons, foreign wars and security theatre (which also arguably do nothing to make any us any safer, and may even make us marginally less safe), that domestic violence programmes struggle to provide even minimal support for women and children at risk of serious harm from their partners; that underfunded mental health programmes mean long waiting lists to receive basic care for at-risk individuals; that drug and alcohol rehabilitation programmes lack the funding to match the demand for help; that welfare measures aimed at reducing inequality have been inadequate for decades; that health and safety measures at many workplaces remain insufficiently resourced; and that measures to tackle global warming and developing alternative energy remain hopelessly inadequate.

Of course, none of this is surprising. Politicians are a part of the system; they don’t want to change it. For them, all the insecurity, death and ill-health caused by capitalist inequality are a price worth paying to keep the basic social structures as they are. A more egalitarian society based on equality, solidarity, and other non-materialist values would not suit their interests, or the special interests of the lobby groups they are indebted to. It is also true that dealing with economic and social inequality, improving public health, changing international structures of inequality, restructuring the military-industrial complex, and making the necessary economic and political changes to deal with global warming will be extremely difficult and will require long-term commitment and determination. For politicians looking towards the next election, it is clearly much easier to paint immigrants as a threat to social order or pontificate about the ongoing danger of terrorists. It is also more exciting for the media than stories about how poor people and people of colour are discriminated against and suffer worse health as a consequence.

Viewed from this vantage point, national security is one massive confidence trick – misdirection on an epic scale. Its primary function is to distract you from the structures and inequalities in society which are the real threat to the health and wellbeing of you and your family, and to convince you to be permanently afraid so that you will acquiesce to all the security measures which keep you under state control and keep the military-industrial complex ticking along.

#### It’s a better frame

Kaczmarek 17 – Patrick Kaczmarek, PhD at the University of Glasgow, a Senior Researcher at Effective Giving, Visiting Researcher at the Future of Humanity Institute at the University of Oxford and a Visiting Scholar at the Department of Philosophy at the University of Pittsburgh. [How Much is Rule-Consequentialism Really Willing to Give Up to Save the Future of Humanity? Utilitas, 29(2), https://www.cambridge.org/core/journals/utilitas/article/how-much-is-ruleconsequentialism-really-willing-to-give-up-to-save-the-future-of-humanity/F867301151A79F7DA566A14DF71749B3]//BPS

Notice, the problem can be cast two different ways. First, the loss associated with humanity's premature extinction is so great that even if the probability of a catastrophic event is very low, an expected value calculation suggests that we should strive to prevent its possible occurrence. And yet, there is something deeply puzzling about ruining the lives of all actual persons for the sake of humanity eking out a longer stay in the universe.

Second, you may have realized that the above implication bears close resemblance to the dreaded Repugnant Conclusion. The Repugnant Conclusion states that for any population, all with a very high quality of life, there must be some larger imaginable population whose existence, all else being equal, would be better despite their lives being barely worth living.19The mistake, as countless critics have noted, is that quantity (that is, size of population) should not be able to compensate for a stark reduction to their average quality of life.

I'm inclined to agree that this looks worrisome. For some, if this were the end of the story, it would surely act as a reductio ad absurdum of the view. But this is not the full story.

AN INDIRECT APPROACH TO LOWERING THE THREAT OF EXTINCTION

In setting out our earlier comparison of the two populations it was assumed that only costs go up, never benefits. That is to say, A was fixed and the total sum of goods went up merely because the size of the population grew, despite internalization costs reducing average quality of life. Colouring in the picture, this corresponds to the scenario where, all else being equal, existential threats are directly targeted. To illustrate, this could amount to putting a lot of resources towards asteroid deflection programmes.20

I now wish to argue that we could instead reduce existential risk by indirect means, and in so doing make the world in two ways go better. As noted earlier, we would prolong humanity's place in the cosmos. Furthermore, an indirect approach improves the average welfare of persons, particularly the worse-off in our population.

Certainly, it would be a mistake to concentrate exclusively on indirectly lowering the probability of doomsday. Returning to our earlier example, reducing global poverty cannot prevent an Earth-bound asteroid the size of Texas from making impact. Nevertheless, if we were also to adopt an indirect approach, then this would contribute to existential risk reduction by curbing the negative ripple effects of readily preventable illnesses, global hunger, and so forth.

Ripple effects are a class of phenomena that affect the far future in significant ways, shaping how our history unfolds over time.21A ripple effect is initiated by a particular event that has some causal influence on the course of events that follow it. These events, in turn, may have their own impact on how further events play out. And so on it goes, reaching wider and wider as time passes.

#### Accumulation outweighs extinction under UTIL

Povinelli 19 (Elizabeth A. prof of anthrology at Columbia. The Urban Intensions of Geontopower)

Thegreat cities of Europe are technological condensations and displacements of countless despoiled and depopulated spaces—what have become the rural and wasteland areas along and beyond their peripheries. The minerals dug out of Congo, South Africa, Australia, and Canada went somewhere. In other words, they are not merely accumulation of an abstraction (surplus value) or a double abstraction (surplus value of surplus value), but a material redistribution and transformation: the shapes of European cities that were taken from colonized landscapes and the tailings of toxins, the rivers of poison, and the mountains of mudslides engulfing entire communities that came with them. As Europeans crossed and recrossed the globe pulling out what they needed and leaving what was superfluous to them behind, it created a new hegemonic order of things: an emergent andexploitative **western classification of existence**, or in other words, what was what and how each related to each other. The hegemonic force of this order of things was secreted in the emerging routes such that things could be used and moved only if they appeared as one kind of thing. **These different logics of use and abuse certainly included what was grievable, what was killable, and what could be destroyed in order to enhance someone else somewhere else.** If you are the subject of capitalist extraction (which everyone is but not qualitatively or quantitatively equally) and you wish to eke out an existence, then the everyday ethical, social, and political hierarchies and differences of things have to be treated as if their materialities do not matter. At this point in time, the dynamic of colonial and postcolonial accumulation seems much messier than promised by the crisp dialectics of Hegel and Marx and out of which Césaire and Fanon originally built their critique. **Accumulation has less the look of a precisely rendered logic and more of a harvesting machine worthy of science fiction: a massive earth-destroying Death Star ripping and gutting a million worlds and then returning to re-ravage them as many times as it can find new forms of extracting profit from existence** (or in the language of capitalist disavowal, “creative destruction”). The wheels of the machine do not go forward, they go backward, side-to-side, and around-and-around. Capitalism as such emerged from a mad circle of primitive accumulation: scraping value out of the bodies of enslaved west Africans, pulling nutrients from Caribbean soil, and casting gunpowder recipes from Chinese knowledge.7 But this primitive accumulation, Glen Coulthard has argued, depended on an originary accumulation of Native American lands—a Caribbean rid of Caribs, an American South without the Caddo, Seminole, Catawba, Cherokee, Shawnee and hundreds of others. Coulthard insist that David Harvey’s understanding of capitalism as accumulation by dispossession depended on an initial dispossession.8 Forward into visions of semiotechno-capitalist solutions and industrial climate toxicity: as TJ Demos, Bron Szerszinsky, and others have discussed, numerous such liberal, neoliberal, and libertarian geo-engineering projects figure the anthropos “as ultimate self-creator, for whom no challenge—climate change, agricultural failure, artificial intelligence, planetary hunger, even death and extinction—will be beyond technological overcoming, especially when matched to Silicon Valley capital.”9 Lifted up, lifted out, anthropos was claimed to be different from and superior to all other forms of existence. But this anthropos is not Man. It is a toxic imaginary brewed out of specific colonial and capitalist sociality. **Great cities rose from the smolder; and within these cities new topologies of glistening paving stones and stinking alleyways. As human and nonhuman worlds were ripped from one place to produce wealth in another, the great harvester would return, digging deeper into previously ravaged spaces,** this time with imperial and corporate armies to reorganize “free” African labor for mines, plantations, and the construction of new megalopolises in the global south. The interior contours of these new cities have been understood and documented ever since Engels’s The Condition of the Working Class in England, continuing on through Mike Davis’s The Planet of Slums. Likewise, countless studies have detailed the dynamics that drain human and nonhuman materials and values from outside the city, accelerating the process by which urban centers grow and rural areas become vast reservoirs of toxicity. **This is what Du Bois saw: material and social space being bent to distortedly sculpt routes and worlds, including the means of connecting by differentiating between the urban and rural and the city and its slum. Human and nonhuman existence was forced into specific forms as the condition for movement** (what roads demanded; ocean-ways allowed; undersea cables provided; low-earth, mid-earth, and geostationary space satellite networks oversaw). **The conditions of existence in one place stretched way beyond its location**, but in ways that seemed disfigured only to some. (Rising rents in renewed American cities condemn the precariat to lives lived on buses commuting to low wage work from new suburban ghettos.) But this idea that toxicity could be kept at a distance was always a fantasy. This fantasy has now been punctured. The toxic waterways they sealed far away from their view or right below their own feet are now overflowing. Critical indigenous theory has long argued that **colonialism did not merely destroy people and their lands, but attempted to destroy myriad non-Western understandings of the irreducible entanglement of human and nonhuman existences** that challenge the toxic imaginary of colonial and capitalist extraction. In colonial conditions, the bargain between colonial invaders and indigenous peoples was never for either your goods or your life, but was always both your modes of life and your goods. Thus, at the heart of Coulthard’s analysis of originary dispossession is this aspect of the harvesting machine: If we base our understanding of originary dispossession from an indigenous standpoint, it’s the theft not only of the material of land itself, but also a destruction of the social relationships that existed prior to capitalism violently sedimenting itself on indigenous territories. And those social relations are often not only based on principles of egalitarianism but also deep reciprocity between people and with the other-than-human world.10 Countless deeply reflexive practices of how one belongs across and in existence were disrupted, dug up, and run over as Europeans went southward and westward to make their cities, neighborhoods, and livelihoods. Coulthard is not arguing that settler colonialism burnt these worlds down to their root, nor that the effect of this destruction flowed in only one direction. Rather, the harm had different forms and temporalities. The gangrene took root in colonizers as soon as they began treating the Americas as something to be conquered, but the gangrene was slow-acting. They could postpone the effects of the poisons they were creating by moving away from or exporting the poisons they wrought. At some point there would be no further, no behind, no over there. Today may be that day. Peer down into the gutters, follow the flows of water, of metals, and the pollutants they carry and disperse.

