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#### TECH LEADERSHIP DA:

#### US tech leadership is secure, BUT antitrust cedes it.

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II. The United States Plays a Critical Role in 5G Standards Development

The U.S. government has recognized that “5G is a critical strategic technology [such that] nations that master advanced communications technologies and ubiquitous connectivity will have a long-term economic and military advantage.”8 The U.S. has had a substantial technological edge over our military and intelligence rivals in foundational R&D for 5G and other next-generation technologies. U.S. companies have long been leaders in the development of previous generations of core mobile standards (2G, 3G, 4G, and LTE). This technological leadership has made it possible for U.S. companies to ensure the security and integrity of the hardware and software products that make up the backbone of the U.S. telecommunication systems. This leadership must continue for the U.S. government to more effectively anticipate potential security risks and take the necessary steps to protect national security.9

Despite this history of clear technological leadership, there are causes for concern. First, a very small number of U.S. companies have made the investments in the overwhelming majority of the R&D necessary to develop 5G.10 Historically, U.S. companies have heavily invested in R&D, which has propelled the U.S. into leadership positions in critical standard development organizations working on foundational next-generation technologies like 5G.11 U.S. companies like Qualcomm play a significant and important role in this process through innovation, patenting, and standard setting, but they are not alone in the global community of high-tech companies.12 Backed by their nations’ leadership, Chinese and Korean companies have also invested heavily in developing the core technologies for 5G.13

The willingness of U.S. companies to invest in R&D is threatened, however. The development of 5G is a bit like a race, with the companies who develop the best technology coming out ahead. While U.S. companies are savvy and talented competitors in this race, aggressive and unwarranted use of antitrust law by U.S. regulators, as well as by foreign antitrust authorities, threatens to put obstacles in these companies’ paths and hinder their ability to lead.

III. Overly Aggressive Antitrust Enforcement Hinders American Technological Leadership and Threatens National Security

As companies from around the world develop the technology and standards for 5G mobile devices and networks, American companies are under threat by aggressive antitrust enforcement that ultimately redounds to the benefit of these foreign companies, which are economic competitors in countries that are also military competitors of the U.S. Over the past five years, foreign governments, particularly in Asia, have subjected U.S. companies to antitrust investigations that failed to follow basic norms of the rule of law, such as providing basic due process protections.14 These antitrust investigations were a thinly-disguised effort by these countries to force the transfer of U.S. patented technology to their own domestic companies, or to insulate their domestic companies from American competition. In recent years, Chinese, Korean, and Taiwanese antitrust authorities have brought nearly 30 investigations against 60 foreign companies across a range of industries, including manufacturing, life sciences, and technology.15

Antitrust challenges undermine intellectual property rights by forcing companies to license their products on non-market-based terms. One prominent example in U.S. history is when the Department of Justice wrung a concession from AT&T to license royalty-free the entire portfolio of 8,600 patents held by Bell Labs in a 1956 antitrust consent decree with the company.16 Today, the White House Office of Trade and Manufacturing Policy has observed that “China uses the Antimonopoly Law of the People’s Republic of China not just to foster competition but also to force foreign companies to make concessions such as reduced prices and below-market royalty rates for licensed technology.”17 Companies have also complained about poor policy guidance and procedural protections under China’s competition laws.18 Others have complained about China’s use of its competition laws to promote policy objectives rather than protect competition and advance consumer welfare.19 In one example, companies raised concerns with Article 7 of China’s State Administration of Industry Commerce (SAIC) 2015 Rules on the Prohibition of Conduct Eliminating or Restricting Competition by Abusing Intellectual Property Rights.20 Under this provision, intellectual property constitutes an “essential facility,” which could allow parties to raise abuse of intellectual property rights claims against patent owners for a unilateral refusal to license their patents.21

Predatory antitrust enforcement actions threaten the ability of U.S. companies to continue to be leaders in 5G technological development. China and other nations with similarly restrictive regulatory frameworks can weaken the ability of the United States to compete in global markets by exacting high monetary penalties from U.S. intellectual property owners or forcing the transfer of their intellectual property to domestic commercial rivals. As a penalty for violations of its competition laws, China can impose exorbitant fines that range up to 10% of a foreign company’s entire revenue in the prior year.22 This is not a legal rule observed in the breach; it has already resulted in fines just shy of $1 billion.23

Another way in which courts in China and other foreign countries are harming U.S. companies is through the use of anti-suit injunctions. One example of this is in the recent patent infringement lawsuit brought by InterDigital, an American high-tech company that has developed key technologies in wireless telecommunication, against Chinese company Xiaomi. In June 2020, Xiaomi filed a lawsuit in the Wuhan Intermediate Court in China requesting that the court set global licensing rates for InterDigital’s patents on standardized technologies. In July 2020, InterDigital sued Xiaomi in India for infringement of InterDigital’s Indian patents. The Wuhan Intermediate Court then ordered InterDigital to stop its lawsuit with its request for an injunction in India. The Chinese court further prohibited InterDigital from suing Xiaomi and requesting an injunction or damages in the form of reasonable licensing rates, or even to enforce a previously-issued injunction, in any other country. If InterDigital does not comply with this worldwide injunction against pursuing legal relief for the violation of its patents in any other country, the company faces a significant fine in China. The type of judicial order issued by the Wuhan court is known as an anti-suit injunction and its purpose is to force an intellectual property dispute to play out solely in a Chinese court at the behest of the Chinese government. These court orders demonstrate China’s desire to become the source of 5G innovation and to dictate the licensing terms of the technology, and the anti-suit injunctions hamstring U.S. companies like InterDigital from enforcing their intellectual property rights anywhere in the world.

The unfair use of antitrust enforcement and related legal actions like anti-suit injunctions to weaken U.S. intellectual property rights around the world risks diminishing U.S. global competitiveness in critical technologies like 5G, and further empowers China and others to expand their influence over the evolving 5G technological ecosystem. To the extent the U.S. cedes its dominance in 5G standards development, China will continue its focused efforts to fill that void. Huawei, a China-based company, has increased its R&D spending while growing its share of patents on the standardized technologies comprising 5G.24 The President’s Council on Science and Technology issued a report concluding that Chinese actions in the semiconductor industry, which include a range of policies backed by over $100 billion in government funds, threaten U.S. leadership in the industry and present risks to U.S. national security.25 China’s “Made in China 2025” plan called for China to become a leader in 5G technology, including in the development of the standards for the technology, by 2020.26 The plan expressly favors Chinese domestic producers, calling for raising the domestic content of core components in high-tech industries like 5G to 70% by 2025.27

This issue, however, extends far beyond simply the ability and willingness of U.S. companies to engage in the requisite R&D to participate in the 5G race. Reduced U.S. influence on 5G standard-setting would force the U.S. government to rely on untrusted foreign companies for its 5G product supply. The Department of the Treasury has expressed concern about the “well-known” U.S. national security risks posed by Huawei and other Chinese telecommunications companies.28

#### Revisionist tech leadership causes nuclear war.

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Rather, we should think more broadly about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory identifies rapid shifts in the balance of power as a primary cause of conflict.

International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage.

You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power.

For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full display in its ongoing intervention in Ukraine.

Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.”

If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war.

If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member.

Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation.

This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly.

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#### Text: The 50 United States and relevant subnational entities should enact and enforce increased prohibitions on business practices that fail a balancing test with greater weight afforded to harms to diversity and redundancy of input markets in its analysis of anticompetitive business practices.

#### 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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#### The United States federal government should

#### ---fully fund the deployment of Carbon Capture and Storage facilities

#### ---Facilitate the development of innovative captured carbon recycling

#### ---Use revenue from captured carbon sales to fund further development

#### ---Create a carbon tax credit for $70 dollars for every ton of carbon safely stored underground

#### ---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 foreign development aid to European governments based on consultation with local stakeholders.

#### ---condition foreign development aid on democracy and liberal trade policy

#### Solves Cyber

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

#### Solves trade

**Kersting & Kilby 14**. (Erasmus Kersting and Christopher Kilby are on the Economics faculty at Villanova University and are members of the AidData Research Consortium. <KEN> "Perceptions Matter: The Effect of Foreign Aid on Democracy Depends on Incentives," AidData. February 26, 2014. DOA: 3/6/19. https://www.aiddata.org/blog/perceptions-matter-the-effect-of-foreign-aid-on-democracy-depends-on-incentives)

The majority of these studies, however, suffer from some basic problems. Past research designs have largely ignored the procedures Freedom House experts use to construct democracy scores. The result is an inefficient use of the available information and attenuation bias – a bias toward finding no impact. Repeating Knack's approach with an improved estimation method and a more comprehensive dataset we find a very different result — a robust positive link between aid and democracy. In other words, over the course of several decades, foreign aid has promoted democracy. The magnitude of this effect, however, is fairly small. Using this improved estimation method, we can also address the question of short run incentive effects. Can the promise of future aid work if that aid is conditional on steps toward democracy? Will governments — either of their own volition or due to societal pressures — respond to these monetary incentives? Answering this question is tricky because we observe aid flows, not the conditions and negotiations between donors and recipients. A country might receive more aid after moving toward democracy exactly because a donor offered such a deal. Alternatively, the transition toward democracy may have occurred for different reasons altogether, but donors may simply like democracies and provide more funds. In short, the direction of causation is not clear and we must heed the adage that correlation is not causation. Our solution is to look at the situation from a different vantage point. We ask: When are donor decisions based on democracy? We find that some donors ("unconditional donors") always consider democracy when allocating aid, while other donors ("conditional donors") disregard democracy when the recipient country is strategically important. That is, for these conditional donors strategic considerations can override governance issues. For unconditional donors and for countries that are not considered to be strategically important, donor threats to withhold aid if democratization does not occur are credible and should have an impact. However, for conditional donors interacting with strategically important countries, such threats are hollow and should have no impact. Our short run findings strongly support this mechanism. Countries that are not strategically important or that receive more aid from unconditional donors make significantly more progress toward democracy than countries that are strategically important and receive more aid from conditional donors. The effects of facing the right incentives are large. Aid does promote democracy, and the impact of that aid on democracy can be large when people in the recipient country believe the donor is committed to promoting democracy. The full paper, entitled "Aid and Democracy Redux," and our detailed findings are available here.

#### Solves warming

**C2ES 18** (Center for Climate and Energy Solutions, 2018, “Carbon Capture”, The Center for Climate and Energy Solutions is an environmental nonprofit organization based in Arlington, Virginia. Launched in 2011, C2ES is the successor to the Pew Center on Global Climate Change, <https://www.c2es.org/content/carbon-capture/>) MKIM

Carbon capture, use, and storage technologies can capture more than 90 percent of carbon dioxide (CO2) emissions from power plants and industrial facilities. **Captured carbon** dioxide **can be put to productive use in** enhanced **oil recovery** and the manufacture of **fuels, building materials,** and more, or be stored in underground geologic formations. Almost two dozen commercial-scale carbon capture projects are operating around the world with 22 more in development. Carbon capture can achieve 14 percent of the global greenhouse gas emissions reductions needed by 2050 and is viewed as **the only practical way to achieve deep decarbonization** in the industrial sector. Even as nations diversify their energy portfolios, fossil fuels are expected to meet a majority of the world’s energy demand for several decades. Accelerating deployment of carbon capture technology is essential to reduce emissions from these power plants, and from industrial plants like cement and steel manufacturing. More than half of the models cited in the Intergovernmental Panel on Climate Change’s Fifth Assessment Report required carbon capture for a goal of staying within 2 degrees Celsius of warming from pre-industrial days. For models without carbon capture, emissions reduction costs rose 138 percent. For nearly a half century, in a practice called enhanced oil recovery (EOR), carbon dioxide has been used to extract additional oil from developed oil fields in the United States. U.S. companies are also investing in new technologies to re-use captured carbon emissions in innovative ways, including jet fuel and automobile seats. Spurred by the NRG COSIA Carbon XPRIZE, researchers are exploring even more uses, such as transforming carbon emissions into algae biofuels and building materials. Policy Support for Carbon Capture **There is strong bipartisan support** to accelerate carbon capture deployment. In February 2018, Congress extended and expanded key financial incentives for investment in several advanced low-carbon technologies. The two-year budget package included the FUTURE Act, sponsored by Senators Heidi Heitkamp (D-N.D.), Shelley Moore Capito (R-W.Va.), Sheldon Whitehouse (D-R.I.), and John Barrasso (R-Wyo.). The legislation reforms and extends a federal tax credit to boost carbon capture, known as Section 45Q. The FUTURE Act also allows for the first time use of the tax credit for capture of carbon monoxide from industrial facilities like steel mills, direct air capture of CO2 from the atmosphere, and for the conversion of captured carbon into useful products. C2ES and the Great Plains Institute co-convene a diverse coalition of industry, labor, and environmental groups that support expanding deployment of carbon capture. Other supporters of incentivizing carbon capture include the Western Governors Association, Southern States Energy Board, and National Association of Regulatory Utility Commissioner Carbon Capture in Action As of 2017, at least 21 commercial-scale carbon capture projects are operating around the world with 22 more in development. Industrial processes where large-scale carbon capture has been demonstrated and is in commercial operation include coal gasification, ethanol production, fertilizer production, natural gas processing, refinery hydrogen production and, most recently, coal-fired power generation. Carbon Capture Milestones 1972: Terrell gas processing plant in Texas. A natural gas processing facility (along with several others) began supplying CO2 in West Texas through the first large-scale, long-distance CO2 pipeline to an oilfield. 1982: Koch Nitrogen Company Enid Fertilizer plant in Oklahoma. This fertilizer production plant supplies CO2 to oil fields in southern Oklahoma. 1986: Exxon Shute Creek Gas Processing Facility in Wyoming. This natural gas processing plant serves ExxonMobil, Chevron, and Anadarko Petroleum CO2 pipeline systems to oil fields in Wyoming and Colorado and is the largest commercial carbon capture facility in the world at 7 million tons of capacity annually. 1996: Sleipner CO2 Storage Facility offshore of Norway. This project captures CO2 from gas development for storage in an offshore sandstone reservoir. It was the world’s first geologic storage project. Roughly 0.85 million tonnes of CO2 is injected annually for a cumulative total of over 16.5 million tonnes as of January 2017. 2000: Dakota Gasification’s Great Plains Synfuels Plant in North Dakota. This coal gasification plant produces synthetic natural gas, fertilizer, and other byproducts. It has supplied over 30 million tons of CO2 to Cenovus and Apache-operated EOR fields in southern Saskatchewan as of 2015. 2003: Core Energy/South Chester Gas Processing Plant in Michigan. CO2 is captured by Core Energy from natural gas processing for EOR in northern Michigan with over 2 million MT captured to date. 2008: Snøhvit CO2 Storage offshore of Norway. CO2 is captured from an LNG facility on an island in the Barents Sea. The captured CO2 is stored in an offshore subsurface reservoir. To date, more than 4 million tonnes of CO2 have been stored. 2009: Chaparral/Conestoga Energy Partners’ Arkalon Bioethanol plant in Kansas. The first ethanol plant to deploy carbon capture, it supplies 170,000 tons of CO2 per year to Chaparral Energy, which uses it for EOR in Texas oil fields. 2010: Occidental Petroleum’s Century Plant in Texas. The CO2 stream from this natural gas processing facility is compressed and transported for use in the Permian Basin. 2012: Air Products Port Arthur Steam Methane Reformer Project in Texas. Two hydrogen production units at this refinery produce a million tons of CO2 annually for use in Texas oilfields. 2012: Conestoga Energy Partners/PetroSantander Bonanza Bioethanol plant in Kansas. This ethanol plant captures and supplies roughly 100,000 tons of CO2 per year to a Kansas EOR field. 2013: ConocoPhillips Lost Cabin plant in Wyoming. The CO2 stream from this natural gas processing facility is compressed and transported to the Bell Creek oil field in Montana via Denbury Resources’ Greencore pipeline. 2013: Chaparral/CVR Energy Coffeyville Gasification Plant in Kansas. The CO2 stream (approximately 850,000 tons per year) from a nitrogen fertilizer production process based on gasification of petroleum coke is captured, compressed and transported to a Chaparral-operated oil field in northeastern Oklahoma. 2013: Antrim Gas Plant in Michigan. CO2 from a gas processing plant owned by DTE Energy is captured at a rate of approximately 1,000 tons per day and injected into a nearby oil field operated by Core Energy in the Northern Reef Trend of the Michigan Basin. 2013: Petrobras Santos Basin Pre-Salt Oil Field CCS offshore of Brazil. This project involves capturing CO2 from natural gas processing for use in enhanced oil recovery in the Lula and Sapinhoá oil fields. 2014: SaskPower Boundary Dam project in Saskatchewan, Canada. SaskPower completed the first commercial-scale retrofit of an existing coal-fired power plant with carbon capture technology, selling CO2 locally for EOR in Saskatchewan. 2015: Shell Quest project in Alberta, Canada. Shell began operations on a bitumen upgrader complex that captures approximately one million tons of CO2 annually from hydrogen production units and injects it into a deep saline formation. 2015: Uthmaniyah CO2-EOR Demonstration in Saudi Arabia. This project captures CO2 from the Hawiyah natural gas liquids recovery plant. The captured CO2 is used for enhanced oil recovery in the Ghawar oil field. 2016: Abu Dhabi CCS Project Phase 1: Emirates Steel Industries. Carbon capture technology was deployed for the first time on an operating iron and steel plant. The captured CO2 is used for enhanced oil recovery by the Abu Dhabi National Oil Company. 2017: NRG Petra Nova project in Texas. NRG completed on time and on budget a project to capture 90 percent of the CO2 from a 240 MW slipstream of flue gas of its existing WA Parish plant, or roughly 1.6 million tons of CO2 per year. The CO2 is transported to an oil field nearby. 2017: ADM Illinois Industrial Carbon Capture & Storage Project. Archer Daniels Midland began capturing CO2 from an ethanol production facility and sequestering it in a nearby deep saline formation. The project can capture up to 1.1 million tons of CO2 per year. How Carbon Capture Works How Carbon Capture Works Carbon capture technology has been deployed at several industrial projects in North America dating back to the 1970s but its application to power generation is relatively recent. CO2 Capture Early commercial applications of carbon capture focused on certain industrial processes that remove CO2 in concentrated streams as part of normal operations. For other industrial processes and electricity generation, current systems must be redesigned to capture and concentrate CO2, usually using one of these methods: Pre-Combustion Carbon Capture: Fuel is gasified (rather than combusted) to produce a synthesis gas, or syngas, consisting mainly of carbon monoxide (CO) and hydrogen (H2). A subsequent shift reaction converts the CO to CO2, and then a physical solvent typically separates the CO2 from H2. For power generation, pre-combustion carbon capture can be combined with an integrated gasification combined cycle (IGCC) power plant that burns the H2 in a combustion turbine and uses the exhaust heat to power a steam turbine. Post-Combustion Carbon Capture: Post-combustion capture typically uses chemical solvents to separate CO2 out of the flue gas from fossil fuel combustion. Retrofits of existing power plants for carbon capture are likely to use this method. Oxyfuel Carbon Capture: Oxyfuel capture requires fossil fuel combustion in pure oxygen (rather than air) so that the exhaust gas is CO2-rich, which facilitates capture. CO2 Transportation Once captured, CO2 must be transported from its source to a storage site. There are over 4,500 miles of pipelines for transporting CO2 in the United States for use in enhanced oil recovery, but more will be needed. CO2 Storage CO2 can be injected into geological formations and stored deep underground. U.S. geological formations could store CO2 emissions from centuries of continued fossil fuel use. Options for CO2 geologic storage include: Oil and Gas Reservoirs (Enhanced Oil Recovery with Carbon Dioxide, CO2-EOR). Oil and gas reservoirs offer geologic storage potential as well as economic opportunity by injecting CO2 to extract additional oil from developed sites. Oil and gas reservoirs are thought to be suitable candidates for the geologic storage of CO2 given that they have held oil and gas resources in place for millions of years, and previous fossil fuel exploration has yielded valuable data on subsurface areas that could help to ensure permanent CO2 geologic storage. CO2-EOR operations have been operating in West Texas for over 30 years. Moreover, **revenue from selling captured CO2** to EOR operators **could** **help defray the cost of capture technology** at power plants and industrial facilities. Deep Saline Formations. These porous rock formations infused with brine are located across the United States but have not been examined as extensively as oil and gas reservoirs. Coal Beds. Coal beds that are too deep or too thin to be economically mined could offer CO2 storage potential. Captured CO2 can also be used in enhanced coalbed methane recovery (ECBM) to extract methane gas. Basalt formations and shale basins. These are also considered potential future geologic storage locations. Carbon Storage Regulation **U.S. federal** and state **regulations cover CO2 storage site selection and injection.** In addition, systems for measurement, monitoring, verification, accounting, and risk assessment can minimize or mitigate the potential of stored CO2 to pose risks to humans and the environment. CO2 injection in EOR wells is commercially proven and has a history of safely storing CO2 underground. For example, research by the University of Texas Bureau of Economic Geology found no evidence of leakage from the SACROC oil field where CO2-EOR has been performed since the 1970s. In the United States, the Safe Drinking Water Act and the U.S. Environmental Protection Agency’s (EPA) Underground Injection Control Program impose safety requirements on CO2 injection. In addition, the Clean Air Act and the EPA’s Greenhouse Gas Emissions Program require project operators to report data on CO2 injections and submit monitoring, reporting, and verification (MRV) plans if CO2 is injected for geologic storage. In addition, the Underground Injection Control Program requires previous seismic history to be considered when selecting geologic CO2 sequestration sites. The risk of small earthquakes causing CO2 leakage to the surface is mitigated by multiple layers of rock that prevent CO2 from reaching the surface even if it migrates from an injection zone.