### 2NC- Link turns

#### Link turns case---Biden’s DOJ is full of neoliberal shills who will systematically underenforce anti-trust law.

Alsbergas & Moran 21, Research assistants at the Revolving Door Project at the Center for Economic and Policy Research (Elias & Max, February 23rd, “It’s Looking Like the Department of Justice Under Biden Will Have Major Influence from Corporate Law,” *Jacobin Magazine*, <https://www.jacobinmag.com/2021/02/corporate-power-amazon-big-law-department-of-justice-biden>, Accessed 10-16-2021)

It’s kind of trite, but personnel is policy. That goes doubly for the people you keep around you who aren’t on the books. People like Gorelick thrive because their relationships and their work are not scrutinized. This is how Biden is able to get away with the fact that unions helped put him in the Oval Office but some of his highest-level appointees have deep long-standing relationships with people who are anathema to labor’s agenda.

Biden is clearly signaling — and in some cases, moving — in a more left-wing direction on issues including labor, the environment, and so on. He’s certainly moving to the left of where Obama was at this point in his presidency. But a great number of the people who are staffing his administration across the board are still part of the same neoliberal groups that came up under Bill Clinton. They got their start in Democratic Party politics during the Reagan years, and that is still the frame through which they view a lot of these issues.

You’re seeing some of that, maybe, a little bit, begin to change. But absent significant pressure, the path of least resistance, and the path which Biden and his people are going to take, is to bring back the same people who have been doing and failing at these jobs for the last forty years.

#### Turns democracy

**Hobson 17**. (Christopher Hobson is Associate Professor in the School of Political Science and Economics, Waseda University, Japan. <KEN> “Democratic Peace: Progress and Crisis,” American Political Science Association. September 2017 | Vol. 15/No. 3. DOA: 3/8/19. https://www.cambridge.org/core/journals/perspectives-on-politics/article/democratic-peace-progress-and-crisis/6D5D0A222F4BE800EBED9A555F0593A5)

What Offe points to is the manner in which neoliberalism has shrunk the political sphere in democracies. It is not simply that the economic realm has become detached from democratic control, helping to exacerbate inequality. The situation is more drastic than this; it is what Manet terms the “economic evisceration of our bodies politic.” 73 Market-based relations have become the dominant framework for conceiving of the role of government, what citizenship means, how we see ourselves, the way we determine value, and how people relate to each other in society.74 Economic logic is effectively consuming the political sphere, corrupting the register in which democracy is enacted. If one takes these arguments seriously, it suggests that one of the greatest threats to the dyadic peace comes from established democracies being hollowed out and destroyed from within. Put strongly, neoliberalism is acting like acid on democratic norms and institutions, eating away not only at the foundations of this form of rule, but also the zone of peace. A defining feature of the neoliberal era has been a marked rise in economic inequality, reversing the previous movement towards greater equality during the immediate decades after World War II. This has been constant across most OECD countries.75 In a new paper, Emmanuel Saez and Gabriel Zucman identify three major trends: First, wealth inequality is high and rising fast in the United States: the top 0.1% share has increased from 7% in the late 1970s to 22% in 2012. Second, the wealth share of the middleclass has followed an inverted-U evolution over the course of the twentieth century: it is no higher today than in 1940. Third, the combination of rising income and saving rate inequality is fueling wealth inequality.76 These developments are more pronounced in the United States, but Thomas Piketty and Emmanuel Saez observe that income inequality and wealth inequality have also been on the rise in Europe since the 1970s.77 As noted earlier, this is contributing to a decline in voter participation, a loss of trust in politicians, and the growing influence of special interest groups. Beyond undermining and distorting core democratic institutions, this situation contradicts the basic idea of equality, which has long been fundamental to the way people conceive of democracy. This is a markedly different reading of democracy and capitalism to the overly sanguine one that prevails in democratic-peace research. The rise of neoliberalism has been closely connected to deepening processes of globalization, which have further ramifications for democratic governance. More and more, decisions are being made outside of the confines of the state, with nonelected bureaucrats, experts, and bodies having a significant role in policymaking. States can be held hostage to the whims of the market, while transnational corporations have considerable leverage as a result of their ability to move to territories most conducive to their interests. Meanwhile, with the intensification and acceleration of communication, there is less space for debate and dialogue, features that are normally seen as vital for the health of democracy.78 The corrosive effects of globalization on state capacity may be less evident in relation to traditional security issues, but these processes are consequential for the functioning and maintenance of democratic institutions and cultures. In this sense, globalization works to reinforce the other trends identified here that are reshaping liberal democracy. Held argues that there are significant disjunctures between traditional claims to state sovereignty and globalized practices regarding law, politics, security, identity, and the economy, which leads him to consider whether democracy also needs to expand beyond state borders.79 James Bohman goes further in proposing that “a new kind of transnational democratization is essential to the project of an expanding democratic peace.” 80 The democratic peace research program has little scope for considering such proposals, however, as they remain wedded to an essentially realist conception of international anarchy. Furthermore, the kind of normative project that Bohman is proposing lies well beyond the kind of scholarship neopositivists are willing to engage with. As a result, they are poorly equipped to consider the ways that globalization is reshaping the contours and capacities of states, with farreaching for what democracy can mean. This reinforces the problem previously identified by Barkawi and Laffey, who observe that democratic-peace scholars are caught in a “territorial trap” that produces a “blindness to global social relations and their role in reshaping both the state and the international organization of force.” 81 Collectively what this illustrates is that the manner in which the democratic-peace research program conceives of democracy, its relationship with capitalism, and its connection to wider processes of globalization leaves it with an increasingly incomplete and out-of-date understanding of how democracy interacts with the international sphere. Rearranging Deck Chairs: Methodological Myopia at a Time of Democratic Decline When work on democratic peace first emerged it contributed to the revitalization of liberal thought and represented an important contribution to the social sciences. Yet innovation has been replaced by stagnation, with Barkawi proposing that the democratic-peace research program has become “degenerative” insofar as it “no longer creates or explains novel facts.” 82 An overriding concern with methodological rigor has resulted in an increasingly monochrome literature, divorced from the most significant debates surrounding democracy. This is a prime example of the larger trend towards methodological questions dominating in IR, something that senior scholars from a range of theoretical traditions have voiced misgivings about.83 Reflecting on this state of affairs, Robert Keohane observes that the relentless pressure of more and more sophisticated quantitative methods continues . . . . All too often . . . they [methods] are used unimaginatively to address, in somewhat more precise ways, issues that are already well-understood, while new or more significant developments, since they seem less amenable to such methods, are ignored.84 Sanford Schram echoes this conclusion, suggesting that due to an excessive concern with method, “social science has diminished its ability to conduct research in ways that people can use to better understand and do something about what is happening in their society and economy.” 85 What Keohane and Schram both point to is the limited value of work that remains defensible within the restricted parameters it sets for itself, but has little to contribute to the way we formulate and respond to fundamental questions in politics. This is certainly the case with democratic-peace research, which operates with an excessively narrow conception of how IR should be studied and what qualifies as valid scholarship. The result is the odd situation where the largest body of work on democracy in IR has remarkably little to say about democracy’s contemporary fortunes and future place in the world. It appears that democratic-peace scholars can no longer see the proverbial forest from the trees. Coding and correlation are debated ad infinitum, while little attention is given to growing economic inequality, voter alienation, a decline in traditional parties, rising populism, and a wide array of related trends that raise serious doubts about the health of established democracies. Democratic-peace research has remained largely oblivious to these trends, yet as shown here, these developments are directly relevant for structural and normative arguments. Engaging with these issues means overturning the unexamined assumption that states at the heart of the zone of peace will remain democratic. Not only does such a linear conception of history fail to correspond to democracy’s much more uneven past, it overlooks the possibility that established democracies may disappear, weaken drastically, or undergo great change. The collective failure to seriously consider the possibility that the Soviet Union might collapse should serve as a warning against such comfortable thinking.86 Perhaps the Trump presidency might finally prompt democratic peace scholars to begin taking democratic decline more seriously. The argument made here points towards a different way of studying democracy’s role in international politics, but the conclusions can be adapted to match with the dominant mode of democratic-peace research. For example, Edward Mansfield and Jack Snyder have argued that the zone of peace does not extend to transitional democracies, which may actually be more war-prone.87 This logic could be extended to considering democracies in decline, asking whether they will behave more like transitional or established democracies. On this point, Leonardo Morlino has developed a sophisticated framework for measuring the quality of democracies, classifying them in relation to rule of law, accountability, participation, competition, responsibility, freedom, and equality.88 This allows him to distinguish between a range of imperfect democracies: inefficient, irresponsible, passive, stuck, illegitimate, reduced, unequal, and minimal.89 Connecting this to work on democratic peace, it could be worth considering whether some failings or weaknesses in democracy are more consequential than others for international behavior. These are just some examples of the way a more complex—and more empirically accurate—account of democracy and its role in international politics could be developed. It is not sufficient, however, to simply expand the remit of neopositivist scholarship by adding a few new research questions. There is a need for greater openness to work that commences from different ontological, epistemological, and methodological positions.