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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.

### 1NC

#### FTC fraud prevention is funded now---unexpected demands trade off

Bilirakis et al. 21 (Gus Michael Bilirakis is an American lawyer and politician serving as the U.S. Representative for Florida's 12th congressional district since 2013; Hon. Noah Joshua Phillips is a Commissioner at the Federal Trade Commission; Hon. Lina Khan is the Chair of the Federal Trade Commission, “Transforming the FTC: Legislation to Modernize Consumer Protection,” *Committee on Energy and Commerce*, 6/28/21, <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-transforming-the-ftc-legislation-to-modernize-consumer>)

Gus Bilirakis (3:12:44): Thank you. Our committee has worked extensively in a bipartisan manner to protect consumers from fraud and scams. Mr. Carter's Combating Pandemic Scams Act was enacted at the beginning of the year thanks to all of our leadership here. Representive Blunt Rochester's Fraud and Scam Reduction Act, as well as Representative Kelly's Protecting Seniors from Emergency Scams Act both cleared our chamber with bipartisan support this year. My bill, HR 2672, the FTC Reports Act, would require the FTC to report on fraud against our seniors. Commissioner Philips, how important is the work the FTC staff does to protect Americans from scams? Noah Josuha Phillips (3:13:33): Congressman, thank you for your question. The work we do to protect American consumers against frauds and scams, is our bread and butter as an agency. There is no work that makes me feel better as a commissioner, when we watch our ability to find bad guys, or taking money from American consumers, dipping into their life savings, and get that money back to them. So the work that you have done on the committee to provide funding, to provide tools for us to go after scam artists, is critical. And I think that needs to continue with the agency. Gus Bilirakis (3:14:05): Thank you, and Chair Khan, again, as you pursue other initiatives, when staff and resources be shifted away from the fraud program, which is so essential in preventing bad actors from harming our constituents? That's the question, please. Lina Khan (3:14:22): Sorry, could you repeat the question - when should services be shifted... Gus Bilirakis (3:14:26): Yes, of course. As you pursue other initiatives, when staff and resources be shifted away from your fraud program, which is so essential in preventing bad actors from harming our constituents? Lina Khan (3:14:40): Well, of course, we're always limited by the appropriations bills when it comes to thinking through how we're delegating resources across the agency. In certain instances, I think there are exigent needs that can arise in certain aspects. Gus Bilirakis (3:14:54): But you don't anticipate moving money from the fraud program, is that correct? Lina Khan (3:15:00): Not especially, but I mean, I think overall, we are trying to look through the prism of managerial efficiency and trying to understand how we can best use our resources, especially given some of the exigent circumstances and so we'll be continuing to make those determinations. Gus Bilirakis (3:15:15): I suggest that you not because this is such a very important program. Commissioner Wilson, can you elaborate on why the FTC Reports Act would also prove beneficial to increasing much needed transparency and the flow of information within the commission?

#### Unplanned expanded enforcement drains finite resources from existing priorities

Dafny 21, Professor of Business Administration at the Harvard Business School and the John F. Kennedy School of Government, and former Deputy Director for Healthcare and Antitrust in the Bureau of Economics at the Federal Trade Commission. Professor Dafny’s research focuses on competition in health care markets, and the intersection of industry and public policy. (Leemore, “The Covid-19 Pandemic Should Not Delay Actions to Prevent Anticompetitive Consolidation in US Health Care Markets,” *Pro Market*, <https://promarket.org/2021/06/10/covid-pandemic-consolidation-pandemic-monopoly/>)

However, as Commissioner Rebecca Slaughter, the current acting FTC chair has noted, these efforts have “faced resistance, with two of these recent victories only coming after district court setbacks.” Blocking a horizontal merger, even when it appears to be an “open and shut” case to a layperson, requires extraordinary resources, including large investigation and litigation teams, as well as economic and other subject matter experts who must analyze the transaction, lay out the case for blocking the merger, and rebut arguments advanced by Defendants’ attorneys and experts. To pick a recent example, consider the proposed merger of two hospital systems in the Memphis area, which the FTC filed to block in November 2020. Based on the FTC’s complaint, the merger would have reduced the number of competing systems from four to three and created a system with over a 50 percent market share. In the face of litigation, the parties abandoned the deal—consistent with this being a straightforward case. Although the FTC prevailed without a trial, it took nearly a year from the merger announcement to the abandonment. Over that period, the FTC likely devoted thousands of staff hours to the investigation and lawsuit and expended substantial taxpayer resources on expert witnesses. The higher the payoff from the merger for the merging parties—and the payoff in the case of an increase in market power can be substantial—the greater the incentive for defendants to invest extraordinary resources to fight a merger challenge. Even if there is only a middling (and in some cases, small) chance of getting a merger through, it may well be in the parties’ interest to see if they can prevail, absorbing the agencies’ (i.e., DOJ and FTC’s) scarce resources in that attempt and preventing them from devoting those resources to investigate other transactions or anticompetitive practices. The substantial resources required to challenge transactions, paired with stagnating enforcement budgets, may explain why authorities have elected not to challenge some horizontal transactions they would likely have challenged in previous eras. Using data on a wide range of industries, antitrust scholar John Kwoka documents that enforcers rarely raise concerns about changes in market structure that used to draw scrutiny—that is, mergers that yield five or more market participants.

#### Fraud funds terror operations

Tierney 18, George & Mary Hylton Professor of International Relations; Director Global Research Institute (GRI) (Michael, “#TerroristFinancing: An Examination of Terrorism Financing via the Internet,” International Journal of Cyber Warfare and Terrorism, vol. 8, no. 1, 01/2018, pp. 1–11)

2. TERRORIST FINANCING AND THE INTERNET

As mentioned, terrorists’ use of the internet has become a major concern for security officials across the world in recent years. Like many other users, terrorists have found that the internet is an invaluable tool to share information quickly, in order to disseminate ideas and link up with likeminded individuals (Jacobson, 2010; Okolie-Osemene & Okoh, 2015). In this manner, terrorists use the internet for a variety of purposes, including recruitment, propaganda, and financing. As scholars have also noted, the internet is an attractive option for extremists due to the security and anonymity it provides (Jacobson, 2010). Yet while there have been a growing number of studies completed on the ways in which terrorist organizations use the internet to recruit and indoctrinate others, there has been relatively little focus on the methods by which terrorists finance themselves through online activities. Some researchers have attempted to fill gaps in this area by broadly studying internet aspects of terrorism financing. However, research on this particular aspect of terrorism financing still appears to be lacking, with little focus on new methods of terrorist financing via the internet or a marrying of strategies to combat online financing trends available to practitioners in the field.

For instance, Sean Paul Ashley (2012) assessed the mobile banking phenomenon, which is prevalent in regions such as the Middle East and Africa, and provides extremists with the ability to easily connect to the internet and remit funds around the world. The decentralization of this kind of banking, due to the fact that brick-and-mortar facilities are not needed to conduct transactions, has allowed terrorist financiersto more efficiently move funds while avoiding detection from authorities. Other researchers,such as MichaelJacobson (2010), have studied the waysin which terrorists engage in cyber-crime to raise and move funds. For example, Jacobson (2010) found that online credit card fraud was a fairly major source of terrorist financing. By stealing a victim’s private credit information, terrorists are able to co-opt needed funds and provide support to themselves or their counterparts. Yet as James Okolie-Osemene and Rosemary Ifeanyi Okoh (2015) note, the internet is mostly used to augment and assist activities which occur in the physical world. In this way, it would appear that the internet is far more useful as a means to move funds globally in support of terrorism, rather than simply as a method to raise funds.

#### Nuclear war---cash is key

Hayes 18, Executive Director of the Nautilus Institute for Security and Sustainability, Ph.D. in Energy and Resources from the University of California-Berkeley, Professor of International Relations at RMIT University (Dr. Peter J., “Non-State Terrorism and Inadvertent Nuclear War”, NAPSNet Special Reports, 1/18/2018, <https://nautilus.org/napsnet/napsnet-special-reports/non-state-terrorism-and-inadvertent-nuclear-war/>)

The critical issue is how a nuclear terrorist attack may “catalyze” inter-state nuclear war, especially the NC3 systems that inform and partly determine how leaders respond to nuclear threat. Current conditions in Northeast Asia suggest that multiple precursory conditions for nuclear terrorism already exist or exist in nascent form. In Japan, for example, low-level, individual, terroristic violence with nuclear materials, against nuclear facilities, is real. In all countries of the region, the risk of diversion of nuclear material is real, although the risk is likely higher due to volume and laxity of security in some countries of the region than in others. In all countries, the risk of an insider “sleeper” threat is real in security and nuclear agencies, and such insiders already operated in actual terrorist organizations. Insider corruption is also observable in nuclear fuel cycle agencies in all countries of the region. The threat of extortion to induce insider cooperation is also real in all countries. The possibility of a cult attempting to build and buy nuclear weapons is real and has already occurred in the region.[15] Cyber-terrorism against nuclear reactors is real and such attacks have already taken place in South Korea (although it remains difficult to attribute the source of the attacks with certainty). The stand-off ballistic and drone threat to nuclear weapons and fuel cycle facilities is real in the region, including from non-state actors, some of whom have already adopted and used such technology almost instantly from when it becomes accessible (for example, drones).[16]

Two other broad risk factors are also present in the region. The social and political conditions for extreme ethnic and xenophobic nationalism are emerging in China, Korea, Japan, and Russia. Although there has been no risk of attack on or loss of control over nuclear weapons since their removal from Japan in 1972 and from South Korea in 1991, this risk continues to exist in North Korea, China, and Russia, and to the extent that they are deployed on aircraft and ships of these and other nuclear weapons states (including submarines) deployed in the region’s high seas, also outside their territorial borders.

The most conducive circumstance for catalysis to occur due to a nuclear terrorist attack might involve the following nexi of timing and conditions:

1. Low-level, tactical, or random individual terrorist attacks for whatever reasons, even assassination of national leaders, up to and including dirty radiological bomb attacks, that overlap with inter-state crisis dynamics in ways that affect state decisions to threaten with or to use nuclear weapons. This might be undertaken by an opportunist nuclear terrorist entity in search of rapid and high political impact.
2. Attacks on major national or international events in each country to maximize terror and to de-legitimate national leaders and whole governments. In Japan, for example, more than ten heads of state and senior ministerial international meetings are held each year. For the strategic nuclear terrorist, patiently acquiring higher level nuclear threat capabilities for such attacks and then staging them to maximum effect could accrue strategic gains.
3. Attacks or threatened attacks, including deception and disguised attacks, will have maximum leverage when nuclear-armed states are near or on the brink of war or during a national crisis (such as Fukushima), when intelligence agencies, national leaders, facility operators, surveillance and policing agencies, and first responders are already maximally committed and over-extended.

At this point, we note an important caveat to the original concept of catalytic nuclear war as it might pertain to nuclear terrorist threats or attacks. Although an attack might be disguised so that it is attributed to a nuclear-armed state, or a ruse might be undertaken to threaten such attacks by deception, in reality a catalytic strike by a nuclear weapons state in conditions of mutual vulnerability to nuclear retaliation for such a strike from other nuclear armed states would be highly irrational.

Accordingly, the effect of nuclear terrorism involving a nuclear detonation or major radiological release may not of itself be *catalytic* of *nuclear* war—at least not intentionally–because it will not lead directly to the destruction of a targeted nuclear-armed state. Rather, it may be catalytic of non-nuclear war between states, especially if the non-state actor turns out to be aligned with or sponsored by a state (in many Japanese minds, the natural candidate for the perpetrator of such an attack is the pro-North Korean General Association of Korean Residents, often called Chosen Soren, which represents many of the otherwise stateless Koreans who were born and live in Japan) and a further sequence of coincident events is necessary to drive escalation to the point of nuclear first use by a state. Also, the catalyst—the non-state actor–is almost assured of discovery and destruction either during the attack itself (if it takes the form of a nuclear suicide attack then self-immolation is assured) or as a result of a search-and-destroy campaign from the targeted state (unless the targeted government is annihilated by the initial terrorist nuclear attack).