### AT: Cap Inevitable

#### 2---Movements fail is an elite fallacy---globalization allows international labor movements to combine their power.

Tavan 21, Host of Red Flag Radio Podcast (Luka, March 7th, “Worldwide revolution is possible and necessary,” *Red Flag*, <https://redflag.org.au/article/worldwide-revolution-possible-and-necessary/>, Accessed 10-12-2021)

But capitalism’s global nature means that revolts tend to spread across national borders. Workers today share increasingly similar experiences: conditions of work, forms of consumption, lifestyles and political cultures. And the global integration of production serves to transmit struggle from one country to another. In 1974, for instance, resistance to the brutal military dictatorship in Chile spread to East Kilbride, Scotland, of all places. Workers at the Rolls Royce factory there learned that the engines they were repairing were being used by the Chilean air force to drop bombs on workers resisting the coup. They downed tools and refused to work on the engines, keeping them out of the hands of the military junta for four years.

While nationalism still has a powerful hold on the consciousness of many, it’s increasingly clear that the real line of polarisation across the globe is between the minority ruling class and the majority working class. And when revolts break out in one part of the world, people can identify with the causes and motivations of their struggles, and draw comparisons with their own situation. “Languages remain different,” observed UK Marxist Chris Harman in 1992, “but what they say is increasingly the same”. Harman’s words ring true in every wave of political radicalisation.

1968 is remembered as a year of global revolt, when millions of workers, students and oppressed people drew inspiration from each other’s movements. Activists in the US were radicalised by the heroic resistance of the Vietnamese people to American imperialism. Irish civil rights activists emulated the militant politics of the Black Panthers. When students and workers united to launch a massive general strike in France in May, it taught student radicals in Australia that they needed to link up with the power of the organised working class in order to win.

The movements of 1968 united people across superficially very different societies. For decades, Cold War common sense had dictated that the greatest divide on the planet was between Western liberal capitalism and Stalinist “Communism”. But in 1968, both sides of the iron curtain exploded in revolt. The triggers for the struggles may have been different, but they were all responses to similar issues: inequality, exploitation and war, imposed by monstrous bureaucratic states.

In 2011, a poor Tunisian street vendor set himself alight to protest against police harassment. Within days, his act had inspired anti-government protests across the country. Within weeks, the protests escalated into a regional revolt that challenged regimes across the Arab world. One small act tapped into resentment against inequality, unemployment and state violence that engulfed an entire region. The radical wave spread even further: at a massive demonstration against an anti-union bill in the US city of Madison, Wisconsin, a man held up a poster with a picture of Egyptian dictator Hosni Mubarak beside Republican Governor Scott Walker. The caption read: “One dictator down. One to go”. The Arab revolutions went on to inspire the Occupy movement, which spread to more than 80 countries.

Today, more than ever, insurgent social movements and working-class uprisings are spurring action in other parts of the world—from Hong Kong to Chile, from Lebanon to France. One placard at a memorial for protesters murdered while resisting the military coup in Myanmar took up Marx’s incitement: “Workers of the world unite, you have nothing to lose but your chains”.

While the Russian Revolution is cynically held up by capitalist ideologists as the ultimate argument against international revolution, it actually proves the opposite. It shows that the goal is not only necessary, but also that it’s possible. The news of workers seizing power in Russia, overthrowing their capitalist government and declaring their withdrawal from WWI, created shock waves across the planet. Workers in Germany rose in revolt a year later, ending the war for good and building soviets, a form of radical working-class democracy inspired by the Russian example. This was followed by uprisings in France, Italy and Hungary.

The revolutionary wave spread further. A classified British government report from 1919 noted a “very widespread feeling among workers that thrones have become anachronisms, and that the Soviet may be the best form of Government for a democracy”.

The rising tide of radicalism had an impact in Australia too. Meatworkers in the Queensland city of Townsville donned red jumpers, stormed the local police station to free jailed unionists, and placed the city under workers’ control. The editor of the conservative Townsville Daily Bulletin lamented: “Townsville for the last year or so has been developing Bolshevism ... the mob management of affairs in this city, differs very little, from the Petrograd and Moscow brand”.

The Russian Bolsheviks, the revolutionary working-class party that led the revolution to victory in 1917, didn’t just passively wait for revolutions elsewhere. They actively organised to spread the revolt. In 1919, they established the Communist International, an organisation for debate, discussion and coordination between different revolutionary workers’ parties. Revolutionaries in Russia, Italy, France, Germany, the US, Australia and elsewhere attempted to clarify and develop a strategy for overthrowing capitalism everywhere. In none of these countries was there a party like the Bolsheviks, steeled in years of organising working-class struggle to overthrow the state, and capable of leading a revolution. But for a number of years, workers came close to overthrowing capitalism in several countries.

In periods of stability, when social conservatism dominates, international revolution can seem like a pipe dream. Defenders of the status quo actively work to reinforce this illusion. But history proves that the crises that the system generates are international, and that they will inevitably provoke international resistance.

Capitalism is a global system. It requires a global movement to tear it up, root and branch. But it also makes global revolution more possible, and more likely. The most important thing that socialists can do, whether you live in Hong Kong or France, Myanmar or Australia, is to get stuck into organising for it today.

### AT: Sustainable

#### No decoupling — data that accounts for offshoring and rebound effects prove energy efficiency is getting worse. Staying below 1.5° is biophysically impossible under capitalism.

Albert 20, M.D. @ John Hopkins. BA in Evolutionary Biology (Michael, April, The Dangers of Decoupling: Earth System Crisis and the ‘Fourth Industrial Revolution’, *Global Policy*, Volume 11, Issue 2, DOI: 10.1111/1758-5899.12791)

Unfortunately for the ecomodernists, degrowth scholars and ecological economists have begun to poke holes in their optimistic assessments. Their response can be summarized according to three key counter-arguments: (1) the evidence that ecomodernists provide for relative decoupling is flawed and limited at best; (2) their evidence for the possibility of absolute decoupling is even weaker; and (3) even if absolute decoupling was possible in principle, there is even weaker evidence that this could occur with the necessary speed to stabilize the earth system before reaching irreversible tipping points. First, claims that rich countries have seen relative or even absolute decoupling of economic growth from domestic material consumption have been shown to focus solely on correlations between national GDP and material throughput while ignoring the material-energetic costs embodied in imported consumer goods. For example, Thomas Wiedmann and colleagues show that while the EU, the US, and Japan have grown economically while stabilizing or even reducing domestic material consumption, a broader analysis of their material footprint embedded in their imports shows that it has kept pace with GDP growth. They conclude that ‘no decoupling has taken place over the past two decades for this group of developed countries’ (Wiedmann et al., 2015, p. 6273). Focusing on the global economy as a whole, Krausmann et al. show that its resource intensity improved over the course of the 20th century, though the early 21st century has seen a faster rate of growing resource consumption than global economic growth (cited in Hickel and Kallis, 2019). Thus, as Kallis and Hickel (Kallis and Hickel, 2019, p. 4; italics added) explain: ‘Global historical trends show relative decoupling but no evidence of absolute decoupling, and twenty-first century trends show not greater efficiency but rather worse efficiency, with re-coupling occurring’. Second, given the limited evidence for even relative decoupling, it is little surprise that the evidential basis on which claims for the possibility of absolute decoupling rest is even flimsier. In the most comprehensive summary of the modeling evidence to date, Hickel and Kallis (2019) show that even the most optimistic scenarios fail to prove the possibility of absolute decoupling. For example, a modeling study by Schandl et al. (2016) shows that in a ‘high efficiency’ scenario, one that combines a high and rising carbon price plus a doubling in the rate of material efficiency improvement, global resource use grows more slowly (about a quarter the rate of GDP growth) but steadily to reach 95 billion tons in 2050, while global energy use grows from 14,253 million tons of oil equivalent in 2010 to 26, 932 million in 2050. The authors therefore conclude: ‘While some relative decoupling can be achieved in some scenarios, none would lead to an absolute reduction in ... materials footprint’ (Schandl et al., 2016, p. 8). A high efficiency scenario modeled by the UNEP comes to even less optimistic conclusions (with global resource use rising to 132 billion tons in 2050), since it incorporates the ‘rebound effect’ in which efficiency improvements lead to increased consumption due to resulting price reductions (Hickel and Kallis, 2019). In short, as they conclude, these ‘models suggest that absolute decoupling is not feasible on a global scale in the context of continued economic growth’ (Hickel and Kallis, 2019, p. 6). Third, the critics show that even if absolute decoupling (from both emissions and total environmental impact) were possible in principle, this would need to occur fast enough to prevent transgression of ecological tipping points. Just focusing on the climate problem, the 2018 IPCC report claims that emissions must be reduced 7 per cent annually to reach net zero by 2050 in order to achieve the 1.5 C target, whereas they must reduce 4 per cent annually to reach net zero by 2075 for a shot at the 2 degree target (IPCC, 2018, p. 15). However, even under optimistic assumptions (e.g. a near-term implementation of a high and rising carbon price, alongside heroic carbon intensity improvements), studies suggest that annual declines of 3–4 per cent might be the fastest rate possible assuming continued economic growth (Hickel, 2019). Thus, it would most likely be impossible to meet the 1.5 C target in a context of continuous compound growth. While the 2 degree target might be feasible in this context (assuming implementation of a globally coordinated program starting in 2020), many argue that the IPCC’s estimates downplay the existence of positive feedbacks in the earth system (e.g. Steffen et al., 2018), and thus more rapid emissions cuts might be needed even for 2 degrees. On top of this, economic growth must also be decoupled from impacts on other ‘planetary boundaries’ that may have already been overshot, especially land-use change and biodiversity loss (Raworth, 2017). A number of ecologists believe that to bring humanity back into a ‘safe operating space’, total resource consumption should be reduced from roughly 70 to 50 gigatons per year (Hoekstra and Wiedmann, 2014), while a ‘half earth strategy’ should be implemented that protects 50 per cent of the planet’s surface from direct human interference (up from roughly 18 per cent today) (Wilson, 2017), possibly by 2050 to prevent tipping points in biodiversity loss and land-use change (Hickel and Kallis, 2019). Even if these claims are exaggerated, the magnitude of the overall decoupling challenge remains clear. It would mean that total resource consumption and land use needs to shrink, remain stable, or only increase moderately (depending on our assumptions regarding the further stress (if any) that planetary boundaries can handle) even as the total output of the global economy triples by 2060. It is thus not hyperbole to say, as Boris Frankel puts it, that this goal of absolute decoupling is ‘overwhelmingly staggering in its ambition and historical novelty’ (Frankel, 2018, p. 127).

#### Tech fails — doesn’t displace fossil fuels and increased consumption offsets efficiency gains.

Parrique et al. 19, Centre for Studies and Research in International Development (CERDI), University of Clermont Auvergne, France; Stockholm Resilience Centre (SRC), Stockholm University, Sweden, Barth J., Briens F., C. Kerschner, Kraus-Polk A., Kuokkanen A., Spangenberg J.H. (Timothee, July, Decoupling Debunked: Evidence and arguments against green growth as a sole strategy for sustainability, *European Environmental Bureau*, https://mk0eeborgicuypctuf7e.kinstacdn.com/wp-content/uploads/2019/07/Decoupling-Debunked.pdf)

Not leading to relevant innovations

Innovation is not in and of itself a good thing for ecological sustainability. The desirable type of innovation is eco-innovation or one that results “in a reduction of environmental risk, pollution and other negative impacts of resources use compared to relevant alternatives” (Kemp and Pearson, 2008, p.5). But this is only one type among several. In general, firms have an incentive to innovate to economise on the most expensive factors of production to maximise profits. Because labour and capital are usually relatively more expensive than natural resources, more technological progress will likely continue to be directed towards labour- and capital-saving innovations, with limited benefits, if any, for resource productivity and a potential rise in absolute impacts due to more production. But decoupling will not occur if technological innovations contribute to saving labour and capital while leaving resource use and environmental degradation unchanged. Another issue is that technologies do not only solve environmental problems but also tend to create new ones. Assuming that resource productivity becomes a priority over labour and capital productivity, there is still nothing preventing technological innovations from creating more damage. For example, research into processes of extractions can lead to better ways to locate resources (imaging technologies and data analytics), to extract them (horizontal drilling, hydraulic fracturing, and automated drilling operations), and to transport them (Arctic shipping routes). These innovations may target resource use but with a result opposite to the objective of decoupling, that is more extraction. And this is not even considering unintended side-effects, which often accompany the development of new technologies (Grunwald, 2018). Not disruptive enough Another problem has to do with the replacement of harmful technologies. Indeed, it is not enough for new technologies to emerge (innovation), they must also come to replace the old ones in a process of “exnovation” (Kimberly, 1981). What is required is a “push and pull strategy” (Rockström et al., 2017): pushing environmentally-friendly technologies into society and pulling harmful ones, like fossil-based infrastructure, out of it. First, in reality, such a process is slow and difficult to trigger. Most polluting infrastructures (power plants, buildings and city structures, transport systems) require large investments, which then creates inertia and lock-in (Antal and van den Bergh, 2014, p. 3). Let us, for instance, consider the energy, buildings, and transport sectors, which account for the large majority of world energy consumption and greenhouse gas emissions. Initial lifetime for a nuclear or a coal power plant is about 40 years. Buildings can last at least as much. The average lifetime for a car is 12-15 years, and this is about what it takes for an innovation to spread in the vehicle fleet. The wide availability of petrol refuelling stations gives an infrastructural advantage to petrol-based cars, whereas this is the opposite situation for electric, gas, or hydrogen vehicles that would require different and new supporting infrastructures. Building a highway or a nuclear plant is a commitment to emit for at least as long as these infrastructures will last – Davis and Socolow (2014) speak of “committed emissions.” Energy is a good case in point: using more renewable energy is not the same as using less fossil fuels. The history of energy use is not one of substitutions but rather of successive additions of new sources of energy. As new energy sources are discovered, developed, and deployed, the old sources do not decline, instead, total energy use grows with additional layers on the energy mix cake. York (2012) finds that each unit of energy use from non-fossil fuel sources displaced less than one-quarter of a unit of its fossil-fuel counterpart, showing empirical support for the claim that expanding renewable energies is far from enough to curb fossil fuel consumption. The relative part of coal in the global energy mix has been reduced since the advent of petroleum but this occurred in spite of absolute growth in the use of coal (Krausmann et al., 2009).

### AT: McAfee

#### McAfee uses faulty data that ignores globalization.

Hickel 20, Economic anthropologist at Goldsmiths University of London (Jason, October 14th, “A response to McAfee: No, the “Environmental Kuznets Curve” won’t save us,” *MR Online*, https://mronline.org/2020/10/14/a-response-to-mcafee-no-the-environmental-kuznets-curve-wont-save-us/)

There’s only one problem: McAfee’s argument is based on a fundamental accounting error. McAfee uses data on domestic material consumption, which tallies up the resources that a nation extracts and consumes each year. But this metric ignores a crucial piece of the puzzle. While it includes the imported goods a country consumes, it does not include the resources involved in extracting, producing, and transporting those goods. Because the United States and other rich countries have offshored so much of their production to poorer countries over the past 40 years, that side of resource use has been conveniently shifted off their books.

In other words, what looks like “green growth” is really just an artifact of globalization. Given how much the U.S. economy relies on offshored production, McAfee’s data cannot be legitimately compared to U.S. GDP, and cannot be used to make claims about dematerialization.

Ecological economists have been aware of this problem for a long time. To correct for it, they use a more holistic metric called “raw material consumption,” which fully accounts for trade. When we look at this data, which is readily available from the United Nations, the story changes completely. We see that total resource use in the United States hasn’t been falling at all; in fact, it has been rising more or less exactly in line with GDP. The same is true of all other major industrial economies, including the European Union, and the OECD as a group. There has been zero dematerialization. No green growth. It was all an illusion of accounting.

### AT: CCS

#### CCS is net carbon positive – it’s grossly inefficient, causes upstream emissions, pollution, and leakage

Kubota ‘19 (Taylor Kubota; Citing Mark Z. Jacobson, professor of civil and environmental engineering @ Stanford AND senior fellow at the Stanford Woods Institute for the Environment; 10/25/19; "Study casts doubt on carbon capture"; *Phys*; <https://phys.org/news/2019-10-carbon-capture.html>) \*Upstream emissions = emissions, including from leaks and combustion, from mining and transporting a fuel such as coal or natural gas