It follows that the effects of a non-state nuclear attack may be characterized better as a *trigger* effect, bringing about a *cascade* of nuclear use decisions within NC3 systems that shift each state increasingly away from nuclear non-use and increasingly towards nuclear use by releasing negative controls and enhancing positive controls in multiple action-reaction escalation spirals (depending on how many nuclear armed states are party to an inter-state conflict that is already underway at the time of the non-state nuclear attack); and/or by inducing concatenating nuclear attacks across geographically proximate nuclear weapons forces of states already caught in the crossfire of nuclear threat or attacks of their own making before a nuclear terrorist attack.[17]

## Case

## Adv 1

### 1NC- AT: Supply Chains

#### COVID thumps supply chains.

Kampf 20, senior PhD fellow at the Center for Strategic Studies at The Fletcher School. (David, 6/16/20, “How COVID-19 Could Increase the Risk of War”, *World Politics Review*, <https://www.worldpoliticsreview.com/articles/28843/how-covid-19-could-increase-the-risk-of-war>)

The coronavirus pandemic immediately elicited further calls to reduce dependence on other countries, with Trump using the opportunity to pressure U.S. companies to reconfigure their supply chains away from China. For its part, China made sure that it had the homemade supplies it needed to fight the virus before exporting extras, while countries like France and Germany barred the export of face masks, even to friendly nations. And widening economic inequalities, a consequence of the pandemic, are not likely to enhance support for free trade.

This assault on open trade and globalization is just one aspect of a decaying liberal international order, which, its proponents argue, has largely helped to preserve peace between nations since World War II. But that old order is almost gone, and in all likelihood isn’t coming back. The U.N. Security Council appears increasingly fragmented and dysfunctional. Even before Trump, the world’s most powerful country ratified fewer treaties per year under the Obama administration than at any time since 1945.

#### Alt causes to the economy: aging, productivity, supply shortages, inflation.

Cox 21, citing Joseph Brusuelas, chief economist at consulting firm RSM. (Jeff Cox, 7-14-2021, “The rapid growth the U.S. economy has seen is about to hit a wall”, *CNBC*, <https://www.cnbc.com/2021/07/23/the-rapid-growth-the-us-economy-has-seen-is-about-to-hit-a-wall.html>)

Demographics holding back growth

Keeping up such a rapid pace of growth will be difficult in an economy that has long been held back by an aging population and lackluster productivity. Those issues will be exacerbated by dwindling policy support as well as an ongoing battle against Covid-19 and its variants, though few economists expect widespread lockdowns and the plunge in activity that happened in early to mid-2020.

“What we see is an economy growing robustly above trend albeit at a slower pace through 2023,” said Joseph Brusuelas, chief economist at consulting firm RSM. “Absent any productivity-enhancing policy support, we eventually will move back to trend because there’s not much we can do about the demographic headwinds, which will eventually drag growth back to the long-term trend.”

But there also are shorter-term headwinds that should temper those gaudy growth numbers.

An aggressive spurt of inflation brought on by supply constraints and huge demand related to the economic reopening will hit output. While many economists, including those at the Federal Reserve, are willing to write off the inflation as temporary with soaring used auto and truck prices contributing a large component, officials including Treasury Secretary Janet Yellen warned that the price increases are likely to continue for at least several months.

Inflation combined with fading fiscal support also then will serve as a growth limit.

### 1NC- Grid Resilient

#### Grid resilient.

Niiler 19, citing a study by the Electric Power Research Institute. (Eric, 4-30-2019, "The Grid Might Survive an Electromagnetic Pulse Just Fine", *Wired*, https://www.wired.com/story/the-grid-might-survive-an-electromagnetic-pulse-just-fine/)

The study, by the Electric Power Research Institute, a utility-funded research organization, finds that existing technology can protect various components of the electric grid to buffer it from the effects of solar flares, lightning strikes, and an EMP from a nuclear blast all at the same time: a three-for-one surge protector. “We have a strong technical basis for what the impacts [of an EMP] might be,” says Randy Horton, EPRI project manager and author of the report being released today. “That is one thing that didn’t exist before.”

Horton says that EPRI technicians worked with experts at the Department of Energy labs at Los Alamos and Sandia to simulate some effects of an EMP on substations and distribution systems. They also did real-world testing of electrical equipment at an EPRI laboratory in Charlotte, North Carolina. The study, which took three years to complete, looks at the effects of three kinds of energy spawned by a nuclear detonation.

The first high-energy wave occurs in just a few nanoseconds and is called an E1. The second wave, called an E2, lasts up to a second and can fry electric systems the way a lightning strike does, unless they are properly grounded. Effects of an E2 wave on the grid are expected to be minimal. The third kind of wave can last for tens of seconds and is similar to what utility operators might expect from a low-frequency, long-duration solar flare or geomagnetic storm. The report says that the combination of an E1 and E3 would cause the most damage over the widest area.

Horton says simulations and testing by EPRI contradicts earlier findings that an EMP would wipe out the US grid. “You could have a regional voltage collapse, but you wouldn’t damage a large number of bulk power transformers immediately,” Horton says. “That was the difference in our finding. There were some studies that said you could damage hundreds of transformers. We just didn’t find it.”

### 1NC---!D---Warming

#### No warming impact.

Ord 20, research fellow at the Future of Humanity Institute at Oxford University, has advised the World Health Organization, the World Bank, the World Economic Forum, and the UK Prime Minister’s Office and Cabinet Office. (Toby, “4. Anthropogenic Risks”, *The Precipice: Existential Risk and the Future of Humanity*, Oxford)

Major effects of climate change include reduced agricultural yields, sea level rises, water scarcity, increased tropical diseases, ocean acidification and the collapse of the Gulf Stream. While extremely important when assessing the overall risks of climate change, none of these threaten extinction or irrevocable collapse.

Crops are very sensitive to reductions in temperature (due to frosts), but less sensitive to increases. By all appearances we would still have food to support civilization.85 Even if sea levels rose hundreds of meters (over centuries), most of the Earth’s land area would remain. Similarly, while some areas might conceivably become uninhabitable due to water scarcity, other areas will have increased rainfall. More areas may become susceptible to tropical diseases, but we need only look to the tropics to see civilization flourish despite this. The main effect of a collapse of the system of Atlantic Ocean currents that includes the Gulf Stream is a 2°C cooling of Europe—something that poses no permanent threat to global civilization.

From an existential risk perspective, a more serious concern is that the high temperatures (and the rapidity of their change) might cause a large loss of biodiversity and subsequent ecosystem collapse. While the pathway is not entirely clear, a large enough collapse of ecosystems across the globe could perhaps threaten human extinction. The idea that climate change could cause widespread extinctions has some good theoretical support.86 Yet the evidence is mixed. For when we look at many of the past cases of extremely high global temperatures or extremely rapid warming we don’t see a corresponding loss of biodiversity.87

So the most important known effect of climate change from the perspective of direct existential risk is probably the most obvious: heat stress. We need an environment cooler than our body temperature to be able to rid ourselves of waste heat and stay alive. More precisely, we need to be able to lose heat by sweating, which depends on the humidity as well as the temperature.

A landmark paper by Steven Sherwood and Matthew Huber showed that with sufficient warming there would be parts of the world whose temperature and humidity combine to exceed the level where humans could survive without air conditioning.88 With 12°C of warming, a very large land area—where more than half of all people currently live and where much of our food is grown—would exceed this level at some point during a typical year. Sherwood and Huber suggest that such areas would be uninhabitable. This may not quite be true (particularly if air conditioning is possible during the hottest months), but their habitability is at least in question.

However, substantial regions would also remain below this threshold. Even with an extreme 20°C of warming there would be many coastal areas (and some elevated regions) that would have no days above the temperature/humidity threshold.89 So there would remain large areas in which humanity and civilization could continue. A world with 20°C of warming would be an unparalleled human and environmental tragedy, forcing mass migration and perhaps starvation too. This is reason enough to do our utmost to prevent anything like that from ever happening. However, our present task is identifying existential risks to humanity and it is hard to see how any realistic level of heat stress could pose such a risk. So the runaway and moist greenhouse effects remain the only known mechanisms through which climate change could directly cause our extinction or irrevocable collapse.

### 1NC---Inev---Warming

#### Warming inevitable.

Curry 19, PhD, Professor Emeritus and former Chair of the School of Earth and Atmospheric Sciences at the Georgia Institute of Technology. (Judith A., 2-6-2019, “Hearing on Climate Change: The Impacts and the Need to Act”, pg. 7-8, <https://curryja.files.wordpress.com/2019/02/curry-testimony-house-natural-resources.pdf)---language> edited

Is it possible that something truly dangerous and unforeseen could happen to Earth’s climate during the 21st century? Yes it is possible, but natural climate variability (including geologic processes) may be a more likely source of possible undesirable change than [anthropogenic] manmade warming. In any event, attempting to avoid such a dangerous and unforeseen climate by reducing fossil fuel emissions will be futile if natural climate and geologic processes are dominant factors. Geologic processes are an important factor in the potential instability of the West Antarctic ice sheet that could contribute to substantial sea level rise in the 21st century.23

Under the Paris Agreement, individual countries have submitted to the UNFCCC their Nationally Determined Contributions (NDCs). Under the Obama Administration, the U.S. NDC had a goal of reducing emissions by 28% below 2005 levels by 2025. Apart from considerations of feasibility and cost, it has been estimated24 using the EPA MAGICC model that this commitment will prevent 0.03o [degrees] C in warming by 2100. When combined with current commitments from other nations, only a small fraction of the projected future warming will be ameliorated by these commitments. If climate models are indeed running too hot,25 then the amount of warming prevented would be even smaller. Even if emissions immediately went to zero and the projections of climate models are to be believed, the impact on the climate would not be noticeable until the 2nd half of the 21st century. Most of the expected benefits to the climate from the UNFCCC emissions reductions policy will be realized in the 22nd century and beyond.

Attempting to use carbon dioxide as a control knob to regulate climate on decadal to century timescales is arguably futile. The UNFCCC emissions reductions policies have brought us to a point between a rock and a hard place, whereby the emissions reduction policy with its extensive costs and questions of feasibility are inadequate for making a meaningful dent in slowing down the expected warming in the 21st century. And the real societal consequences of climate change and extreme weather events (whether caused by manmade climate change or natural variability) remain largely unaddressed.

This is not to say that a transition away from burning fossil fuels doesn’t make sense over the course of the 21st century. People prefer ‘clean’ over ‘dirty’ energy – provided that all other things are equal, such as reliability, security, and economy. However, assuming that current wind and solar technologies are adequate for providing the required amount and density of electric power for an advanced economy is misguided.26

The recent record-breaking cold outbreak in the Midwest is a stark reminder of the challenges of providing a reliable power supply in the face of extreme weather events, where an inadequate power supply not only harms the economy, but jeopardizes lives and public safety. Last week, central Minnesota experienced a natural gas ‘brownout,’ as Xcel Energy advised customers to turn thermostats down to 60 degrees and avoid using hot water.27 Why? Because the wind wasn’t blowing during an exceptionally cold period. Utilities pair natural gas plants with wind farms, where the gas plants can be ramped up and down quickly when the wind isn’t blowing. With bitter cold temperatures and no wind, there wasn’t enough natural gas.

A transition to an electric power system driven solely by wind and solar would require a massive amount of energy storage. While energy storage technologies are advancing, massive deployment of cost effective energy storage technologies is well beyond current capabilities.28 An unintended consequence of rapid deployment of wind and solar energy farms may be that natural gas power plants become increasingly entrenched in the power supply system.

Apart from energy policy, there are a number of land use practices related to croplands, grazing lands, forests and wetlands that could increase the natural sequestration of carbon and have ancillary economic and ecosystem benefits. 29 These co-benefits include improved biodiversity, soil quality, agricultural productivity and wildfire behavior modification.

In evaluating the urgency of CO2 emissions reductions, we need to be realistic about what reducing emissions will actually accomplish. Drastic reductions of emissions in the U.S. will not reduce global CO2 concentrations if emissions in the developing world, particularly China and India, continue to increase. If we believe the climate model simulations, we would not expect to see any changes in extreme weather/climate events until late in the 21st century. The greatest impacts will be felt in the 22nd century and beyond, in terms of reducing sea level rise and ocean acidification.

## Adv 2

### 1NC – !D – Populism

#### Populism makes it all inevitable

**Clark 18**. Jennifer Clark – freelance journalist based in Italy and author of "Fiat, Chrysler and the Power of a Dynasty." She has written for The Wall Street Journal, Reuters and Bloomberg. <KEN> "Populism in Europe is thriving. The West should prepare itself for a new normal," NBC News. March 2, 2018. DOA: 9/30/18. https://www.nbcnews.com/think/opinion/populism-europe-thriving-west-should-prepare-itself-new-normal-ncna855396

Does this mean that the EU is dead? Not exactly. But it does indicate that populism in the West is thriving — and will likely continue to do so for some time. The populist Five Star Movement and the anti-immigrant League won nearly 50% of seats in parliament, although it’s still not clear whether either has the numbers to govern. Italy has now abandoned over 70 years of careful centrism and joined the club of countries where populism is growing: Germany, France, the UK, Poland, Hungary and the U.S. The fall of the Berlin Wall in 1989 and the onslaught of globalization created a new global landscape characterized by loss of national sovereignty, open borders, financial deregulation, the rise of China and jobs being displaced by outsourcing or technology. The speed and the disruption of these changes has resulted in a new post-Cold War political context dominated by euro skepticism, fear of immigrants and the anger of an insecure middle class. “Globalization could not be stopped, but it happened too quickly,” Italy’s former Economy Minister Giulio Tremonti told me. Tremonti's 2005 book, “Fatal Risks,” accurately predicted that China joining the World Trade Organization in 2001 would make Italian workers poorer. “There’s never been so much social change in a twenty-year period. Now we are looking at the results.” None of this is new. But Italy’s election is perhaps an inflection point between the old and new politics. We may be witnessing the moment when the previously unthinkable became the new normal. By odd coincidence, President Donald Trump’s former strategist Steve Bannon swung through Europe ahead of Italy’s vote on his way to a speaking engagement in Switzerland, acting as a sort of self-appointed roving world ambassador of populism. Bannon wants to see populist movements on both sides of the Atlantic join forces, he told Milan daily Corriere della Sera. “People have had enough, and want their sovereignty back. This Italian election is crucial for the global populist movement,” he said. Populism is now widespread in Europe even in countries previously thought to be somehow “immune” because of a strong liberal tradition (in the European sense). The defeat of populists Geert Wilders in the Netherlands and Marine Le Pen in France last year’s elections was supposed to have turned the tide on euroskeptic, populist and anti-immigrant parties. But the German election in September 2017, in which the rightwing and anti–Muslim Alternative fur Deutschland (AfD) party won 13%, suggested the relief that followed France’s election may have been premature. Recommended Matt Damon as an angry Kavanaugh grilled on 'SNL' season opener Limits to FBI's Kavanaugh investigation have not changed, despite Trump's comments Populism is now widespread in Europe even in countries previously thought to be somehow “immune” because of a strong liberal tradition (in the European sense). Around one fifth of European voters, or 55.8 million people, now pick left- or right-wing populist parties, according to a 2017 study by the European Policy Information Center. Meanwhile, Hungary, Poland and Greece (and Italy after March 4) are the countries where anti-establishment parties are strongest. “Observing these long-run trends, there are no signs that support for anti-establishment parties will decrease in the short run,” the European Policy Information Center noted. And tellingly, the motivations for populism vary depending on the country. Populism and anti-immigrant sentiment in Poland and Hungary stems from disappointment about how the transition from Communism turned out for them. First came the turbulent transition phase in the 1990s, when the standard of living plummeted. Cities like Warsaw and Budapest created pockets of wealth, while smaller cities and the countryside remained mired in poverty. If Europe’s euroskeptic populist parties continue to grow at this rate, at some point they will start to put serious pressure on the European Union. In Germany, the rise of AfD is largely seen as a response to Chancellor Angela Merkel’s decision to let some one million refugees into Germany in 2015 at the height of the migration crisis, the year that over 3,700 people died crossing the Mediterranean in the world’s most deadly migrant route. Anti-establishment parties in Italy have divided along geographic lines, with the Five Star Movement’s welfare promises attracting voters in the poor south, where over 10% of people are living in absolute poverty compared to 6% in the north. The center-right meanwhile has swept the wealthy north where voters are more concerned with safety and immigration. If Europe’s euroskeptic populist parties continue to grow at this rate, at some point they will start to put serious pressure on the European Union’s vision of unity and collective prosperity. Leaders like Salvini promise voters to “ignore or rip up” EU rules that don’t suit them, like keeping Italy’s deficit under 3% of GDP for members of the single currency. Italy is not leaving the EU or the euro any time soon. Brussels averted Greece’s departure from the eurozone in 2015 and is now dealing with Brexit. But a new populist government in Italy could set itself on a collision course with Brussels on immigration or public spending. Europe is adept at lurching from crisis to crisis. We’d better get used to it.