One proposed method for reducing carbon dioxide (CO2) levels in the atmosphere—and reducing the risk of climate change—is to capture carbon from the air or prevent it from getting there in the first place. However, research from Mark Z. Jacobson at Stanford University, published in Energy and Environmental Science, suggests that carbon capture technologies can cause more harm than good. "All sorts of scenarios have been developed under the assumption that carbon capture actually reduces substantial amounts of carbon. However, this research finds that it reduces only a small fraction of carbon emissions, and it usually increases air pollution," said Jacobson, who is a professor of civil and environmental engineering. "Even if you have 100 percent capture from the capture equipment, it is still worse, from a social cost perspective, than replacing a coal or gas plant with a wind farm because carbon capture never reduces air pollution and always has a capture equipment cost. Wind replacing fossil fuels always reduces air pollution and never has a capture equipment cost." Jacobson, who is also a senior fellow at the Stanford Woods Institute for the Environment, examined public data from a coal with carbon capture electric power plant and a plant that removes carbon from the air directly. In both cases, electricity to run the carbon capture came from natural gas. He calculated the net CO2 reduction and total cost of the carbon capture process in each case, accounting for the electricity needed to run the carbon capture equipment, the combustion and upstream emissions resulting from that electricity, and, in the case of the coal plant, its upstream emissions. (Upstream emissions are emissions, including from leaks and combustion, from mining and transporting a fuel such as coal or natural gas.) Common estimates of carbon capture technologies—which only look at the carbon captured from energy production at a fossil fuel plant itself and not upstream emissions—say carbon capture can remediate 85-90 percent of carbon emissions. Once Jacobson calculated all the emissions associated with these plants that could contribute to global warming, he converted them to the equivalent amount of carbon dioxide in order to compare his data with the standard estimate. He found that in both cases the equipment captured the equivalent of only 10-11 percent of the emissions they produced, averaged over 20 years. This research also looked at the social cost of carbon capture—including air pollution, potential health problems, economic costs and overall contributions to climate change—and concluded that those are always similar to or higher than operating a fossil fuel plant without carbon capture and higher than not capturing carbon from the air at all. Even when the capture equipment is powered by renewable electricity, Jacobson concluded that it is always better to use the renewable electricity instead to replace coal or natural gas electricity or to do nothing, from a social cost perspective. Given this analysis, Jacobson argued that the best solution is to instead focus on renewable options, such as wind or solar, replacing fossil fuels. Efficiency and upstream emissions This research is based on data from two real carbon capture plants, which both run on natural gas. The first is a coal plant with carbon capture equipment. The second plant is not attached to any energy-producing counterpart. Instead, it pulls existing carbon dioxide from the air using a chemical process. Jacobson examined several scenarios to determine the actual and possible efficiencies of these two kinds of plants, including what would happen if the carbon capture technologies were run with renewable electricity rather than natural gas, and if the same amount of renewable electricity required to run the equipment were instead used to replace coal plant electricity. While the standard estimate for the efficiency of carbon capture technologies is 85-90 percent, neither of these plants met that expectation. Even without accounting for upstream emissions, the equipment associated with the coal plant was only 55.4 percent efficient over 6 months, on average. With the upstream emissions included, Jacobson found that, on average over 20 years, the equipment captured only 10-11 percent of the total carbon dioxide equivalent emissions that it and the coal plant contributed. The air capture plant was also only 10-11 percent efficient, on average over 20 years, once Jacobson took into consideration its upstream emissions and the uncaptured and upstream emissions that came from operating the plant on natural gas. Due to the high energy needs of carbon capture equipment, Jacobson concluded that the social cost of coal with carbon capture powered by natural gas was about 24 percent higher, over 20 years, than the coal without carbon capture. If the natural gas at that same plant were replaced with wind power, the social cost would still exceed that of doing nothing. Only when wind replaced coal itself did social costs decrease. For both types of plants this suggests that, even if carbon capture equipment is able to capture 100 percent of the carbon it is designed to offset, the cost of manufacturing and running the equipment plus the cost of the air pollution it continues to allow or increases makes it less efficient than using those same resources to create renewable energy plants replacing coal or gas directly. "Not only does carbon capture hardly work at existing plants, but there's no way it can actually improve to be better than replacing coal or gas with wind or solar directly," said Jacobson. "The latter will always be better, no matter what, in terms of the social cost. You can't just ignore health costs or climate costs." This study did not consider what happens to carbon dioxide after it is captured but Jacobson suggests that most applications today, which are for industrial use, result in additional leakage of carbon dioxide back into the air. Focusing on renewables People propose that carbon capture could be useful in the future, even after we have stopped burning fossil fuels, to lower atmospheric carbon levels. Even assuming these technologies run on renewables, Jacobson maintains that the smarter investment is in options that are currently disconnected from the fossil fuel industry, such as reforestation—a natural version of air capture—and other forms of climate change solutions focused on eliminating other sources of emissions and pollution. These include reducing biomass burning, and reducing halogen, nitrous oxide and methane emissions. "There is a lot of reliance on carbon capture in theoretical modeling, and by focusing on that as even a possibility, that diverts resources away from real solutions," said Jacobson. "It gives people hope that you can keep fossil fuel power plants alive. It delays action. In fact, carbon capture and direct air capture are always opportunity costs."

## Case

## Adv 1

### 2NC---U---5G

#### Trump’s campaign worked.

Woo 21, Wall Street Journal reporter. (Stu, 5-26-2021, "The U.S. Is Back in the 5G Game", *WSJ*, [https://www.wsj.com/articles/us-5g-companies-11621870061)](https://www.wsj.com/articles/us-5g-companies-11621870061)%20%20%20language)

The 3G days After a vibrant start to the 3G era in the 2000s, when manufacturers throughout North America, Europe and Asia competed, equipment manufacturers started consolidating amid pressure from Huawei and another Chinese company, ZTE Corp. ZTCOY 1.96% , which were both selling increasingly competitive hardware at lower prices. In 2016, Nokia’s acquisition of Alcatel-Lucent, itself a merger of French and American companies, created today’s three-giant oligopoly. The Trump administration began loosening the trio’s grip on the market in 2018 when it started urging allies to blacklist industry leader Huawei over national-security concerns. The campaign worked: Huawei lost market share outside China to both Ericsson and Nokia last year, according to Dell’Oro Group, as governments enacted or considered restrictions on Huawei’s equipment. “The big change over the past couple of years is pressure on Huawei,” says James Barford, a telecom analyst for Enders Analysis. “Even in countries where there is no formal ban, you’re going to be thinking twice” about using equipment from the Chinese company. The stranglehold of the big three was further weakened by Nokia’s blunder in procuring expensive chips for its 5G equipment—a mistake that resulted in its equipment costing more upfront, as well as consuming more power. That’s an issue for wireless carriers, which can spend roughly 20% of operating expenses on energy. Nokia says it has since moved to cheaper, power-efficient chips, but damage was done: Some carriers looked elsewhere for supplies. With both Huawei and Nokia under pressure, that left Ericsson as the market leader outside China. But that, in turn, made wireless carriers’ executives wary. They say they want more competition to increase innovation and reduce costs. The result has been an opening for a whole new generation of competitors—and the Wild West environment. The open gambit Some carriers are turning to Samsung Electronics Co. , the South Korean smartphone giant that is a relative newcomer to the wireless-infrastructure industry. It ranked fifth behind the three giants and China’s ZTE in 2020, but won a major victory last year when Verizon Communications Inc. switched suppliers from Nokia to Samsung. But it’s the possibility of buying 5G equipment using open-standards software that has the most potential for roiling the competitive order. To understand why, consider that the cellular equipment that transmits signals to phones consists of three parts: the antenna, hardware that sits on a pole directly under the antenna, and more hardware at the pole’s base. Huawei, Ericsson and Nokia currently sell all three parts in a bundle, and they aren’t interoperable. For instance, a Huawei antenna doesn’t work with Ericsson electronics under the antenna. It would be like buying a Dell laptop that works with only a Dell monitor and Dell printer. And it means customers have limited options on price, quality and features. Enter a new technology based on open standards, dubbed Open RAN, or radio access network. Companies making equipment based on these standards allow wireless carriers to mix and match the antennas with different under-antenna hardware and centralized electronics. That gives carriers more options for cost and quality. The U.S. government is a major backer of the open-software efforts, which officials say could boost both U.S. national security and business. It potentially can help U.S. businesses by creating openings for new players, and because these new efforts rely less on hardware (where the U.S. has fallen behind) and more on software (where companies such as Microsoft Corp. and International Business Machines Corp. can potentially play a role). “We may be able to increase security, reduce our exposure to any single foreign vendor, lower costs and push the equipment market to where the United States is uniquely skilled—in software,” Federal Communications Commission Acting Chairwoman Jessica Rosenworcel said in March. If U.S. companies do indeed become major players in 5G equipment, then they can also play a bigger role in setting global standards for telecom equipment. That’s an arena where China has made great strides. U.S. officials prefer that companies in the U.S. and allied democracies set wireless standards, which they believe would lead to greater, less hackable security. President Biden and Japanese Prime Minister Suga Yoshihide last month agreed that the U.S. and Japan would collaborate to advance open 5G networks “by fostering innovation and by promoting trustworthy vendors and diverse markets,” the White House said. Congress this year enacted a law to establish a Commerce Department fund that would award grants to support the use of such open-standards equipment in the U.S. A bipartisan group of lawmakers backing the bill requested $750 million for the fund in fiscal year 2022. In the U.K., a government-appointed task force to help British wireless carriers transition away from Huawei equipment recommended that new equipment makers, or those using open-standards software, represent 25% of the country’s wireless infrastructure by the mid-2020s. The task force recommended government incentives for wireless carriers buying such equipment, and for suppliers to locate research facilities in the U.K. The European Union this year started examining similar options. The focus of newcomers Several smaller U.S. companies—such as Airspan Networks, Altiostar, Mavenir, JMA and Parallel Wireless—are focused on 5G equipment using open software. Ericsson and Nokia are also shifting to using some open-standard software. The new challengers have signed deals with some big carriers. AT&T Inc. is testing open-standards equipment and plans to gradually introduce it, while newcomer wireless-carrier Dish Network Corp. has said its entire network would rely on such infrastructure. Dell’Oro Group predicts that equipment using open standards, from both newcomers and incumbents transitioning into the new market, will capture 10% of the market by 2025. “The operators say, ‘We need choice, we need a strong ecosystem,’ ” says Thierry Maupilé, a former Motorola and Cisco Systems Inc. executive who now works at Altiostar, which provides software for open-standards 5G equipment. “You have a playing field that has been reduced to a few companies.” Still, open-standards equipment remains in its early stages, and it is too soon to know whether it will be a major player. Wireless carriers say their tests of open-standards equipment show some drawbacks. The new technology can be less energy-efficient than today’s conventional systems. And while the open-standards equipment can be used in rural areas, its performance isn’t yet up to snuff in densely populated urban areas. But wireless carriers expect the open-standards equipment to be on par with Huawei, Ericsson and Nokia equipment in three or four years. “For us, it is critical to maintain competition in our vendor system,” says Michael Trabbia, chief technology officer at French carrier Orange SA. “We cannot end up with only two players.”

### 2NC---!D---Cyber

#### 3---no motivation.

Lewis 18, PhD, a senior vice president at the Center for Strategic and International Studies (CSIS). (James Andrew, 1-1-2018, “Rethinking Cybersecurity: Strategy, Mass Effect, and States”, pg. 7-9, <https://www.jstor.org/stable/resrep22408.5?seq=1#metadata_info_tab_contents>) \*language edited---brackets

The most dangerous and damaging attacks required resources and engineering knowledge that are beyond the capabilities of nonstate actors, and those who possess such capabilities consider their use in the context of some larger strategy to achieve national goals. Precision and predictability—always desirable in offensive operations in order to provide assured effect and economy of force—suggest that the risk of collateral damage is smaller than we assume, and with this, so is the risk of indiscriminate or mass effect.

State Use of Cyber Attack Is Consistent with Larger Strategic Aims

Based on a review of state actions to date, cyber operations give countries a new way to implement existing policies rather than leading them to adopt new policy or strategies. State opponents use cyber techniques in ways consistent with their national strategies and objectives. But for now, cyber may be best explained as an addition to the existing portfolio of tools available to nations.

Cyber operations are ideal for achieving the strategic effect our opponents seek in this new environment. How nations use cyber techniques will be determined by their larger needs and interests, by their strategies, experience, and institutions, and by their tolerance for risk. Cyber operations provide unparalleled access to targets, and the only constraint on attackers is the risk of retaliation—a risk they manage by avoiding actions that would provoke a damaging response. This is done by staying below an implicit threshold on what can be considered the use of force in cyberspace.

The reality of cyber attack differs greatly from our fears. Analysts place a range of hypothetical threats, often accompanied by extreme consequences, before the public without considering the probability of occurrence or the likelihood that opponents will choose a course of action that does not advance their strategic aims and creates grave risk of damaging escalation. Our opponents’ goals are not to carry out a cyber 9/11. While there have been many opponent probes of critical infrastructure facilities in numerous countries, the number of malicious cyber actions that caused physical damage can be counted on one hand. While opponents have probed critical infrastructure networks, there is no indication that they are for the purposes of the kind of [devastating] crippling strategic attacks against critical infrastructure that dominated planning in the Second World War or the Cold War.

Similarly, the popular idea that opponents use cyber techniques to inflict cumulative economic harm is not supported by evidence. Economic warfare has always been part of conflict, but there are no examples of a country seeking to imperceptibly harm the economy of an opponent. The United States engaged in economic warfare during the Cold War, and still uses sanctions as a tool of foreign power, but few if any other nations do the same. The intent of cyber espionage is to gain market or technological advantage. Coercive actions against government agencies or companies are intended to intimidate. Terrorists do not seek to inflict economic damage. The difficulty of wreaking real harm on large, interconnected economies is usually ignored.

Economic warfare in cyberspace is ascribed to China, but China’s cyber doctrine has three elements: control of cyberspace to preserve party rule and political stability, espionage (both commercial and military), and preparation for disruptive acts to damage an opponent’s weapons, military information systems, and command and control. “Strategic” uses, such as striking civilian infrastructure in the opponent’s homeland, appear to be a lower priority and are an adjunct to nuclear strikes as part of China’s strategic deterrence. Chinese officials seem more concerned about accelerating China’s growth rather than some long-term effort to undermine the American economy.6 The 2015 agreement with the United States served Chinese interests by centralizing tasking authority in Beijing and ending People’s Liberation Army (PLA) “freelancing” against commercial targets.

The Russians specialize in coercion, financial crime, and creating harmful cognitive effect—the ability to manipulate emotions and decisionmaking. Under their 2010 military doctrine on disruptive information operations (part of what they call “New Generation Warfare”). Russians want confusion, not physical damage. Iran and North Korea use cyber actions against American banks or entertainment companies like Sony or the Sands Casino, but their goal is political coercion, not destruction.

None of these countries talk about death by 1000 cuts or attacking critical infrastructure to produce a cyber Pearl Harbor or any of the other scenarios that dominate the media. The few disruptive attacks on critical infrastructure have focused almost exclusively on the energy sector. Major financial institutions face a high degree of risk but in most cases, the attackers’ intent is to extract money. There have been cases of service disruption and data erasure, but these have been limited in scope. Denial-of-service attacks against banks impede services and may be costly to the targeted bank, but do not have a major effect on the national economy. In all of these actions, there is a line that countries have been unwilling to cross.

When our opponents decided to challenge American “hegemony,” they developed strategies to circumvent the risks of retaliation or escalation by ensuring that their actions stayed below the use-of-force threshold—an imprecise threshold, roughly defined by international law, but usually considered to involve actions that produce destruction or casualties. Almost all cyber attacks fall below this threshold, including, crime, espionage, and politically coercive acts. This explains why the decades-long quest to rebuild Cold War deterrence in cyberspace has been fruitless.

It also explains why we have not seen the dreaded cyber Pearl Harbor or other predicted catastrophes. Opponents are keenly aware that launching catastrophe brings with it immense risk of receiving catastrophe in return. States are the only actors who can carry out catastrophic cyber attacks and they are very unlikely to do so in a strategic environment that seeks to gain advantage without engaging in armed conflict. Decisions on targets and attack make sense only when embedded in their larger strategic calculations regarding how best to fight with the United States.

There have been thousands of incidents of cybercrime and cyber espionage, but only a handful of true attacks, where the intent was not to extract information or money, but to disrupt and, in a few cases, destroy. From these incidents, we can extract a more accurate picture of risk. The salient incidents are the cyber operations against Iran’s nuclear weapons facility (Stuxnet), Iran’s actions against Aramco and leading American banks, North Korean interference with Sony and with South Korean banks and television stations, and Russian actions against Estonia, Ukrainian power facilities, Canal 5 (television network in France), and the 2016 U.S. presidential elections. Cyber attacks are not random. All of these incidents have been part of larger geopolitical conflicts involving Iran, Korea, and the Ukraine, or Russia’s contest with the United States and NATO.

There are commonalities in each attack. All were undertaken by state actors or proxy forces to achieve the attacking state’s policy objectives. Only two caused tangible damage; the rest created coercive effect, intended to create confusion and psychological pressure through fear, uncertainty, and embarrassment. In no instance were there deaths or casualties. In two decades of cyber attacks, there has never been a single casualty. This alone should give pause to the doomsayers. Nor has there been widespread collateral damage.

### 2NC---!D---Grid Hacks

#### Grid is segmented---inserting a map.

Larson 19, Intel Analyst @ Dragos. (Selena, 4-3-2019, "Debunking the Hacker Hype: The Reality of Widespread Blackouts", Dragos, https://www.dragos.com/blog/industry-news/debunking-the-hacker-hype-the-reality-of-widespread-blackouts-rsa-2019-recap/)

Map

Description automatically generated

#### No grid hacks.

Larson 16, Intel Analyst @ Dragos. (Selena, 8-6-2016, "Threats to Electric Grid are Real; Widespread Blackouts are Not", *Dragos*, https://www.dragos.com/blog/industry-news/threats-to-electric-grid-are-real-widespread-blackouts-are-not/)

The US electric grid is not about to go down. Though it’s understandable if someone believed that. Over the last few weeks, numerous media reports suggest state-backed hackers have infiltrated the US electric grid and are capable of manipulating the flow of electricity on a grand scale and cause chaos.

Threats against industrial sectors including electric utilities, oil and gas, and manufacturing are growing, and it’s reasonable for people to be concerned. But to say hackers have invaded the US electric grid and are prepared to cause blackouts is false.

The initial reporting stemmed from a public Department of Homeland Security (DHS) presentation in July on Russian hacking activity targeting US electric utilities. This presentation contained previously-reported information on a group known as Dragonfly by Symantec and which Dragos associates to activity labeled DYMALLOY and ALLANITE.

These groups focus on information gathering from industrial control system (ICS) networks and have not demonstrated disruptive or damaging capabilities. While some news reports cite 2015 and 2016 blackouts in Ukraine as evidence of hackers’ disruptive capabilities, DYMALLOY nor ALLANITE were involved in those incidents and it is inaccurate to suggest the DHS’s public presentation and those destructive behaviors are linked.

Adversaries have not placed “cyber implants” into the electric grid to cause blackouts; but they are infiltrating business networks – and in some cases, ICS networks – in an effort to steal information and intelligence to potentially gain access to operational systems. Overall, the activity is concerning and represents the prerequisites towards a potential future disruptive event – but evidence to date does not support the claim that such an attack is imminent.

The US electric grid is resilient and segmented, and although it makes an interesting plot to an action movie, one or two strains of malware targeting operational networks would not cause widespread blackouts. A destructive incident at one site would require highly-tailored tools and operations and would not effectively scale. Essentially, localized impacts are possible, and asset owners and operators should work to defend their networks from intrusions such as those described by DHS. But scaling up from isolated events to widespread impacts is highly unlikely.

Threats against the electric grid and other ICS industries continue to increase in both number and strength – for instance Dragos just publicly identified a new activity group engaging in electric utility information gathering – but the US is not on the precipice of a hacker-caused blackout.