### 1NC- AT: Trade

#### Trade doesn’t stop war

Miller 14

(Charles Miller, lecturer at ANU’s Strategic and Defence Studies Centre, “Globalisation and war,” <http://www.aspistrategist.org.au/globalisation-and-war/> , April 2014)

John O’Neal and Bruce Russett’s work is perhaps the best known in this regard—and Steven Pinker cites them approvingly in his book The Better Angels of Our Nature. Analysing trade and conflict data from the nineteenth to the twenty-first centuries, they found that trade flows do have a significant impact in reducing the chances of conflict, even when taking a variety of other factors into account. But their conclusions have in turn been questioned by other scholars. For one thing, their model failed to take three things into account. First, it’s quite possible that **peace causes trade rather than the other way around**—no company wants to start an export business to another country if it anticipates that business linkages will be cut off by war further down the line. Second, conflict behaviour exhibits what’s called ‘network effects’— if France and Germany are at peace, chances are Belgium and Germany will be too. And third, both the likelihood of conflict and the level of trade are influenced by the number of years a pair of countries has already been at peace—because prolonged periods of peace increase mutual trust. Take **any of these factors** into account, and studies have shown (here and here) that the apparent **relationship between trade flows and peace disappears**. Perhaps, though, conceiving of globalisation solely in terms of trade flows is mistaken. Alternative indicators of globalisation include foreign direct investment, financial openness and the levels of government intervention in economic relations with the rest of the world. Data on those variables is less extensive than on trade flows, usually dating back only to the post World War II period. But some analysts, such as Patrick McDonald and Erik Gartzke, have argued that a significant correlation can be found between them and a reduction in the probability of conflict. Those findings, newer than O’Neal and Russett’s, haven’t yet been subjected to the same intense scrutiny, so may in turn be qualified by future research. What does all that mean for the policy-maker? The statistical evidence certainly doesn’t tell us that globalisation has made war in East Asia impossible. ‘Cromwell’s law’ counsels us that a logically conceivable event should never be assigned a probability of zero. The most we could conclude is that globalisation has made such an occurrence much less likely. There’s some hopeful numerical evidence that globalisation does indeed have that effect, but the evidence isn’t so compelling that we can substitute an economic engagement policy for a security policy. By all means, let’s continue to promote trade in the Asia-Pacific. But we should also continue to be prepared for scenarios which are unlikely but would be hugely damaging if they were to occur.

### 1NC--AT Oppenheimer

#### Oppenheimer lists tons of alt causes the aff doesn’t touch.

Dr. Michael F. 1AC Oppenheimer 21 [KU=blue], Clinical Professor at the Center for Global Affairs at New York University, Senior Consulting Fellow for Scenario Planning at the International Institute for Strategic Studies, Former Executive Vice President at The Futures Group, Member of the Council on Foreign Relations, The Foreign Policy Roundtable at the Carnegie Council on Ethics and International Affairs, and The American Council on Germany, “The Turbulent Future of International Relations”, in The Future of Global Affairs: Managing Discontinuity, Disruption and Destruction, Ed. Ankersen and Sidhu, p. 23-30

Four structural forces will shape the future of International Relations: globalization (but without liberal rules, institutions, and leadership)1; multipolarity (the end of American hegemony and wider distribution of power among states and non-states2); the strengthening of distinctive, national and subnational identities, as persistent cultural differences are accentuated by the disruptive effects of Western style globalization (what Samuel Huntington called the “non-westernization of IR”3); and secular economic stagnation, a product of longer term global decline in birth rates combined with aging populations.4 These structural forces do not determine everything. Environmental events, global health challenges, internal political developments, policy mistakes, technology breakthroughs or failures, will intersect with structure to define our future. But these four structural forces will impact the way states behave, in the capacity of great powers to manage their differences, and to act collectively to settle, rather than exploit, the inevitable shocks of the next decade.

Some of these structural forces could be managed to promote prosperity and avoid war. Multipolarity (inherently more prone to conflict than other configurations of power, given coordination problems)5 plus globalization can work in a world of prosperity, convergent values, and effective conflict management. The Congress of Vienna system achieved relative peace in Europe over a hundred-year period through informal cooperation among multiple states sharing a fear of populist revolution. It ended decisively in 1914. Contemporary neoliberal institutionalists, such as John Ikenberry, accept multipolarity as our likely future, but are confident that globalization with liberal characteristics can be sustained without American hegemony, arguing that liberal values and practices have been fully accepted by states, global institutions, and private actors as imperative for growth and political legitimacy.6 Divergent values plus multipolarity can work, though at significantly lower levels of economic growth-in an autarchic world of isolated units, a world envisioned by the advocates of decoupling, including the current American president. 7 Divergent values plus globalization can be managed by hegemonic power, exemplified by the decade of the 1990s, when the Washington Consensus, imposed by American leverage exerted through the IMF and other U.S. dominated institutions, overrode national differences, but with real costs to those states undergoing “structural adjustment programs,”8 and ultimately at the cost of global growth, as states—especially in Asia—increased their savings to self insure against future financial crises.9

But all four forces operating simultaneously will produce a future of increasing internal polarization and cross border conflict, diminished economic growth and poverty alleviation, weakened global institutions and norms of behavior, and reduced collective capacity to confront emerging challenges of global warming, accelerating technology change, nuclear weapons innovation and proliferation. As in any effective scenario, this future is clearly visible to any keen observer. We have only to abolish wishful thinking and believe our own eyes.10

Secular Stagnation

This unbrave new world has been emerging for some time, as US power has declined relative to other states, especially China, global liberalism has failed to deliver on its promises, and totalitarian capitalism has proven effective in leveraging globalization for economic growth and political legitimacy while exploiting technology and the state’s coercive powers to maintain internal political control. But this new era was jumpstarted by the world financial crisis of 2007, which revealed the bankruptcy of unregulated market capitalism, weakened faith in US leadership, exacerbated economic deprivation and inequality around the world, ignited growing populism, and undermined international liberal institutions. The skewed distribution of wealth experienced in most developed countries, politically tolerated in periods of growth, became intolerable as growth rates declined. A combination of aging populations, accelerating technology, and global populism/nationalism promises to make this growth decline very difficult to reverse. What Larry Summers and other international political economists have come to call “secular stagnation” increases the likelihood that illiberal globalization, multipolarity, and rising nationalism will define our future. Summers11 has argued that the world is entering a long period of diminishing economic growth. He suggests that secular stagnation “may be the defining macroeconomic challenge of our times.” Julius Probst, in his recent assessment of Summers’ ideas, explains:

…rich countries are ageing as birth rates decline and people live longer. This has pushed down real interest rates because investors think these trends will mean they will make lower returns from investing in future, making them more willing to accept a lower return on government debt as a result.

Other factors that make investors similarly pessimistic include rising global inequality and the slowdown in productivity growth…

This decline in real interest rates matters because economists believe that to overcome an economic downturn, a central bank must drive down the real interest rate to a certain level to encourage more spending and investment… Because real interest rates are so low, Summers and his supporters believe that the rate required to reach full employment is so far into negative territory that it is effectively impossible.

…in the long run, more immigration might be a vital part of curing secular stagnation. Summers also heavily prescribes increased government spending, arguing that it might actually be more prudent than cutting back – especially if the money is spent on infrastructure, education and research and development.

Of course, governments in Europe and the US are instead trying to shut their doors to migrants. And austerity policies have taken their toll on infrastructure and public research. This looks set to ensure that the next recession will be particularly nasty when it comes… Unless governments change course radically, we could be in for a sobering period ahead.12

The rise of nationalism/populism is both cause and effect of this economic outlook. Lower growth will make every aspect of the liberal order more difficult to resuscitate post-Trump. Domestic politics will become more polarized and dysfunctional, as competition for diminishing resources intensifies. International collaboration, ad hoc or through institutions, will become politically toxic. Protectionism, in its multiple forms, will make economic recovery from “secular stagnation” a heavy lift, and the liberal hegemonic leadership and strong institutions that limited the damage of previous downturns, will be unavailable. A clear demonstration of this negative feedback loop is the economic damage being inflicted on the world by Trump’s trade war with China, which— despite the so-called phase one agreement—has predictably escalated from negotiating tactic to imbedded reality, with no end in sight. In a world already suffering from inadequate investment, the uncertainties generated by this confrontation will further curb the investments essential for future growth. Another demonstration of the intersection of structural forces is how populist-motivated controls on immigration (always a weakness in the hyper-globalization narrative) deprives developed countries of Summers’ recommended policy response to secular stagnation, which in a more open world would be a win-win for rich and poor countries alike, increasing wage rates and remittance revenues for the developing countries, replenishing the labor supply for rich countries experiencing low birth rates.

Illiberal Globalization

Economic weakness and rising nationalism (along with multipolarity) will not end globalization, but will profoundly alter its character and greatly reduce its economic and political benefits. Liberal global institutions, under American hegemony, have served multiple purposes, enabling states to improve the quality of international relations and more fully satisfy the needs of their citizens, and provide companies with the legal and institutional stability necessary to manage the inherent risks of global investment. But under present and future conditions these institutions will become the battlegrounds—and the victims—of geopolitical competition. The Trump Administration’s frontal attack on multilateralism is but the final nail in the coffin of the Bretton Woods system in trade and finance, which has been in slow but accelerating decline since the end of the Cold War. Future American leadership may embrace renewed collaboration in global trade and finance, macroeconomic management, environmental sustainability and the like, but repairing the damage requires the heroic assumption that America’s own identity has not been fundamentally altered by the Trump era (four years or eight matters here), and by the internal and global forces that enabled his rise. The fact will remain that a sizeable portion of the American electorate, and a monolithically pro- Trump Republican Party, is committed to an illiberal future. And even if the effects are transitory, the causes of weakening global collaboration are structural, not subject to the efforts of some hypothetical future US liberal leadership. It is clear that the US has lost respect among its rivals, and trust among its allies. While its economic and military capacity is still greatly superior to all others, its political dysfunction has diminished its ability to convert this wealth into effective power.13 It will furthermore operate in a future system of diffusing material power, diverging economic and political governance approaches, and rising nationalism. Trump has promoted these forces, but did not invent them, and future US Administrations will struggle to cope with them.

What will illiberal globalization look like? Consider recent events. The instruments of globalization have been weaponized by strong states in pursuit of their geopolitical objectives. This has turned the liberal argument on behalf of globalization on its head. Instead of interdependence as an unstoppable force pushing states toward collaboration and convergence around market-friendly domestic policies, states are exploiting interdependence to inflict harm on their adversaries, and even on their allies. The increasing interaction across national boundaries that globalization entails, now produces not harmonization and cooperation, but friction and escalating trade and investment disputes.14 The Trump Administration is in the lead here, but it is not alone. Trade and investment friction with China is the most obvious and damaging example, precipitated by China’s long failure to conform to the World Trade Organization (WTO) principles, now escalated by President Trump into a trade and currency war disturbingly reminiscent of the 1930s that Bretton Woods was designed to prevent. Financial sanctions against Iran, in violation of US obligations in the Joint Comprehensive Plan Of Action (JCPOA), is another example of the rule of law succumbing to geopolitical competition. Though more mercantilist in intent than geopolitical, US tariffs on steel and aluminum, and their threatened use in automotives, aimed at the EU, Canada, and Japan,15 are equally destructive of the liberal system and of future economic growth, imposed as they are by the author of that system, and will spread to others. And indeed, Japan has used export controls in its escalating conflict with South Korea16 (as did China in imposing controls on rare earth,17 and as the US has done as part of its trade war with China). Inward foreign direct investment restrictions are spreading. The vitality of the WTO is being sapped by its inability to complete the Doha Round, by the proliferation of bilateral and regional agreements, and now by the Trump Administration’s hold on appointments to WTO judicial panels. It should not surprise anyone if, during a second term, Trump formally withdrew the US from the WTO. At a minimum it will become a “dead letter regime.”18

As such measures gain traction, it will become clear to states—and to companies—that a global trading system more responsive to raw power than to law entails escalating risk and diminishing benefits. This will be the end of economic globalization, and its many benefits, as we know it. It represents nothing less than the subordination of economic globalization, a system which many thought obeyed its own logic, to an international politics of zero-sum power competition among multiple actors with divergent interests and values. The costs will be significant: Bloomberg Economics estimates that the cost in lost US GDP in 2019- dollar terms from the trade war with China has reached $134 billion to date and will rise to a total of $316 billion by the end of 2020.19 Economically, the just-in-time, maximally efficient world of global supply chains, driving down costs, incentivizing innovation, spreading investment, integrating new countries and populations into the global system, is being Balkanized. Bilateral and regional deals are proliferating, while global, nondiscriminatory trade agreements are at an end.

Economies of scale will shrink, incentivizing less investment, increasing costs and prices, compromising growth, marginalizing countries whose growth and poverty reduction depended on participation in global supply chains. A world already suffering from excess savings (in the corporate sector, among mostly Asian countries) will respond to heightened risk and uncertainty with further retrenchment. The problem is perfectly captured by Tim Boyle, CEO of Columbia Sportswear, whose supply chain runs through China, reacting to yet another ratcheting up of US tariffs on Chinese imports, most recently on consumer goods:

We move stuff around to take advantage of inexpensive labor. That’s why we’re in Bangladesh. That’s why we’re looking at Africa. We’re putting investment capital to work, to get a return for our shareholders. So, when we make a wager on investment, this is not Vegas. We have to have a reasonable expectation we can get a return. That’s predicated on the rule of law: where can we expect the laws to be enforced, and for the foreseeable future, the rules will be in place? That’s what America used to be.20

The international political effects will be equally damaging. The four structural forces act on each other to produce the more dangerous, less prosperous world projected here. Illiberal globalization represents geopolitical conflict by (at first) physically non-kinetic means. It arises from intensifying competition among powerful states with divergent interests and identities, but in its effects drives down growth and fuels increased nationalism/populism, which further contributes to conflict. Twenty-first-century protectionism represents bottom-up forces arising from economic disruption. But it is also a top-down phenomenon, representing a strategic effort by political leadership to reduce the constraints of interdependence on freedom of geopolitical action, in effect a precursor and enabler of war. This is the disturbing hypothesis of Daniel Drezner, argued in an important May 2019 piece in Reason, titled “Will Today’s Global Trade Wars Lead to World War Three,”21 which examines the pre- World War I period of heightened trade conflict, its contribution to the disaster that followed, and its parallels to the present:

Before the First World War started, powers great and small took a variety of steps to thwart the globalization of the 19th century. Each of these steps made it easier for the key combatants to conceive of a general war. We are beginning to see a similar approach to the globalization of the 21st century. One by one, the economic constraints on military aggression are eroding. And too many have forgotten—or never knew—how this played out a century ago.

…In many ways, 19th century globalization was a victim of its own success. Reduced tariffs and transport costs flooded Europe with inexpensive grains from Russia and the United States. The incomes of landowners in these countries suffered a serious hit, and the Long Depression that ran from 1873 until 1896 generated pressure on European governments to protect against cheap imports.

…The primary lesson to draw from the years before 1914 is not that economic interdependence was a weak constraint on military conflict. It is that, even in a globalized economy, governments can take protectionist actions to reduce their interdependence in anticipation of future wars. In retrospect, the 30 years of tariff hikes, trade wars, and currency conflicts that preceded 1914 were harbingers of the devastation to come. European governments did not necessarily want to ignite a war among the great powers. By reducing their interdependence, however, they made that option conceivable.

…the backlash to globalization that preceded the Great War seems to be reprised in the current moment. Indeed, there are ways in which the current moment is scarier than the pre-1914 era. Back then, the world’s hegemon, the United Kingdom, acted as a brake on economic closure. In 2019, the United States is the protectionist with its foot on the accelerator. The constraints of Sino-American interdependence—what economist Larry Summers once called “the financial balance of terror”—no longer look so binding. And there are far too many hot spots—the Korean peninsula, the South China Sea, Taiwan—where the kindling seems awfully dry.