## Adv 2

### 2NC- War

#### Causes war---empirics and asymmetry---can’t overcome fundamental disagreements.

van de Haar 20 (Edwin, independent scholar specializing in the liberal tradition in international political thought. He has lectured in international relations and political theory at Brown University, PhD from Maastricht University (2008), a MSc in International Relations from the London School of Economics and Political Science (1997) and a MA in Political Science from Leiden University (1996), “Free trade does not foster peace,” 2020, DOI: 10.1111/ecaf.12405, DOA: 1-5-2020) //Snowball //strikethrough of rhetoric

The most obvious rebuttal of these arguments is empirical. It just did not happen. Countries trading with each other, all around the globe, have fought wars with one another, over and over again. Some recent examples are Russia and Georgia, Russia and Ukraine, and Saudi Arabia and Yemen. As Smith predicted, human nature is an important factor in the explanation. People will quarrel and fight: ultimately emotions rule reason. In the domestic situation, there is hardly anyone who thinks that people can do without police and judiciary, because some people simply will not obey the rules. The international system is without a court with enforcement powers. There are some structural constraints, but it remains a human affair. The fundamental insights of Smith and his contemporaries into human behaviour do not amount to some oldfashioned idea, long refuted by modern science. They are confirmed not only by modern economists such as Kahneman (2011) and international relations specialists such as Waltz (1954, pp. 16–79) and Donelan (2007), but also by theorists working on the border between evolutionary psychology and international affairs (Rosen, 2005; Rubin, 2002; Thayer, 2004). The relationship between trade and economic interdependence is also far more complex. Economic interdependence matters sometimes, but it cannot trump power politics. As Copeland (2015, pp. 1–50, 428–46) makes clear, economic interdependence is sometimes a constraint on violent action by a state. Yet it could just as well be a cause of violent action, especially of a pre-emptive nature in the event that actors expect to be cut off from trade and other economic resources in the near future. In this way, the benefits of continued trade lose out against the expected economic vulnerability. Sobek (2009, pp. 107–27) adds that trade relations might lead to uneven power relationships, which may be a cause of war as well. Also relevant here is the fact that free trade does not normally result in bilateral interdependence, except for trade in the rarest goods. Free trade leads to multilateral trade relations, and consequently there may be more than one country where particular goods can be bought. Therefore, in times of war, it is relatively easy to switch to suppliers from country A to country B or C. In this way warfare may be a less costly option than is assumed by the idea of economic interdependence. Public opinion is not automatically opposed to war, as Cobden painfully found out during the Crimean War (1853–56). This has been evident many times since, not least in the two world wars. So the idea of public opinion as a pacifying factor influencing decision-makers must be discarded. It must also be noted that the public in any case hardly ever influences foreign policy decisions on war and peace (Hill, 2003, pp. 250–82). Trade is unable to foster peace, because it is unable to overcome many causes of war. Think about cultural and religious differences, geopolitical causes such as the fight for natural resources, including increasingly rare raw materials, or more traditional wars between great powers or their proxies over a border dispute. States may also act against their economic interest for some perceived higher goal (Coker, 2014). The causes of war are often multifaceted and complex. Wars happen because people have reasons to fight, in the form of goals and grievances, and possess enough resources and resolve (Ohlson, 2009). Trade relations are just one factor in the mix of causes of war, which include such coincidental factors as chance, luck, or reckless behaviour by individuals who happen to influence public policy. International commerce is simply not a “perfectly effective antiwar device” (Suganami, 1996, pp. 153–210). The best one can say is that the protection of trade relations is sometimes one of the factors in the decision not to wage war. Nothing less, nothing more. To sum up, many of Adam Smith's arguments still stand, and are confirmed or complemented by modern research. There is no solid ground for the expectation that trade promotes, fosters, or leads to peace. Generally, international economic interests are not the crucial factors in decisions over war and peace. Too many other factors come into play. To believe that trade fosters peace was folly even hundreds of years ago. To still think so is to believe in fairy tales, to be ~~blinded~~ [confused] by the correlates computed by limited yet available datasets, or both.

### !D---AT: LIO

#### Econ fine now – 1AR needs a econ slow now card

Amadeo 10/1

(Kimberly Amadeo is an expert on U.S. and world economies and investing, with over 20 years of experience in economic analysis and business strategy. “How Is the US Economy Doing?” https://www.thebalance.com/how-is-the-economy-doing-3306046)**$**

The following six facts give a snapshot of how the U.S. economy is doing. Economists call them leading economic indicators because they measure the early influencers on growth. Unemployment rates have been decreasing following high job losses in 2020—the rate dropped 0.2 percentage points to 5.2% in July 2021.12 The economy grew 6.7% in the second quarter of 2021. This increase follows 6.3% growth in the first quarter. It brings the economy, as measured by GDP, to greater than pre-pandemic levels.3 Orders for durable goods like machinery and equipment increased by 11.6% in the second quarter of 2021, while non-durable goods (pharmaceuticals, food, and lodging) increased by 13.9%.4 Interest rates continue to stay at record lows as policymakers try to stimulate demand. Inflation is slowly increasing after dropping due to low demand. The stock market is holding steady, with the Dow, S&P 500, and NASDAQ all climbing. Keep reading to learn how the economy is doing right now.

#### Every impact on this adv is thumped and terminally non unique

Nichols and Bakken ‘21

(Rebecca Bakken Extension School Communications. QnA with Tom Nichols. Thomas M. Nichols is an academic specialist on international affairs, currently a professor at the U.S. Naval War College and at the Harvard Extension School. “Biggest threat to America? Not terrorism but apathy, expert says” <https://news.harvard.edu/gazette/story/2021/09/our-own-worst-enemy-looks-at-americans-lack-of-civic-virtue/>)

One of the biggest threats to American democracy right now isn’t nuclear war or terrorism, but the growing narcissism and nihilism of the public, says Tom Nichols. Nichols, an instructor at Harvard Extension School and the U.S. Naval War College, recently released “Our Own Worst Enemy.” The book details how a lack of civic virtue combined with Americans’ expectation that the government take care of their needs now pose an existential threat to our system of government. Nichols borrows a movie scenario to illustrate: In “Three Days of the Condor,” two CIA agents tensely discuss the covert bust of a nefarious plan to invade the Middle East for its oil. When a senior official, Higgins, says it was actually a good plan, his callousness stuns a low-level analyst. But Higgins says that in desperate times, people don’t care how resources like oil and food are secured for them: “They’ll just want us to get it for them.” The result, Nichols says: “You will have a technocracy that just doesn’t ask us our views anymore because they can’t get an answer out of us. And I always say, this will not be a takeover. Other people will govern us by default because we don’t care.” Harvard Extension School sat down with Nichols to talk about the book and the current state of democracy. Q&A Tom Nichols EXTENSION SCHOOL: Give me a brief description of your book. NICHOLS: Democracy is in trouble in the United States and around the world, and the usual explanations for it didn’t seem to me to be capturing the reality. The usual explanations were globalization, economic anxiety — big tectonic changes, and almost always raw economic explanations. And I didn’t find those compelling. The answer I came to is that there’s no way to track the decline of democracy with anything but large cultural changes, which have been in motion for 50 years. But I really thought the strongest relationship was the growth of an affluent, narcissistic society and the decline of civic and democratic virtue. We are expecting too much from democracy without really having to participate in it. We’ve become very entitled. We’ve become very self-centered. And we think that every inconvenience is a failure of democracy. We think that even the major things in our lives are a failure of democracy — if you lose your job, if a factory closes, if your health goes bad, somehow, everything has failed you. The idea that we are resilient adults who have agency and control our own destinies has become alien to multiple generations of Americans whose relationship with democracy is almost childlike. And when democracy doesn’t do everything we want it to do, we declare the whole thing a failure. That wasn’t good enough for me, so I wrote about why I think that’s happening and why we need to recover some sense of civic virtue. EXTENSION SCHOOL: Do you see this as a follow-up to your last book, “The Death of Expertise”? NICHOLS: It wasn’t a follow-up or a sequel. I began [“The Death of Expertise”] before the pandemic, so it’s not about Trump, it’s not about the pandemic, it’s not about Jan. 6 or any of that. But all of those [events] confirmed to me that we are not a resilient civic society capable of dealing with any adversity. That was one of the worries that was underlying “The Death of Expertise.” Actually, I was optimistic about it in “The Death of Expertise.” I used to give talks where I’d say a depression, a war, or a pandemic will probably snap us out of this. It didn’t. EXTENSION SCHOOL: In a video of you touring your hometown, you said, “Democracy has to do a better job of taking care of the people who are suffering.” How does that happen? Tom Nichols. “We are expecting too much from democracy without really having to participate in it. We’ve become very entitled. We’ve become very self-centered,” says Tom Nichols, author of “Our Own Worst Enemy.” Courtesy of Tom Nichols NICHOLS: We have to make those decisions as a society. When people say democracy has to do better, normally they don’t say we have to do better. They say the government has to do better. As if it’s some separate group of aliens who rule us from some other planet. We choose those policies. We choose those people. The same people who say “Why don’t I have health care?” tend to vote against that kind of stuff, [and they] are the people who need health care. We have become so wrapped up in our own narcissistic beefs that we will vote against our own interests and against the well-being of ourselves and our neighbors purely as some kind of tribal exercise. This has been going on for 50 years. And this is not limited to one party. We have become surly villagers — me, my family, my little plot of land, and everybody else can go to hell. Well, that’s not America. America prospered, especially in the 20th century, on the exact opposite of that. We created civic associations. I’m an Elk. We contribute to scholarship funds and flag drives. Yet people now won’t do that and then they say, “Why is society so mean and heartless and awful? And why is democracy so callous and ruthless?” Well, we never look at home for those answers. EXTENSION SCHOOL: You’re teaching a class this spring, “Popular Culture and U.S. Foreign Policy During the Cold War.” Do you see any parallels between what happened then and what’s happening now? NICHOLS: The existence of an alternative to liberal democracy sobered everybody up at various times during the Cold War. You didn’t get up every morning and think that Soviet paratroopers were going to wade ashore in Boston Harbor. But most people knew and understood that there was a giant, nuclear superpower that was our peer competitor that wished us harm, and that their model of government was the opposite of our model of government. People don’t have that anymore. They think the world is basically just a big chaotic marketplace. They look at China and they see glittering cities and trading partners, and it’s basically like us. The Soviet experience was a stark difference. It was easy to draw black-and-white differences between our system and the Soviet system. Without that sense that liberal democracy is unique and precious and worth defending, we’ve become lazy about it. Nobody has any real sense of danger from any other system in the world. Some of this, too, is 20 years of focusing on terrorists who are a threat to our personal safety in random ways but not a threat to our entire way of life or our government. Terrorists are not going to pull down the American flag or nuke Los Angeles. EXTENSION SCHOOL: Is this shift in public attitude an issue of national security? NICHOLS: It’s an existential threat to our security. Our democracy is in danger of collapsing, and our enemies are here for it. And again, we had an administration that was completely in cahoots with our worst enemy, Russia, and nobody seemed to care. The Democrats cared, but not enough. Think of the hearings that the Republicans had over Benghazi. We haven’t even had anything close to that on the Trump administration or Jan. 6. And now we’re arguing about, does the infrastructure bill care enough about the constituency that I care about? It is inconceivable to me that we are talking about anything except the fact that we are fighting a rearguard action to save the constitutional system of the United States of America. And yet here we are with business as usual.