### 1NC – Defense

#### No impact to EU collapse – prefer comparative ev.

Carmen & Palacios 17. (María Carmen & Martín Palacios – Studying Business Administration and International Relations at the University of Pontificia Comillas. “What Would Happen to Security in Europe if the European Union Broke Up?” Sigma Iota Rho Journal of International Relations. DOA: 4/23/19. http://www.sirjournal.org/research/2017/9/27/what-would-happen-to-security-in-europe-if-the-european-union-broke-up)

Even though EU Nonetheless, the will of democracy and the need of restoring normality among European policy-making will prevail over this initial feeling of mistrust. Globalisation has emphasized the importance of cooperation policy instruments when seeking to preserve international security, which is understood as the major goal of modern international relations. (Davis, 2015) That is why a post-EU cooperation scenario would be more likely to take place, rather than the birth of a hostile playing field. We have to bear in mind that the EU has never had its own proper military body. Rather, it has relied on the willingness of the member states of prioritizing peace and stability above all. This illuminates how modern European states have somewhat overcome the fear of aggression, not only between EU member states, but also between EU countries and their closest bordering-neighbours. Non-aggression treaties are no longer necessary, as this assumption of non-belligerency among European countries has been taken for granted since the fall of the Iron Curtain. (Péter Balázs, 2014) This pursuit of common stability has been translated into cooperation agreements, as a major instrument to reinforce the bond between European countries. Trade has been the main promotor of these kind of pacts, and we majorly owe it Treaties such as the Schengen Agreement. The Schengen Area, operative since 1985, is the region that includes 26 European countries that have abolished passport and any other type of border control at their mutual borders. Thereby, Schengen mostly functions as a single country for international travel purposes, with a common visa policy. This Treaty is just an example of how current EU members collaborate even with other countries that don ́t belong to the Union (Switzerland, Norway, Sweden) to pursue European stability, and consequently to improve European security. Treaties such as the Schengen Agreement or the current controversial TTIP prove that the cooperation willingness goes beyond the borders of the current EU alliance. Thus, if the European Union happened to collapse, it is reasonable to believe that its former members will still try to pursue mutual aid in order to shortly restore the rules of policy-making after the dissolution of common European institutions. In brief, cooperation will be used as a major instrument to fight against uncertainty and to preserve European security. Even if not tied by the common EU subject, European countries are aware of the motto “United we stand, divided we fall” and will surely seek to develop a safe European chessboard for its inhabitants. We can base this hypothesis on the ongoing exit process of the United Kingdom from the EU, largely known as “Brexit”. Contrary to countless opinion polls before the referendum of the 23 of June, UK decided to leave the European Union. This decision brought a series of major concerns, whose core was the preservation of European and British security. Thus, the discussion of the situation of British expats and European citizens living and working in the UK immediately followed the result of the referendum. (Burton, 2016). Ensuring them minimum levels of political security has become the trendiest issue of discussion and, consequently, a priority in the exit process. (Faleg, 2016) Moreover, Brexit accounts for a learning by doing3 lesson. We will witness in the following months the results of the decisions taken both by the EU and the UK, but we can state in advance that securing the balance of governance and policy-making will be the main premises of the negotiating process. Consequently, we can extrapolate the current cooperative reaction of EU members towards Brexit and assume that they would follow a similar logic of procedure if the European Union finally happened to collapse. The assumptions of this pro-cooperation scenario are funded in liberalist arguments. (Verhofstadt, 2012). As liberalism is the main theory that inspired the creation of the European Union, it is reasonable to think that its potential dissolution will also follow the principles of liberalism. Thereby if the EU broke-up, former union members would be expected to cooperate not only to guarantee their own stability but also to ensure the development of solid and peaceful bonds with other European countries in order to safeguard prospective political relations. (Faleg, 2016)

# 2NC

## T

### AT: But Rule of Reason is a Rule—It uses the word “Rule” in its name

#### Rule of reason is a misnomer: its guidelines are standards not rules—they balance interests on a case by case basis and are not prohibitions

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

Any student of U.S. antitrust doctrine in the past half-century quickly learned that restraints of trade fall into two categories-(1) those that are per se illegal; and (2) those that require examination under the rule of reason.' 8 The rule of reason is, for present purposes, a misnomer, since it is theoretically at least more standard-like than rule-like.' 9 Under the classic Chicago Board of Trade20 formulation, conduct falling within the rule of reason must be examined under a wide range of criteria, including the structure of the relevant industry, the justifications for the restraint, and its effects on prices and output levels. On the other hand, conduct falling within the per se rule is absolutely prohibited. Antitrust doctrine curtails inquiry into the reasons for the conduct, the market power of the firm engaging in the conduct, and the desirability of the conduct from a consumer welfare perspective.2 '

#### The rule of reason is used *in place of* a per se prohibition, as a *distinct alternative*

De Vita 81 (Daniel F. De Vita-St. John's University, J.D., 1982. “The Facial Unreasonableness Theory: Filling the Void Per Se and Rule of Reason” , St. John’s Law Review, Number 4 Volume 55, Summer 1981, Number 4, <https://scholarship.law.stjohns.edu/cgi/viewcontent.cgi?article=2357&context=lawreview> , date accessed 9/13/21)

The Sylvania case represents the first clear attempt by the Supreme Court to limit application of the per se rule. In Sylvania, the defendant television manufacturer used restrictive franchise agreements to limit the locations in which its products could be sold by retailers.130 Although these agreements clearly were illegal under Schwinn because the manufacturer tried to exercise control over its products after title and risk of loss had passed to the buyer, the Supreme Court refused to hold such conduct presumptively violative of section 1 of the Act. 31 Rejecting the Ninth Circuit's attempt to distinguish Schwinn,13 2 the Court reconsidered the applicability of the per se standard to vertical restraints. 33 Noting at the outset that the per se rule should apply only to "manifestly anticompetitive" conduct, the Court assessed the competitive effects of nonprice vertical restrictions.' Notwithstanding that such restrictions reduce intrabrand competition, the Court noted that they tend to increase interbrand competition.'3 5 Thus, because these practices do not have a "pernicious effect on competition,"'3' the Court declined to apply the per se label137[[FOOTNOTE 137 BEGINS]] 137 Id. at 58-59. The Court noted that Schwinn's "per se rule for sale transactions reflected the view that vertical restrictions are 'so obviously destructive' of intrabrand competition that their use would 'open the door to exclusivity of outlets."' Id. at 52. Conversely, the continued application of the rule of reason to nonsale transactions "reflected the view that [vertical restrictions] have too great a potential for the promotion of interbrand competition to justify complete prohibition." Id. at 53. Reviewing the rationale underlying the Schwinn decision, the Sylvania Court was unable to find support for the sale-nonsale distinction. Id. at 54, 56. The Court concluded that the distinction drawn in Schwinn between sale and nonsale transactions is not sufficient to justify the application of the per se rule in one situation and the rule of reason in another. Id. at 57. [[FOOTNOTE 137 ENDS]] and held that the rule of reason is the proper standard by which the legality of vertical restraints is to be determined.138

## Adv 1

### 2NC---Thumper---Trade

#### It caused a durable retreat from globalization- not politically worthwhile

Farrell & Newman 20, \*Professor of Political Science and International Affairs at George Washington University, \*\*Professor at the Edmund A. Walsh School of Foreign Service and Government Department at Georgetown University. (Henry, Abraham, 3/16/20, “Will the Coronavirus End Globalization as We Know It?”, *Foreign Affairs*, https://www.foreignaffairs.com/articles/2020-03-16/will-coronavirus-end-globalization-we-know-it)

The result may be a shift in global politics. With the health and safety of their citizens at stake, countries may decide to block exports or seize critical supplies, even if doing so hurts their allies and neighbors. Such a retreat from globalization would make generosity an even more powerful tool of influence for states that can afford it. So far, the United States has not been a leader in the global response to the new coronavirus, and it has ceded at least some of that role to China. This pandemic is reshaping the geopolitics of globalization, but the United States isn’t adapting. Instead, it’s sick and hiding under the covers.

#### Collapses supply chains and liberal integration.

Farrell & Newman 20, \*Professor of Political Science and International Affairs at George Washington University, \*\*Professor at the Edmund A. Walsh School of Foreign Service and Government Department at Georgetown University. (Henry, Abraham, 3/16/20, “Will the Coronavirus End Globalization as We Know It?”, *Foreign Affairs*, https://www.foreignaffairs.com/articles/2020-03-16/will-coronavirus-end-globalization-we-know-it)

The new coronavirus is shaping up to be an enormous stress test for globalization. As critical supply chains break down, and nations hoard medical supplies and rush to limit travel, the crisis is forcing a major reevaluation of the interconnected global economy. Not only has globalization allowed for the rapid spread of contagious disease but it has fostered deep interdependence between firms and nations that makes them more vulnerable to unexpected shocks. Now, firms and nations alike are discovering just how vulnerable they are.

But the lesson of the new coronavirus is not that globalization failed. The lesson is that globalization is fragile, despite or even because of its benefits. For decades, individual firms’ relentless efforts to eliminate redundancy generated unprecedented wealth. But these efforts also reduced the amount of unused resources—what economists refer to as “slack”—in the global economy as a whole. In normal times, firms often see slack as a measure of idle, or even squandered, productive capacity. But too little slack makes the broader system brittle in times of crisis, eliminating critical fail-safes.

Lack of fail-safe manufacturing alternatives can cause supply chains to break down, as they have in some medical and health-related sectors as a result of the new coronavirus. Producers of vital medical supplies have been overwhelmed by a surge in global demand, pitting countries against one another in a competition for resources. The outcome has been a shift in power dynamics among major world economies, with those that are well prepared to combat the new virus either hoarding resources for themselves or assisting those that are not—and expanding their influence on the global stage as a result.

#### Aff does not solve prices- which outweigh

Cox 21, citing Joseph Brusuelas, chief economist at consulting firm RSM. (Jeff Cox, 7-14-2021, “The rapid growth the U.S. economy has seen is about to hit a wall”, *CNBC*, <https://www.cnbc.com/2021/07/23/the-rapid-growth-the-us-economy-has-seen-is-about-to-hit-a-wall.html>)

“The economy is facing supply constraints with residential investment likely a drag and the change in inventories remaining negative,” Bank of America U.S. economist Alexander Lin said in a note. “Looking ahead, this is likely the peak, with growth cooling in the coming quarters.”

Capital Economics forecasts a below-consensus 8% GDP figure for the second quarter, then a drop to 3.5% in the following period.

“With surging prices squeezing real incomes we suspect the pace of monthly growth will remain lackluster, setting the stage for a sharp slowdown in consumption and GDP growth in the third quarter,” wrote Paul Ashworth, chief North American economist at Capital Economics.

#### Other countries are still effected!

Cox 21, citing Joseph Brusuelas, chief economist at consulting firm RSM. (Jeff Cox, 7-14-2021, “The rapid growth the U.S. economy has seen is about to hit a wall”, *CNBC*, <https://www.cnbc.com/2021/07/23/the-rapid-growth-the-us-economy-has-seen-is-about-to-hit-a-wall.html>)

The pandemic is another wild card.

Cases of the delta variant are spiking in a handful of states, and health officials worry that the U.S. could face a surge like the one hitting some European and Asian countries. Few if any economists expect another wave of lockdowns or similar constraints in the U.S., but pressure from abroad could hit domestic growth.

“Export platforms like Vietnam are being locked down now,” Brusuelas said. “Vietnam is becoming a more important cog in the global supply chain, so we are watching that closely.

### 2NC- AT: Societal Collapse

#### ECS conflict won’t escalate

Bandow 16 - senior fellow at the Cato Institute.

Doug, Let Them Make Nukes, CATO, https://www.cato.org/publications/commentary/let-them-make-nukes

Moreover, many of the risks that Washington’s help is meant to fend off are fanciful. No one could really imagine a Chinese armada sailing into Tokyo Bay. And even if war did arise between Japan and China over the Senkaku/​Diaoyu Islands, it is unlikely that Washington would actually use nukes against China for such low stakes. The question of whether nuclear defense alliances are necessary begs another: Do they even work? Historically, deterrence often fails. Both World Wars featured defensive alliances that failed to prevent conflict. Instead, the military pacts expanded the conflicts.

### 2NC- !D---Innovation

#### Current innovations make the grid resilient against cyber attack and the environment

**Ross 20 –** (Mike Ross, P.E., AMSC Managing Director - Superconductor Power Systems. “AMSC's Resilient Electric Grid Now A Reality,” NARUC, 11/4/20. <https://www.naruc.org/bulletin/the-bulletin-11-4-2020/amsc-s-resilient-electric-grid-now-a-reality/> D.A. 3/26/2021)//mw

AMSC and ComEd previously entered into a commercial contract as part of the ongoing U.S. Department of Homeland Security (DHS) Science and Technology Directorate’s initiative to secure the nation’s electric grid against extreme weather and other catastrophic events. Utilizing AMSC’s Amperium® high temperature superconductor (HTS) wire and other sub-system design elements, REG systems were developed to provide capacity and resiliency in novel ways — by empowering urban power grids to network new and existing substations in a manner that had been unfeasible with traditional technologies. For the Chicago application, when portions of the grid are lost for any reason, be it aging equipment, cyber threats, or weather-related disasters; substations linked by distribution level voltage REG systems can transfer transmission level power to provide extra capacity and redundancy, which would normally require large and expensive transmission infrastructure and the associated difficulties implementing them in a tight urban environment. AMSC’s project in Chicago is a fine example of a typical REG system application. The Chicago Central Business District is one of the most important economic centers in the United States. This critical electric grid meets all applicable reliability standards but is nonetheless vulnerable to disruptions caused by failing equipment, man-made attacks or catastrophic events. Improving the resilience of the grid in that dense urban center, like other major cities, is inherently difficult because of space, permitting requirements and other engineering constraints. Superconducting technology provides a new solution for this problem – allowing installation of bulk-power backbone facilities with a compact footprint that operate at low voltage. In short, REG systems limit the need for the additional grid infrastructure typically required to achieve greater capacity and resiliency, which in turn mitigates cost, land acquisition, permitting, and environmental impact tremendously. REG systems may replace oil-filled and gas-insulated technologies, further reducing environmental risks. While there are environmentally friendly and security-enhancing benefits to REG system installation, they’re also built into its design; all aspects use environmentally friendly materials, dielectrics and coolants (in particular, Liquid Nitrogen); among other security features, REG systems utilize no software aside from monitoring systems and are generally not susceptible to cyber attack. Engineering work for Chicago’s first REG system project began in 2019 and AMSC is on schedule to deliver the REG project hardware in 2020. The REG system is expected to be operational in the spring of 2021. On May 28, 2019, the Federal Energy Regulatory Commission (FERC) of the United States approved a first-of-its-kind rate base cost recovery method for Chicago’s two-part REG system installation, stating that while the system is at distribution voltages it provides transmission-level functionality and can be treated as a transmission asset for cost recovery purposes. This further reduces financial risk for utility customers, and provides precedent for attractive cost recovery for REG system installations.

#### 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?

#### The grid could survive a nuke.

Cash 19, staff writer at NRECA. (Cathy, 4-30-2019, "Report: Electromagnetic Pulse Would Not Have Widespread Impact on Electric Grid", *NRECA*, https://www.electric.coop/report-electromagnetic-pulse-would-not-have-widespread-impact-on-electric-grid)

The U.S. electric transmission system would largely survive a high-altitude electromagnetic pulse event caused by a nuclear warhead atmospheric explosion, an intensive investigation by the Electric Power Research Institute has found.

EPRI released its three-year study, “High-Altitude Electromagnetic Pulse (EMP) and the Bulk Power System—Potential Impacts and Mitigation Strategies,” on April 30.

Researchers conducted laboratory testing and analysis to determine the effect on the transmission grid from an EMP triggered by the unlikely event of a nuclear warhead detonated approximately 30 kilometers—about 18 miles—above Earth’s surface.

An EMP is a series of fast-moving waves of electromagnetic energy that can damage or destroy electronic components and equipment and also possibly result in voltage stability challenges and high-voltage transformer damage.

There are concerns that an EMP triggered at the right altitude could bring down the U.S. transmission grid as well as other critical infrastructures like telecommunications, emergency services and hospitals.

But EPRI’s study found that, while direct exposure to the initial pulse could damage or disrupt some transmission electronics, existing resiliency built into the grid would likely prevent catastrophic failure. Recovery from an EMP would be similar to that from other large-scale power outages, EPRI said.

“An EMP is an extremely unlikely event, but one that the electric industry needs to clearly understand and ensure that cost-effective potential mitigation measures do not result in unintended consequences or impacts,” said NRECA CEO Jim Matheson. “This comprehensive study by EPRI will be a vital tool in that process.”

### 2NC---!D---Warming Migration

#### No casual connection between climate migration and war.

Busby 18, Associate Professor of Public Affairs at the University of Texas, Austin. (Joshua, 3/19/18, "The State of the Field in Climate and Security", *Climate and Conflict*, https://blogs.prio.org/ClimateAndConflict/2018/03/the-state-of-the-field-in-climate-and-security/)

Migration

A third underexplored pathway is migration with early empirical work in this space by Koubi et. al and John O’Loughlin. Most of this work is inconclusive. We have good studies by Salehyan/Gleditisch that suggest that migration can bring newcomers into conflict with long-time residents over limited resources and government programs, potentially leading to conflict as conflicts spillover to neighboring polities. Early theorizing by Clionadh Raleigh et al. suggested environmental migrants, to the extent this is an identifiable category, might be different from refugees. They argued that many environmental migrants’ movements are likely to be temporary; moreover, their departures might be seen as forced by acts of nature, making them more sympathetic to receiving locations. Moreover, environmental migrants might be so vulnerable that they are less likely to engage in violence.

When we think about specific cases, migration was certainly touted as a driver of conflict in the Syria civil war, though I would argue that this still hasn’t been nailed down. Did the migrants engage in conflict? Did conflict start in response to scarcity pressures made worse by migrants? This is an area that is really hard to study, but we have to be careful about casually connecting migration to conflict.

#### Warming’s not a threat multiplier, and no draw in.

Stewart 20, Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at The University of Newcastle in Australia. (Mark G., 6-10-2020, "Climate Change and National Security: Balancing the Costs and Benefits", *Cato Institute*, https://www.cato.org/publications/climate-change-national-security-balancing-costs-benefits)

Regional Instability

It is argued that an increased likelihood of droughts, floods, famine, disease, loss of habitable land, damage to housing and infrastructure, and other large‐​scale natural and humanitarian disasters will place additional stress on communities and governments. If climate projections are accurate, that increased stress could be a “threat multiplier,” leading to “widespread political instability” and “failed states,” while fostering “the conditions for internal conflicts, extremism, and movement toward authoritarianism and radical ideologies.” It is maintained that the logical outcomes of those dire scenarios mean “the U.S. may be drawn more frequently into these situations … to help provide stability before conditions worsen and are exploited by extremists” and “the U.S. and Europe may experience mounting pressure to accept large numbers of immigrant and refugee populations.”53

Retired Admiral T. Joseph Lopez gloomily predicts that “climate change will provide the conditions that will extend the war on terror.”54 That prediction, of course, assumes business as usual with no efforts to mitigate CO2 emissions, to implement climate adaptation strategies, to develop new technologies, or to achieve improvements in wealth creation and human capital. It also assumes that terrorism thrives in “failed states.” Although that conclusion is true in some cases, a 2008 Congressional Research Service report finds the opposite also holds true: “Terrorists have been known to exploit safe havens in non‐​weak as well as weak states. The Political Instability Task Force, a research group commissioned by the Central Intelligence Agency, found in a 2003 report that terrorists operate in both ‘caves’ (i.e., failed states, where militant groups can exist with impunity) and ‘condos’ (i.e., states that have the infrastructure to support the international flow of illicit people, funds, and information).”55

Moreover, after the costly enterprises in Iraq and Afghanistan, the United States and its allies will likely resist the temptation to get drawn into peacekeeping and stabilization missions to rescue “failed states.” As former secretaries of state Henry A. Kissinger and James A. Baker III attested in 2011: “We cannot be the world’s policeman. We cannot use military force to meet every humanitarian challenge that may arise.”56 Moreover, other foreign policy levers—such as financial aid for transformational development, civilian stabilization, and reconstruction assistance; the fragile states strategy of the U.S. Agency for International Development; and military, police, and counterterrorism assistance57—will typically produce better outcomes than direct military intervention.

## Adv 2

### 2NC- AT: Trade

#### Free trade is dead.

Alden 21, \*Edward Alden is an American journalist, author, and the Bernard L. Schwartz senior fellow at the Council on Foreign Relations; (July 20th, 2021, “Free Trade Is Dead. Risky Managed Trade Is Here”, https://foreignpolicy.com/2021/07/20/free-trade-dead-managed-carbon-border-tax-climate-tariffs-trade-war-protectionism-esg-biden-trump-eu-china/)

But the nondiscrimination principle is now under the most sustained assault it has ever faced. On issues from national security to labor rights to the environment, the world’s largest economies are deciding that nondiscrimination—the bedrock principle of free trade and globalization—must take a back seat to more pressing concerns. The most dramatic abandonment is about to hit: Last week, the European Union unveiled its “[Fit for 55](https://www.forbes.com/sites/siladityaray/2021/07/14/fit-for-55-heres-what-to-expect-as-the-eu-unveils-its-ambitious-new-climate-legislation/?sh=453215bb5ad6)” plan to reduce carbon emissions by 55 percent from 1990 levels by the end of this decade and to reach carbon neutrality by 2050—which will require the most sustained economic upheaval since the Industrial Revolution. Central to the EU’s plan is a carbon border tax, under which Europe plans to charge higher tariffs on imports of products made in ways that generate higher emissions than European producers will be permitted to generate for the same goods. The scheme will start by targeting carbon-intensive sectors such as concrete, steel, aluminum, and fertilizer. The U.S. Congress is developing a similar plan to [tax carbon-intensive imports](https://www.nytimes.com/2021/07/14/climate/border-carbon-tax-united-states.html) as part of the coming budget reconciliation package—although the details are still murky. Other new trade restrictions being imposed or considered on both sides of the Atlantic Ocean are based on compliance with labor protections, human rights, and other criteria. For many traded goods, nondiscrimination will become a quaint relic.

Most of these measures are eminently defensible, perhaps even critically necessary, but together, they are leading to an increasingly balkanized global economy—one divided by ideology, social values, and environmental commitments. It will be a less efficient world, one in which companies will need to tailor both investments and production decisions to the values of the countries they wish to sell to. And it will cause more economic conflict. The more these exceptions to the principle of nondiscrimination become entrenched, the easier it becomes to expand those exceptions in the future. As the world moves down this road to closely managed trade, it will need to step cautiously to avoid going too far—and slide back into damaging protectionism.

The dilemma is the line between legitimate humanitarianism or environmentalism and selfish protectionism can be vanishingly thin.

Nondiscrimination has been the foundation of global trade since the 1947 creation of the General Agreement on Tariffs and Trade (GATT), the forerunner of the World Trade Organization (WTO). [Article 1.1 of the GATT agreement](https://www.wto.org/english/docs_e/legal_e/gatt47_01_e.htm)—the founding constitution for modern trade—directs that “any advantage, favour, privilege or immunity” given to the products of any GATT member “shall be accorded immediately and unconditionally” to the same products from any other member. In those years, of course, much of the world remained outside the system, in particular the Soviet bloc of communist countries; China withdrew in 1950. But for GATT members, which, by the mid-1990s, included most of the world, there were very few exceptions to nondiscrimination. Having learned from the wreckage of the 1930s, when high tariff walls killed off much of the world’s trade and deepened the global depression, the founders of the GATT wanted nondiscrimination to be a largely inviolate principle, a bulwark against the descent back into senseless trade wars.

Unfortunately, the exceptions were still large enough to erode that bedrock commitment. Decades of preferential trade agreements and regional trade zones, from the original European Community to the North American Free Trade Agreement (NAFTA) and beyond, offered favorable treatment for countries inside those arrangements at the expense of nonmembers. Some of these arrangements gave preferences to certain outside countries but not others—for decades, the European Community gave special privileges to France’s former colonies. Mexico’s proximity to the large U.S. consumer market and its special access under NAFTA turned it into a manufacturing powerhouse. The GATT system also permits countries to slap tariffs on goods deemed “unfairly traded” due to government subsidies or predatory pricing. Many global steelmakers especially have faced such duties for decades. Critics argue “unfair” and “predatory” can be squishy criteria, subjectively applied to ward off competition.

Recently, these exceptions have mushroomed. Former U.S. President Donald Trump cited national security—[a narrow but permitted GATT exception](https://www.cato.org/policy-analysis/closing-pandoras-box-growing-abuse-national-security-rationale-restricting-trade)—to raise taxes on imports of steel and aluminum from some countries. U.S. President Joe Biden is making similar arguments when he insists goods like semiconductors, advanced electric batteries, pharmaceuticals, and critical minerals [be produced primarily in the United States](https://foreignpolicy.com/2021/06/18/biden-bidenomics-economy-america-first-trump-trade-supply-chains-industrial-policy-china-reshoring-protectionism/). Washington has threatened to block goods deemed environmentally damaging and is currently pursuing a case against Vietnam over its exports of furniture and other wood products made from timber alleged to have been [illegally harvested](https://crsreports.congress.gov/product/pdf/IF/IF11683). The European Union, the United States, Britain, and Canada recently imposed trade sanctions targeted at imports from China’s Xinjiang region to protest Beijing’s treatment of the region’s Uyghur Muslims.

Each exception to the nondiscrimination principle has many defenders. No country, quite reasonably, would let its desire for open global trade threaten its national security. Defenders of U.S. trade restrictions on China argue China’s admission to the WTO and the explosion in trade and investment that followed allowed Beijing to grow richer and advance technologically to the point that it poses a significant security threat. A correction was long overdue. Countries, quite understandably, want their economic policies to reflect their values—who would now argue that trade policies should be blind to deforestation in the Amazon or the exploitation of workers? And climate change is now an existential threat to the planet.

The dilemma with each of these measures is the line between legitimate humanitarianism or environmentalism and selfish protectionism can be vanishingly thin. The goals of the EU carbon tax are twofold. First, to encourage other countries to make similarly ambitious climate commitments by threatening the loss of European market access while also equalizing competitive conditions for the EU producers who will pay higher costs for switching to clean energy. The latter goal is dauntingly complex. The EU fears what it calls “carbon leakage,” in which companies would increasingly abandon the EU and shift production abroad to take advantage of looser rules in other countries. The new border tax is intended to “[equalise the price of carbon](https://ec.europa.eu/commission/presscorner/detail/en/qanda_21_3661) between domestic products and imports.”

The EU has worked hard to try to ensure the new mechanism does not violate WTO rules, but implementation will be messy at best. The means for assessing the carbon content of imports remain unclear, and EU firms are certain to lobby for the highest possible tariffs to protect their competitive edge. In the United States, which has not set a domestic price for carbon, the danger of protectionist discrimination through import tariffs may be even higher. It’s easy to imagine the next step: Targeted countries and companies will complain they’re being treated unfairly, retaliatory tariffs will ensue, and a trade conflict will start that will be difficult to control given the intensity of the societal and political convictions involved.

The same dynamics are in play on other measures, such as labor rights. For decades, U.S. administrations have pushed for tougher labor standards in trade agreements, partly motivated by the desire to see working conditions improve abroad but mostly in response to domestic labor unions that fear being undercut by cheaper foreign workers. The debate over whether lower wages are an integral part of the competitive advantage of developing economies or a pernicious feature of a global race to the bottom remains unresolved. But the advanced economies have become more aggressive in blocking imports over labor rights. The new United States-Mexico-Canada Agreement, for example, allows for [import tariffs to be targeted](https://crsreports.congress.gov/product/pdf/IF/IF11308) at a single company’s products if that company is deemed to be wrongly impeding union organizing.

There is much to support in all of this. For too long, trade has been blind to most values other than maximizing wealth and corporate profits. However important the pursuit of profit has been in lifting hundreds of millions of people out of misery and destitution in the developing world, there are other values that matter as much, not least the survival of the planet in the face of climate change.

As the world enters a new era of closely managed trade, countries must ensure enlightened discrimination does not become a cover for ruinous protectionism.

But as they abandon the old trade order in pursuit of these laudable goals, the EU and the United States, in particular, would be wise to remind themselves repeatedly of another standard enshrined in the WTO: the “less trade-restrictive” principle. Trade negotiators have grappled for decades with the trade implications of national regulations designed to protect human health and safety, from car crash testing standards to drug and food quality regulations. Such regulations are the proper sovereign authority of nations—but they’re also easily abused to keep out foreign competition or applied for political reasons alone, such as Europe’s fears of certain U.S. food exports.

The compromise has been that while countries must be free to take regulatory measures to protect their people, those measures “[shall not be more trade-restrictive](https://www.wto.org/english/tratop_e/tbt_e/tbt_info_e.htm) than necessary to fulfill the legitimate objective.” A series of WTO dispute cases in the 1990s on issues like U.S. air quality standards for gasoline and the U.S. requirement that the fishing industry protect sea turtles provided sensible standards. The panels in those cases found that although such environmental measures were legitimate under trade rules, they must be implemented in an even-handed way that does not disproportionately harm foreign countries, and those countries must be given time to adapt to the new rules. The panels called for negotiated compromises to resolve disagreements wherever possible.

Although weaker, to be sure, a commitment to less trade-restrictive responses and compromises would provide some needed guardrails against sliding down the proverbial slippery slope. As the world enters a new era of closely managed trade, countries must ensure enlightened discrimination does not become a cover for ruinous protectionism.

#### Countries are being more restrictive than ever.

EY Global 21, Ernst & Young Global Ltd., a multinational professional services network with headquarters in London, England. (September 23rd, 2021, “Why pandemic-induced trade protectionism will affect tax for years”, https://www.ey.com/en\_gl/tax/why-pandemic-induced-trade-protectionism-will-affect-tax-for-years)

To be sure, the COVID-19 pandemic itself didn’t usher in a protectionist era –  countries had already begun to prioritize looking after their own before the days of social distancing.

The movement toward trade protectionism actually dates to the global financial crisis of 2008 and reflects a number of factors, including increasing levels of economic nationalism, rising disappointment with the effects of globalization, and the increasing role of populism in politics. Which all suggests that a return to more liberal trade may be no simple prospect. “It would be misleading to say the pandemic sparked this trend and that the end of the pandemic might change it,” says Sally Jones, EY UK Trade Strategy and Brexit Leader. “The whole model is moving more and more toward protectionism, and has been for 10 to 15 years.”

Jones points to a variety of sources, including the OECD’s Services Trade Restrictiveness Index1 and the IMF’s World Uncertainty Index2, which show a steady increase in state interventions since 2008.

According to the state interventions per year index3, between 2009 and 2021, the US implemented 399 liberalizing interventions, but 2,647 restrictive ones. Jones says this pattern is replicated across the board; China brought in 2,957 restrictive interventions; Germany: 1,993; Italy: 891.

“Every country you look at has put in more interventions restrictive to global trade than liberal ones,” Jones explains.

Out of the bag

Protectionism could be here to stay, at least for a while. Governments around the world are facing a catalog of urgent challenges, including, but certainly not limited to, climate change and the drive to raise revenue to pay for the pandemic recovery. So they may not rush to put these protectionist tools, tariffs and regulations, back in the box.

“Politicians now have this hammer, and they may start looking for nails,” says Marc Bunch, EY UK Global Trade Leader. “Actions such as prohibiting exports are understandable when used in a public health crisis for a very specific, temporary reason, or for other valid reasons like sustainability. But they may also seek to use them for some old-school mercantilism, to prevent specific exports or imports. You’ll certainly see it in the agri-food sector, bringing in rules around product origins. And that will spark retaliatory behavior.”

Indeed, the issue here is that trade tends to be tied inextricably to geopolitics. Trade is triggering geopolitical incidents, as with the US-China trade dispute that escalated under former President Trump, with the unilateral Section 301 tariffs placed on China. Trade is also used as a counter measure when a geopolitical issue flares up independently – as when China put substantial tariffs on Australian beef and wine after Australia criticized certain domestic Chinese policies.5

Such matters can influence the shape of globalization.

“With Trump, you saw a change in China’s behavior, for the first time in many years,” says Bunch. “His actions appeared successful, at least in the short-term, in winning some of these trade disputes. And that may lead other policymakers to look at it and rethink their actions.”

#### Divergent climate policies alt cause

Hufbauer 21, \*Gary Clyde Hufbauer, nonresident senior fellow at the Peterson Institute, was the Institute's Reginald Jones Senior Fellow from 1992 to January 2018. He was previously the Maurice Greenberg Chair and Director of Studies at the Council on Foreign Relations (1996–98), the Marcus Wallenberg Professor of International Finance Diplomacy at Georgetown University (1985–92), senior fellow at the Institute (1981–85), deputy director of the International Law Institute at Georgetown University (1979–81); deputy assistant secretary for international trade and investment policy of the US Treasury (1977–79); and director of the international tax staff at the Treasury (1974–76). (August 30th, 2021, “Divergent climate change policies among countries could spark a trade war. The WTO should step in.”, https://www.piie.com/blogs/trade-and-investment-policy-watch/divergent-climate-change-policies-among-countries-could)

Two months before the next big United Nations climate conference in November, the three biggest greenhouse gas emitters—the United States, Europe, and China—are at loggerheads over how to reduce reliance on fossil fuels without excessively disadvantaging their own economies. Their confrontation is based on fears that if each country or region takes tough steps on climate change, the other two players will take unfair advantage in the arena of international trade.

DIFFERENT CARBON LIMITATION POLICIES

The United States, China, and Europe have committed themselves to raising the penalty for carbon emissions but at different speeds and with different coverage and approaches. Raising the carbon penalty, through taxes, trading systems, or regulations will inevitably make home-produced goods and services more expensive. The fear therefore is that nations with less ambitious efforts will export goods that are cheaper because their penalties are less costly. This fear, in turn, inspires concern in other countries that their exports will be unfairly penalized by protectionist measures. For example, Europe is now threatening a new array of carbon tariffs, while the United States and China are threatening to retaliate. These threats could lead to an escalation of protectionist actions that would undermine the world trading system.

One possible solution to this problem may be to bring in the World Trade Organization (WTO) to adjudicate differences while preserving momentum for tackling carbon emissions. Time is running out if the climate change agenda goals are to be met. The meeting of the 26th UN Climate Change Conference of the Parties (COP26), starting November 1 in Glasgow, will provide a test of whether these competing interests can be reconciled.

Both the European Union and the United States have released border tax proposals as part of their green initiatives. The primary purpose of border adjustments is to prevent "carbon leakage"—shorthand for the risk that high-carbon imported goods, paying little or no carbon fees, will take market share from low-carbon fee-paying domestic firms, thereby defeating the effort to reduce global emissions while harming the domestic industry. But border tax proposals are controversial for two reasons: First, trading partners fear disguised protection that violates WTO rules; second, many observers believe that the proposals, if implemented, will provoke opposition and obstruct cooperative action to reduce global emissions.