# 1NR

# 1NR---Harvard Round 1

## T---Per Se

### 1NR- AT: Carson and Russel

#### Their “Supreme Court key” evidence says the plan would resolve the circuit court split and remove a liability shield---that solves a reason sham litigation is immune, but it’s not a prohibition.

**Carson and Russell 21.** Dylan Carson and Scott Russell. February 2021. Dylan Carson is a Partner at Faegre Drinker Biddle & Reath LLP. From 2015–2020, Mr. Carson served as Trial Attorney in the Media, Entertainment, and Communications Section of the Antitrust Division of the U.S. Department of Justice. Scott Russell is an antitrust attorney who has practiced in Washington, DC and California over the past 20 years. “Circuits Reinforce Split over When Noerr-Pennington Shields Serial Litigants” <https://www.americanbar.org/content/dam/aba/publishing/antitrust_source/2021/feb-2021/atsource-feb2021-carson.pdf>

Although the Supreme Court expressly carved out a sham exception to Noerr-Pennington immunity, lower courts disagree over the applicable standard when multiple lawsuits are challenged as sham petitioning. In 2020, two cases solidified a 5-2 circuit split on this issue, but no cert petition was filed in either case. The majority of circuits—the Second, Third, Fourth, Ninth, and Tenth—have held that a different analysis applies when the legality of a pattern of lawsuits or petitions is challenged than when just a single petition is at issue. When multiple lawsuits are implicated, these courts have held antitrust immunity may be lost under the sham exception if the series of petitions demonstrates a pattern of filings made solely to inflict harm through burdensome process, without consideration of the merits or interest in the requested relief. As a result, the majority of circuits have held that the overall pattern of filings can qualify as a sham––therefore subject to antitrust scrutiny and damages––even if a small percentage of the petitions were objectively reasonable or ultimately proved successful. In contrast, two circuits—the First and Seventh––have held that a separate standard for immunity does not apply when scrutinizing a pattern of sham petitioning. In those circuits, every petition is subject to the same two-step test: (1) whether it was objectively baseless (i.e., had no reasonable chance of success) and if so, (2) whether the subjective intent of the petitioning was to harm a rival. Under this standard, only objectively baseless petitions can give rise to potential antitrust liability, and Noerr-Pennington shields a pattern of petitions which had merit, were successful, or at least were objectively reasonable. **As a result**, **an antitrust defendant** **who succeeds in barring entry** of a competitor or raising its rival’s costs **through** a long series of **unsuccessful lawsuits** or administrative petitions **may be immunized** from liability so long as each unsuccessful petition had a reasonable chance of success (even if achieving that success was not the purpose of the petitioning). With the split now covering more than half of the federal circuits, the issue of when the NoerrPennington doctrine shields litigants who file a series of lawsuits or regulatory petitions is ripe for Supreme Court resolution. In 2018, the Supreme Court declined to grant certiorari to review the First Circuit’s decision on the issue, and in 2020, the unsuccessful plaintiff declined to appeal the Seventh Circuit’s decision on the issue. **Until Supreme Court review occurs**, **antitrust practitioners** tussling with potential sham litigation claims—which frequently arise in pharmaceuticals, health care, telecommunications, and other patent-intensive sectors—**lack the certainty** **needed to advise historically litigious clients** **of the antitrust risk associated with filing additional lawsuits against rivals**. From the perspective of antitrust practitioners (and their clients) with a vested interest in the predictability of outcomes, this is unfortunate since “federal [antitrust] law, in its area of competence, is assumed to be nationally uniform, whether or not it is in fact.”7

### 1NR---AT Light

#### The distinction between rules and standards is meaningful

Crane 7 Daniel A. Crane is Assistant Professor, Benjamin N. Cardozo School of Law, Yeshiva University, Rules Versus Standards in Antitrust Adjudication, 64 Wash. & Lee L. Rev. 49 (2007), https://scholarlycommons.law.wlu.edu/wlulr/vol64/iss1/3

But although rules may not be as neatly confined as they sometimes appear to be, it would be wrong to suppose that the specification of antitrust law as either rule or standard has no practical consequences. Even if seasoned lawyers can sometimes manipulate seemingly iron-clad rules to their clients' advantage, the expression of law as rule or standard affects the attitude that judges bring to their adjudicatory roles. The choice between rules and standards has important legal-cultural implications in antitrust adjudication.

#### The distinction between rules and standards is important in antitrust

Crane 7 Daniel A. Crane is Assistant Professor, Benjamin N. Cardozo School of Law, Yeshiva University, Rules Versus Standards in Antitrust Adjudication, 64 Wash. & Lee L. Rev. 49 (2007), https://scholarlycommons.law.wlu.edu/wlulr/vol64/iss1/3

The choice between rules and standards matters in antitrust. As an expression of legal culture, articulation of antitrust law as rule prejudges many outcomes, pushes ultimate decision-making up the legal hierarchy, encourages judges to play a stronger gate-keeping role, and widens the scope of allowable economic testimony and other evidence. Even if it turns out that the "rules" governing these practices are as indeterminate and malleable as Hart and Wittgenstein's comments on language would suggest, 30 antitrust judges perform their legal-cultural roles differently when the liability determinant is framed as a rule than when it is framed as a standard.

#### Their claim that they create guidelines that prohibit in certain circumstances is not a prohibition—creating time, place and manner restrictions on behavior are not restrictions—they establish standards

Adelide Law Rev 64 "Potato Marketing Act - Statutory Interpretation - Ultra Vires - Prohibition as Distinct from Regulation" [1964] AdelLawRw 9; (1964) 2(2) Adelaide Law Review 252 <http://classic.austlii.edu.au/au/journals/AdelLawRw/1964/9.html>

The theoretical extent of the term has been defined in previous cases, allthough actual decision on the validity of any particular measure as a regulation may be difficult, since the distinction which must be drawn between regulation and prohibition is a subtle one, essentially a matter of degree. All regulation involves some measure of prohibition; but where the effect of the prohibition is to preclude the subject-matter of regulation from coming into existence will it be invalid. The authoritative statement of the rule in this context is contained in the judgment of Dixon J. (as he then was) in Su;anhill Corporation v. brad bur^.^ "Prima facie a power to make by-laws regulating a subject matter does not extend to prohibiting it altogether, or subject to a dis cretionary licence or consent. By-laws made under such a power may prescribe time, place, manner and circumstance, and they may impose conditions, but under the prima facie meaning of the word they must stop short of preventing or suppressing the thing or conduct to be regulated."

### 1NR---AT Hinder

#### Prohibition doesn’t allow for exceptions

Supreme Court of Delaware 95 (VEASEY-Chief Justice. Opinion in Snell v. Engineered Systems & Designs, Inc., 669 A.2d 13 (Del. 1995).date accessed 7/13/21)

The interpretation of the statute is aided by the synopsis to a recent amendment to Section 2825. This synopsis states that the amendment "clarifies the limitations on the public use of the word engineering by those not authorized to practice engineering for the general public." 68 Del.Laws, c. 24 (emphasis added). Had the General Assembly intended to ban all uses of the word "engineer" by those not certified, it would have been more logical for it to have used the word "prohibition" (or the equivalent) rather than the word "limitations" in the synopsis.[7] Section 2825 must be analyzed, therefore, with the understanding that it bans only uses of the term "engineer" which would "lead to the 18\*18 belief that such person is entitled to practice **eng.ineering**" — i.e., a misleading use of any derivative of the word "engineer."

#### Synonymous with ban

California Court of Appeals 19 (SLOUGH-judge. Opinion in County of Riverside v. FREEDOM WON LLC, No. E069294 (Cal. Ct. App. Feb. 6, 2019). Google scholar caselaw. Date accessed 7/13/21)

Appellants urge, however, that the prefatory language in the ballot initiative demonstrates the purpose behind Proposition 64 and should therefore override the statutory language of the Act. Established principles say otherwise. Only when the statutory language is ambiguous do we look to the uncodified preamble of a ballot initiative, and we certainly may not rely on the latter to contradict the former. "[I]f the language is clear and unambiguous there is no need for construction, nor is it necessary to resort to indicia of the intent of the Legislature (in the case of a statute) or of the voters (in the case of a provision adopted by the voters)." (People v. Valencia (2017) 3 Cal.5th 347, 357 [interpreting Pen. Code provisions enacted by Prop. 47].) Here, the Act unambiguously allows counties to completely ban marijuana businesses, without the requirement of voter approval. (Cf. City of Riverside v. Inland Empire Patients Health & Wellness Center, Inc. (2013) 56 Cal.4th 729, 762 [holding state law authorizing medical marijuana use and distribution does not "preempt[] the authority of California cities and counties, under their traditional land use and police powers, to allow, restrict, limit, or entirely exclude facilities that distribute medical marijuana, and to enforce such policies by nuisance actions"].) Appellants attempt to create an ambiguity in the Act's language by arguing the word "prohibit" in section 26200 means something less than "ban." We are unpersuaded. Prohibit and ban are synonyms, but even if they weren't, the Legislature made its intention clear by qualifying prohibit with "completely." (§ 26200, subd. (a).) We find no merit to appellants' first claim of error, that RCO No. 348.4862 is invalid.[4]