### 2NC- AT: EU

#### Complexity tanks it

**Hart 19**. (Tom Hart – Top Politics Writer @ Medium. Citing Joseph Tainter – PhD in Anthropology from Northwestern. <KEN> "Geopolitics | The European Union will collapse," Medium. January 17, 2019. DOA: 3/23/2019. <https://medium.com/@TXHart/geopolitical-analysis-the-european-union-will-collapse-3cabe6f5d2db>)

Joseph Tainter, writing in The Collapse of Complex Societies (1988), observes that collapse in political entities as diverse as the Roman and Mayan Empires occurred as a rational response to declining marginal returns associated with complexity. Tainter says that a fall to a lower level of complexity marks a recognition that the costs of continued investment and expansion are likely to lead to very small returns, or possibly even negative returns. In the early years of complexity, investments offer ample returns on even relatively modest outgoings. A legion setting out from Rome at the beginning of the empire could reasonably hope to return with booty worth much more than the cost of the expedition. In addition, soldiers were rewarded with land in the areas they conquered, and in the empire’s early stages a campaign was sure to generate surplus conquered land to farms for the legionaries. In mature and dying complexities, marginal investment returns are poor. The Roman legions in the late empire could not expect much booty in return for campaigning – perhaps they were fighting marauding barbarians with little finery to plunder. With campaigns taking on a defensive character and the limits of conquerable lands reached, the empire couldn’t promise every solider in the legion a plot of land. Eventually, the whole cost of raising a legion in the first place wasn’t worth it at all. We see a similar pattern in today’s pharmaceutical industry. During the 1950s and 1960s there was a rush of new drugs ranging from different antibiotics to chemotherapy drugs to psychedelics. This represented a very healthy return on investment filtered through complexity. New discoveries and technologies, such as penicillin, were coming on stream, and large multinational corporations could develop, market, and enhance these new drugs into a myriad of treatments. In recent decades, drug companies spend more and more money to develop fewer drugs – even though the companies remain as complex, if not more so, as in the 1950s and 1960s. Their complexity is becoming harder to justify, given the falling returns. These complex units of organisation will eventually do the rational thing: collapse back into simpler forms of organisation. A collapse is not a fallback, says Tainter, to some primordial chaos – rather it is simply a return to a more basic form of organisation. In other words, do not be too alarmed by the term “collapse” in this context. I do not mean to say there will be looting in the streets of Madrid or Rome (though Paris, with the gilets jaunes, seems to have already achieved this – perhaps there will be some disturbance). Tainter notes that there are two exceptions to the marginal return rule. One exception occurs when multiple societies are competing against each other and stand to lose out against each other. In these conditions, states or empires will continue to invest in complexity, even if marginal returns are negative, in order to maintain parity with their rivals. If one state abandons the competition by collapsing, then all of these states will collapse to a lower level of organisation in turn. The other exception occurs in the case of two rival states or empires. In this case, the decline of one complex society merely leads its complexity to be replaced by another complexity. This is aptly demonstrated by the case of Byzantium, which never fell as the Western Roman Empire did. Instead, she succumbed to a rival Islamic civilisation that continued Byzantium’s complexity in a new form. The European Union, a multi-national trade bloc tied together by a single currency, is a more complex entity than the United Kingdom. The UK and several other states within the EU could be said to be maintaining a stake in a complex society despite poor marginal returns for fear that they would lose out to other states if the wider complex system collapsed. There is no rival complexity to the EU to take over if the EU collapses. The next most organised complexity is probably Russia, but she is too distant and weak to be a real threat or rival complexity. The EU is, therefore, more like a group of rival states maintaining complexity – despite poor marginal returns – out of competition with each other. Therefore, a fall in the level of complexity in the EU will be more analogous to the fall of the Roman Empire, not the fall of Byzantium. In line with Tainter’s thought, the withdrawal of one state from competition with others will lead to a cascade effect where other states will abandon their poor marginal returns and fall down to a lower level. It is seems likely, therefore, that the departure of the UK will mark a falling down to a lower level of complexity for other states in the EU, since the UK is effectively ending an inefficient level of complexity. Those states with the least to gain from the EU – Italy, Greece, and France – will probably follow the UK in the first wave of collapse. This will, according to commentators, defy political and economic sense. Yet, from Tainter’s perspective, a series of withdrawals makes perfect sense – if your rivals will not maintain their diminishing returns from investing in complexity then why should you?

### 2NC- AT: Impacts

#### No extinction from disease.

Barratt 17, PhD in Pure Mathematics, Lecturer in Mathematics at Oxford, Research Associate at the Future of Humanity Institute. (Owen Cotton-Barratt et al, “Existential Risk: Diplomacy and Governance”, pg. 9, <https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf>)

1.1.3 Engineered pandemics

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

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

# 1NR

## DA---FTC

### 1NR---Turns Case

#### Successful attacks cause retaliation, collapse the economy, and overwhelm aff solvency

Roth and Bunn, 17 - Roth, research associate at the Belfer Center’s Project on Managing the Atom at Harvard University and research fellow at the Center for International and Security Studies at the University of Maryland; Bunn, professor of practice at the Harvard Kennedy School (Nickolas Roth and Matthew Bunn, "The effects of a single terrorist nuclear bomb," *Bulletin of the Atomic Scientists*, 9-28-2017, http://thebulletin.org/effects-single-terrorist-nuclear-bomb11150)

The escalating threats between North Korea and the United States make it easy to forget the “nuclear nightmare,” as former US Secretary of Defense William J. Perry put it, that could result even from the use of just a single terrorist nuclear bomb in the heart of a major city.

At the risk of repeating the vast literature on the tragedies of Hiroshima and Nagasaki—and the substantial literature surrounding nuclear tests and simulations since then—we attempt to spell out here the likely consequences of the explosion of a single terrorist nuclear bomb on a major city, and its subsequent ripple effects on the rest of the planet. Depending on where and when it was detonated, the blast, fire, initial radiation, and long-term radioactive fallout from such a bomb could leave the heart of a major city a smoldering radioactive ruin, killing tens or hundreds of thousands of people and wounding hundreds of thousands more. Vast areas would have to be evacuated and might be uninhabitable for years. Economic, political, and social aftershocks would ripple throughout the world. A single terrorist nuclear bomb would change history. The country attacked—and the world—would never be the same. The idea of terrorists accomplishing such a thing is, unfortunately, not out of the question; it is far easier to make a crude, unsafe, unreliable nuclear explosive that might fit in the back of a truck than it is to make a safe, reliable weapon of known yield that can be delivered by missile or combat aircraft. Numerous government studies have concluded that it is plausible that a sophisticated terrorist group could make a crude bomb if they got the needed nuclear material. And in the last quarter century, there have been some 20 seizures of stolen, weapons-usable nuclear material, and at least two terrorist groups have made significant efforts to acquire nuclear bombs. Terrorist use of an actual nuclear bomb is a low-probability event—but the immensity of the consequences means that even a small chance is enough to justify an intensive effort to reduce the risk. Fortunately, since the early 1990s, countries around the world have significantly reduced the danger—but it remains very real, and there is more to do to ensure this nightmare never becomes reality. Brighter than a thousand suns. Imagine a crude terrorist nuclear bomb—containing a chunk of highly enriched uranium just under the size of a regulation bowling ball, or a much smaller chunk of plutonium—suddenly detonating inside a delivery van parked in the heart of a major city. Such a terrorist bomb would release as much as 10 kilotons of explosive energy, or the equivalent of 10,000 tons of conventional explosives, a volume of explosives large enough to fill all the cars of a mile-long train. In a millionth of a second, all of that energy would be released inside that small ball of nuclear material, creating temperatures and pressures as high as those at the center of the sun. That furious energy would explode outward, releasing its energy in three main ways: a powerful blast wave; intense heat; and deadly radiation. The ball would expand almost instantly into a fireball the width of four football fields, incinerating essentially everything and everyone within. The heated fireball would rise, sucking in air from below and expanding above, creating the mushroom cloud that has become the symbol of the terror of the nuclear age. The ionized plasma in the fireball would create a localized electromagnetic pulse more powerful than lightning, shorting out communications and electronics nearby—though most would be destroyed by the bomb’s other effects in any case. (Estimates of heat, blast, and radiation effects in this article are drawn primarily from Alex Wellerstein’s “Nukemap,” which itself comes from declassified US government data, such as the 660-page government textbook The Effects of Nuclear Weapons.) At the instant of its detonation, the bomb would also release an intense burst of gamma and neutron radiation which would be lethal for nearly everyone directly exposed within about two-thirds of a mile from the center of the blast. (Those who happened to be shielded by being inside, or having buildings between them and the bomb, would be partly protected—in some cases, reducing their doses by ten times or more.) The nuclear flash from the heat of the fireball would radiate in both visible light and the infrared; it would be “brighter than a thousand suns,” in the words of the title of a book describing the development of nuclear weapons—adapting a phrase from the Hindu epic the Bhagavad-Gita. Anyone who looked directly at the blast would be blinded. The heat from the fireball would ignite fires and horribly burn everyone exposed outside at distances of nearly a mile away. (In the Nagasaki Atomic Bomb Museum, visitors gaze in horror at the bones of a human hand embedded in glass melted by the bomb.) No one has burned a city on that scale in the decades since World War II, so it is difficult to predict the full extent of the fire damage that would occur from the explosion of a nuclear bomb in one of today’s cities. Modern glass, steel, and concrete buildings would presumably be less flammable than the wood-and-rice-paper housing of Hiroshima or Nagasaki in the 1940s—but many questions remain, including exactly how thousands of broken gas lines might contribute to fire damage (as they did in Dresden during World War II). On 9/11, the buildings of the World Trade Center proved to be much more vulnerable to fire damage than had been expected. Ultimately, even a crude terrorist nuclear bomb would carry the possibility that the countless fires touched off by the explosion would coalesce into a devastating firestorm, as occurred at Hiroshima. In a firestorm, the rising column of hot air from the massive fire sucks in the air from all around, creating hurricane-force winds; everything flammable and everything alive within the firestorm would be consumed. The fires and the dust from the blast would make it extremely difficult for either rescuers or survivors to see. The explosion would create a powerful blast wave rushing out in every direction. For more than a quarter-mile all around the blast, the pulse of pressure would be over 20 pounds per square inch above atmospheric pressure (known as “overpressure”), destroying or severely damaging even sturdy buildings. The combination of blast, heat, and radiation would kill virtually everyone in this zone. The blast would be accompanied by winds of many hundreds of miles per hour. The damage from the explosion would extend far beyond this inner zone of almost total death. Out to more than half a mile, the blast would be strong enough to collapse most residential buildings and create a serious danger that office buildings would topple over, killing those inside and those in the path of the rubble. (On the other hand, the office towers of a modern city would tend to block the blast wave in some areas, providing partial protection from the blast, as well as from the heat and radiation.) In that zone, almost anything made of wood would be destroyed: Roofs would cave in, windows would shatter, gas lines would rupture. Telephone poles, street lamps, and utility lines would be severely damaged. Many roads would be blocked by mountains of wreckage. In this zone, many people would be killed or injured in building collapses, or trapped under the rubble; many more would be burned, blinded, or injured by flying debris. In many cases, their charred skin would become ragged and fall off in sheets. The effects of the detonation would act in deadly synergy. The smashed materials of buildings broken by the blast would be far easier for the fires to ignite than intact structures. The effects of radiation would make it far more difficult for burned and injured people to recover. The combination of burns, radiation, and physical injuries would cause far more death and suffering than any one of them would alone. The silent killer. The bomb’s immediate effects would be followed by a slow, lingering killer: radioactive fallout. A bomb detonated at ground level would dig a huge crater, hurling tons of earth and debris thousands of feet into the sky. Sucked into the rising fireball, these particles would mix with the radioactive remainders of the bomb, and over the next few hours or days, the debris would rain down for miles downwind. Depending on weather and wind patterns, the fallout could actually be deadlier and make a far larger area unusable than the blast itself. Acute radiation sickness from the initial radiation pulse and the fallout would likely affect tens of thousands of people. Depending on the dose, they might suffer from vomiting, watery diarrhea, fever, sores, loss of hair, and bone marrow depletion. Some would survive; some would die within days; some would take months to die. Cancer rates among the survivors would rise. Women would be more vulnerable than men—children and infants especially so. Much of the radiation from a nuclear blast is short-lived; radiation levels even a few days after the blast would be far below those in the first hours. For those not killed or terribly wounded by the initial explosion, the best advice would be to take shelter in a basement for at least several days. But many would be too terrified to stay. Thousands of panic-stricken people might receive deadly doses of radiation as they fled from their homes. Some of the radiation will be longer-lived; areas most severely affected would have to be abandoned for many years after the attack. The combination of radioactive fallout and the devastation of nearly all life-sustaining infrastructure over a vast area would mean that hundreds of thousands of people would have to evacuate. Ambulances to nowhere. The explosion would also destroy much of the city’s ability to respond. Hospitals would be leveled, doctors and nurses killed and wounded, ambulances destroyed. (In Hiroshima, 42 of 45 hospitals were destroyed or severely damaged, and 270 of 300 doctors were killed.) Resources that survived outside the zone of destruction would be utterly overwhelmed. Hospitals have no ability to cope with tens or hundreds of thousands of terribly burned and injured people all at once; the United States, for example, has 1,760 burn beds in hospitals nationwide, of which a third are available on any given day. And the problem would not be limited to hospitals; firefighters, for example, would have little ability to cope with thousands of fires raging out of control at once. Fire stations and equipment would be destroyed in the affected area, and firemen killed, along with police and other emergency responders. Some of the first responders may become casualties themselves, from radioactive fallout, fire, and collapsing buildings. Over much of the affected area, communications would be destroyed, by both the physical effects and the electromagnetic pulse from the explosion. Better preparation for such a disaster could save thousands of lives—but ultimately, there is no way any city can genuinely be prepared for a catastrophe on such a historic scale, occurring in a flash, with zero warning. Rescue and recovery attempts would be impeded by the destruction of most of the needed personnel and equipment, and by fire, debris, radiation, fear, lack of communications, and the immense scale of the disaster. The US military and the national guard could provide critically important capabilities—but federal plans assume that “no significant federal response” would be available for 24-to-72 hours. Many of those burned and injured would wait in vain for help, food, or water, perhaps for days. The scale of death and suffering. How many would die in such an event, and how many would be terribly wounded, would depend on where and when the bomb was detonated, what the weather conditions were at the time, how successful the response was in helping the wounded survivors, and more. Many estimates of casualties are based on census data, which reflect where people sleep at night; if the attack occurred in the middle of a workday, the numbers of people crowded into the office towers at the heart of many modern cities would be far higher. The daytime population of Manhattan, for example, is roughly twice its nighttime population; in Midtown on a typical workday, there are an estimated 980,000 people per square mile. A 10-kiloton weapon detonated there might well kill half a million people—not counting those who might die of radiation sickness from the fallout. (These effects were analyzed in great detail in the Rand Corporation’s Considering the Effects of a Catastrophic Terrorist Attack and the British Medical Journal’s “Nuclear terrorism.”) On a typical day, the wind would blow the fallout north, seriously contaminating virtually all of Manhattan above Gramercy Park; people living as far away as Stamford, Connecticut would likely have to evacuate. Seriously injured survivors would greatly outnumber the dead, their suffering magnified by the complete inadequacy of available help. The psychological and social effects—overwhelming sadness, depression, post-traumatic stress disorder, myriad forms of anxiety—would be profound and long-lasting. The scenario we have been describing is a groundburst. An airburst—such as might occur, for example, if terrorists put their bomb in a small aircraft they had purchased or rented—would extend the blast and fire effects over a wider area, killing and injuring even larger numbers of people immediately. But an airburst would not have the same lingering effects from fallout as a groundburst, because the rock and dirt would not be sucked up into the fireball and contaminated. The 10-kiloton blast we have been discussing is likely toward the high end of what terrorists could plausibly achieve with a crude, improvised bomb, but even a 1-kiloton blast would be a catastrophic event, having a deadly radius between one-third and one-half that of a 10-kiloton blast. These hundreds of thousands of people would not be mere statistics, but countless individual stories of loss—parents, children, entire families; all religions; rich and poor alike—killed or horribly mutilated. Human suffering and tragedy on this scale does not have to be imagined; it can be remembered through the stories of the survivors of the US atomic bombings of Hiroshima and Nagasaki, the only times in history when nuclear weapons have been used intentionally against human beings. The pain and suffering caused by those bombings are almost beyond human comprehension; the eloquent testimony of the Hibakusha—the survivors who passed through the atomic fire—should stand as an eternal reminder of the need to prevent nuclear weapons from ever being used in anger again. Global economic disaster. The economic impact of such an attack would be enormous. The effects would reverberate for so far and so long that they are difficult to estimate in all their complexity. Hundreds of thousands of people would be too injured or sick to work for weeks or months. Hundreds of thousands more would evacuate to locations far from their jobs. Many places of employment would have to be abandoned because of the radioactive fallout. Insurance companies would reel under the losses; but at the same time, many insurance policies exclude the effects of nuclear attacks—an item insurers considered beyond their ability to cover—so the owners of thousands of buildings would not have the insurance payments needed to cover the cost of fixing them, thousands of companies would go bankrupt, and banks would be left holding an immense number of mortgages that would never be repaid. Consumer and investor confidence would likely be dramatically affected, as worried people slowed their spending. Enormous new homeland security and military investments would be very likely. If the bomb had come in a shipping container, the targeted country—and possibly others—might stop all containers from entering until it could devise a system for ensuring they could never again be used for such a purpose, throwing a wrench into the gears of global trade for an extended period. (And this might well occur even if a shipping container had not been the means of delivery.) Even the far smaller 9/11 attacks are estimated to have caused economic aftershocks costing almost $1 trillion even excluding the multi-trillion-dollar costs of the wars that ensued. The cost of a terrorist nuclear attack in a major city would likely be many times higher. The most severe effects would be local, but the effects of trade disruptions, reduced economic activity, and more would reverberate around the world. Consequently, while some countries may feel that nuclear terrorism is only a concern for the countries most likely to be targeted—such as the United States—in reality it is a threat to everyone, everywhere. In 2005, then-UN Secretary-General Kofi Annan warned that these global effects would push “tens of millions of people into dire poverty,” creating “a second death toll throughout the developing world.” One recent estimate suggested that a nuclear attack in an urban area would cause a global recession, cutting global Gross Domestic Product by some two percent, and pushing an additional 30 million people in the developing world into extreme poverty. Desperate dilemmas. In short, an act of nuclear terrorism could rip the heart out of a major city, and cause ripple effects throughout the world. The government of the country attacked would face desperate decisions: How to help the city attacked? How to prevent further attacks? How to respond or retaliate? Terrorists—either those who committed the attack or others—would probably claim they had more bombs already hidden in other cities (whether they did or not), and threaten to detonate them unless their demands were met. The fear that this might be true could lead people to flee major cities in a large-scale, uncontrolled evacuation. There is very little ability to support the population of major cities in the surrounding countryside. The potential for widespread havoc and economic chaos is very real. If the detonation took place in the capital of the nation attacked, much of the government might be destroyed. A bomb in Washington, D.C., for example, might kill the President, the Vice President, and many of the members of Congress and the Supreme Court. (Having some plausible national leader survive is a key reason why one cabinet member is always elsewhere on the night of the State of the Union address.) Elaborate, classified plans for “continuity of government” have already been drawn up in a number of countries, but the potential for chaos and confusion—if almost all of a country’s top leaders were killed—would still be enormous. Who, for example, could address the public on what the government would do, and what the public should do, to respond? Could anyone honestly assure the public there would be no further attacks? If they did, who would believe them? In the United States, given the practical impossibility of passing major legislation with Congress in ruins and most of its members dead or seriously injured, some have argued for passing legislation in advance giving the government emergency powers to act—and creating procedures, for example, for legitimately replacing most of the House of Representatives. But to date, no such legislative preparations have been made. In what would inevitably be a desperate effort to prevent further attacks, traditional standards of civil liberties might be jettisoned, at least for a time—particularly when people realized that the fuel for the bomb that had done such damage would easily have fit in a suitcase. Old rules limiting search and surveillance could be among the first to go. The government might well impose martial law as it sought to control the situation, hunt for the perpetrators, and find any additional weapons or nuclear materials they might have. Even the far smaller attacks of 9/11 saw the US government authorizing torture of prisoners and mass electronic surveillance. And what standards of international order and law would still hold sway? The country attacked might well lash out militarily at whatever countries it thought might bear a portion of responsibility. (A terrifying description of the kinds of discussions that might occur appeared in Brian Jenkins’ book, Will Terrorists Go Nuclear?) With the nuclear threshold already crossed in this scenario—at least by terrorists—it is conceivable that some of the resulting conflicts might escalate to nuclear use. International politics could become more brutish and violent, with powerful states taking unilateral action, by force if necessary, in an effort to ensure their security. After 9/11, the United States led the invasions of two sovereign nations, in wars that have since cost hundreds of thousands of lives and trillions of dollars, while plunging a region into chaos. Would the reaction after a far more devastating nuclear attack be any less?

#### Terrorism causes global nuclear war—collapses internal AND external stability

Arguello and Buis, 18 – \*Irma, Founder and Chair of the NPSGlobal Foundation (Non-proliferation for Global Security), degree in Phyisics Science from the University of Buenos Aires, Master degree in Business Administration from IDEA/Wharton School, Defense and Security studies (Master level) at the Escuela de Defensa Nacional, Argentina; \*\*Emiliano, lawyer and associate professor of public international law, international humanitarian law, international law of disarmament, and the origins of international law in antiquity (Irma Arguello & Emiliano J. Buis, “The global impacts of a terrorist nuclear attack: What would happen? What should we do?,” *Bulletin of the Atomic Scientists*, 2018, https://doi.org/10.1080/00963402.2018.1436812)

But the consequences would go far beyond the effects in the target country, however, and promptly propagate worldwide. Global and national security, economy and finance, international governance and its framework, national political systems, and the behavior of governments and individuals would all be put under severe trial. The severity of the effects at a national level, however, would depend on the countries’ level of development, geopolitical location, and resilience. Global security and regional/national defense schemes would be strongly affected. An increase in global distrust would spark rising tensions among countries and blocs, that could even lead to the brink of nuclear weapons use by states (if, for instance, a sponsor country is identified). The consequences of such a shocking scenario would include a decrease in states’ self-control, an escalation of present conflicts and the emergence of new ones, accompanied by an increase in military unilateralism and military expenditures. Regarding the economic and financial impacts, a severe global economic depression would rise from the attack, likely lasting for years. Its duration would be strongly dependent on the course of the crisis. The main results of such a crisis would include a 2 percent fall of growth in global Gross Domestic Product, and a 4 percent decline of international trade in the two years following the attack (cf. Figure 3). In the case of developing and less-developed countries, the economic impacts would also include a shortage of high-technology products such as medicines, as well as a fall in foreign direct investment and a severe decline of international humanitarian aid toward low-income countries. We expect an increase of unemployment and poverty in all countries. Global poverty would raise about 4 percent after the attack, which implies that at least 30 million more people would be living in extreme poverty, in addition to the current estimated 767 million. In the area of international relations, we would expect a breakdown of key doctrines involving politics, security, and relations among states. These international tensions could lead to a collapse of the nuclear order as we know it today, with a consequent setback of nuclear disarmament and nonproliferation commitments. In other words, the whole system based on the Nuclear Non- Proliferation Treaty would be put under severe trial. After the attack, there would be a reassessment of existing security doctrines, and a deep review of concepts such as nuclear deterrence, no-firstuse, proportionality, and negative security assurances. Finally, the behavior of governments and individuals would also change radically. Internal chaos fueled by the media and social networks would threaten governance at all levels, with greater impact on those countries with weak institutional frameworks. Social turbulence would emerge in most countries, with consequent attempts by governments to impose restrictions on personal freedoms to preserve order – possibly by declaring a state of siege or state of emergency – and legislation would surely become tougher on human rights. There would also be a significant increase in social fragmentation – with a deepening of antagonistic views, mistrust, and intolerance, both within countries and towards others – and a resurgence of large-scale social movements fostered by ideological interests and easily mobilized through social media.

#### Even limited nuke war kills everyone --- nuclear winter and escalation

Edwards 17 (Paul N. Edwards, CISAC’s William J. Perry Fellow in International Security at Stanford’s Freeman Spogli Institute for International Studies. Being interviewed by EarthSky. “How nuclear war would affect Earth’s climate,” September 8, 2017. earthsky.org/human-world/how-nuclear-war-would-affect-earths-climate) \*we are only reading parts of the interview that are directly from Paul Edwards

In the nuclear conversation, what are we not talking about that we should be? We are not talking enough about the climatic effects of nuclear war. The “nuclear winter” theory of the mid-1980s played a significant role in the arms reductions of that period. But with the collapse of the Soviet Union and the reduction of U.S. and Russian nuclear arsenals, this aspect of nuclear war has faded from view. That’s not good. In the mid-2000s, climate scientists such as Alan Robock (Rutgers) took another look at nuclear winter theory. This time around, they used much-improved and much more detailed climate models than those available 20 years earlier. They also tested the potential effects of smaller nuclear exchanges. The result: an exchange involving just 50 nuclear weapons — the kind of thing we might see in an India-Pakistan war, for example — could loft 5 billion kilograms of smoke, soot and dust high into the stratosphere. That’s enough to cool the entire planet by about 2 degrees Fahrenheit (1.25 degrees Celsius) — about where we were during the Little Ice Age of the 17th century. Growing seasons could be shortened enough to create really significant food shortages. So the climatic effects of even a relatively small nuclear war would be planet-wide. What about a larger-scale conflict? A U.S.-Russia war currently seems unlikely, but if it were to occur, hundreds or even thousands of nuclear weapons might be launched. The climatic consequences would be catastrophic: global average temperatures would drop as much as 12 degrees Fahrenheit (7 degrees Celsius) for up to several years — temperatures last seen during the great ice ages. Meanwhile, smoke and dust circulating in the stratosphere would darken the atmosphere enough to inhibit photosynthesis, causing disastrous crop failures, widespread famine and massive ecological disruption. The effect would be similar to that of the giant meteor believed to be responsible for the extinction of the dinosaurs. This time, we would be the dinosaurs. Many people are concerned about North Korea’s advancing missile capabilities. Is nuclear war likely in your opinion? At this writing, I think we are closer to a nuclear war than we have been since the early 1960s. In the North Korea case, both Kim Jong-un and President Trump are bullies inclined to escalate confrontations. President Trump lacks impulse control, and there are precious few checks on his ability to initiate a nuclear strike. We have to hope that our generals, both inside and outside the White House, can rein him in. North Korea would most certainly “lose” a nuclear war with the United States. But many millions would die, including hundreds of thousands of Americans currently living in South Korea and Japan (probable North Korean targets). Such vast damage would be wrought in Korea, Japan and Pacific island territories (such as Guam) that any “victory” wouldn’t deserve the name. Not only would that region be left with horrible suffering amongst the survivors; it would also immediately face famine and rampant disease. Radioactive fallout from such a war would spread around the world, including to the U.S. It has been more than 70 years since the last time a nuclear bomb was used in warfare. What would be the effects on the environment and on human health today? To my knowledge, most of the changes in nuclear weapons technology since the 1950s have focused on making them smaller and lighter, and making delivery systems more accurate, rather than on changing their effects on the environment or on human health. So-called “battlefield” weapons with lower explosive yields are part of some arsenals now — but it’s quite unlikely that any exchange between two nuclear powers would stay limited to these smaller, less destructive bombs.

### 1NR---UQ

#### FTC has sufficient resources now to fight fraud. But they are stretched to capacity.

Soto et al. 21, American attorney and Democratic politician from Kissimmee, Florida, who is the U.S. Representative for Florida's 9th district; Lina Khan is Chair at the FTC; Noah Joshua Phillips is Commissioner at the FTC; Rohit Chopra is Commissioner at the FTC; Christine S. Wilson is Commissioner at the FTC, (Darren, “Transforming the FTC: Legislation to Modernize Consumer Protection,” Committee on Energy and Commerce, 6/28/21, <https://energycommerce.house.gov/committee-activity/hearings/hearing-on-transforming-the-ftc-legislation-to-modernize-consumer>)

Noah Joshua Phillips (5:06:17): Thank you, Congressman, I'd just start with the fact that when I began, our budget was about 309 million, I think, something like that, and the latest congressional budget justification has us at 389. So there's been a substantial increase in the ask, including some funding from Congress. So I think it's important to track how those resources are used. But I do think we can do more with more. That's, that's certainly a true thing. But I think it's important to take care in how we spend what we have.

Darren Soto (5:06:46): Thank you. Commissioner Chopra.

Rohit Chopra (5:06:48): Sir, I think - I know every agency says that they need more resources. But just looking at the data, we are stretched completely to capacity and the rubber band is snapping. And if we need to effectively enforce the law, we need the resources. There are so many laws that Congress has recently passed, whether it's relates to opioids or so many other topics, that the FTC has not brought a single law enforcement action on. That's not just resources. That's also Commissioner accountability. But resources will certainly help.

Darren Soto (5:07:25): Commissioner Slaughter.

Christine Williams (5:07:30): Commissioner Slaughter had to leave, but Commissioner Wilson is here. And I would say that our hard working staff have been even harder working during the last 18 months. They are teleworking but they are working incredibly hard to stay on top of the increase in mergers as well as the increase in COVID scams. And I agree with Commissioner Phillips, it's important to understand how we are spending additional appropriations. But I also know that there are many different areas of the economy where Congress has expressed interest in our being very active and aggressive. And it is difficult to do that unless we have the appropriate resources to do that.

### 1NR---Funding

#### Their ev is about new legislation.

Dylan 2AC Byers 21, senior media reporter for NBC News; internally citing George Washington University professor and former FTC chair William Kovacic; “Is Facebook untouchable? It's complicated,” NBC News, 7-1-2021, https://www.nbcnews.com/tech/tech-news/facebook-untouchable-complicated-rcna1323

The House Judiciary Committee recently advanced six bills that would bolster the government's ability to regulate Big Tech. They range from simple budgeting measures — one would give more funding to the FTC and the Department of Justice for their antitrust enforcement efforts — to profound reforms — one that would stop platform companies from preferencing their products over those of their competitors and another that would make it illegal for companies to eliminate competitors through acquisitions.

This legislative package faces an arduous road ahead. House Majority Leader Steny Hoyer, who sets the House floor schedule, has said none of the six bills are ready for a vote, which suggests they don't have broad bipartisan support. If and when they do make it through the House, they face an even harder battle in the Senate.

"It's hard to imagine that the larger legislative package is accomplished this year," Kovacic said, though he predicted a few of the less-threatening bills — budgeting, for example — are likely to pass on their own.

"The funding for the FTC and DOJ antitrust divisions, it's nearly 100 percent likely that Congress will pass that law," he said. He said another bill, which would block the tech firms from moving court hearings to more favorable states, was also likely to pass.

### 1NR---L---New Considerations

#### The plan makes the lives of enforcement authorities impossible! Every single action would be infinitely be more complicated.

Manne 17, JD @ U Chicago, president and founder of the International Center for Law and Economics, served as a lecturer in law at the University of Chicago Law School and the University of Virginia School of Law. He practiced antitrust law and appellate litigation at Latham & Watkins, clerked for Hon. Morris S. Arnold on the 8th Circuit Court of Appeals, and worked as a research assistant for Judge Richard Posner. He was also once (very briefly) employed by the FTC. (Geoffrey, “THE ANTITRUST LAWS ARE NOT SOME META-LEGISLATION AUTHORIZING WHATEVER REGULATION ACTIVISTS WANT: LABOR MARKET EDITION,” Lawson Center, <https://laweconcenter.org/resource/the-antitrust-laws-are-not-some-meta-legislation-authorizing-whatever-regulation-activists-want-labor-market-edition/>)

In this entry, Steinbaum takes particular aim at the US enforcement agencies, which he claims do not consider monopsony power in merger review (and other antitrust enforcement actions) because their current consumer welfare framework somehow doesn’t recognize monopsony as a possible harm. This will probably come as news to the agencies themselves, whose Horizontal Merger Guidelines devote an entire (albeit brief) section (section 12) to monopsony, noting that: Mergers of competing buyers can enhance market power on the buying side of the market, just as mergers of competing sellers can enhance market power on the selling side of the market. Buyer market power is sometimes called “monopsony power.” \* \* \* Market power on the buying side of the market is not a significant concern if suppliers have numerous attractive outlets for their goods or services. However, when that is not the case, the Agencies may conclude that the merger of competing buyers is likely to lessen competition in a manner harmful to sellers. Steinbaum fails to mention the HMGs, but he does point to a US submission to the OECD to make his point. In that document, the agencies state that The U.S. Federal Trade Commission (“FTC”) and the Antitrust Division of the Department of Justice (“DOJ”) [] do not consider employment or other non-competition factors in their antitrust analysis. The antitrust agencies have learned that, while such considerations “may be appropriate policy objectives and worthy goals overall… integrating their consideration into a competition analysis… can lead to poor outcomes to the detriment of both businesses and consumers.” Instead, the antitrust agencies focus on ensuring robust competition that benefits consumers and leave other policies such as employment to other parts of government that may be specifically charged with or better placed to consider such objectives. Steinbaum, of course, cites only the first sentence. And he uses it as a launching-off point to attack the notion that antitrust is an improper tool for labor market regulation. But if he had just read a little bit further in the (very short) document he cites, Steinbaum might have discovered that the US antitrust agencies have, in fact, challenged the exercise of collusive monopsony power in labor markets. As footnote 19 of the OECD submission notes: Although employment is not a relevant policy goal in antitrust analysis, anticompetitive conduct affecting terms of employment can violate the Sherman Act. See, e.g., DOJ settlement with eBay Inc. that prevents the company from entering into or maintaining agreements with other companies that restrain employee recruiting or hiring; FTC settlement with ski equipment manufacturers settling charges that companies illegally agreed not to compete for one another’s ski endorsers or employees. (Emphasis added). And, ironically, while asserting that labor market collusion doesn’t matter to the agencies, Steinbaum himself points to “the Justice Department’s 2010 lawsuit against Silicon Valley employers for colluding not to hire one another’s programmers.” Steinbaum instead opts for a willful misreading of the first sentence of the OECD submission. But what the OECD document refers to, of course, are situations where two firms merge, no market power is created (either in input or output markets), but people are laid off because the merged firm does not need all of, say, the IT and human resources employees previously employed in the pre-merger world. Does Steinbaum really think this is grounds for challenging the merger on antitrust grounds? Actually, his post suggests that he does indeed think so, although he doesn’t come right out and say it. What he does say — as he must in order to bring antitrust enforcement to bear on the low- and unskilled labor markets (e.g., burger flippers; retail cashiers; Uber drivers) he purports to care most about — is that: Employers can have that control [over employees, as opposed to independent contractors] without first establishing themselves as a monopoly—in fact, reclassification [of workers as independent contractors] is increasingly standard operating procedure in many industries, which means that treating it as a violation of Section 2 of the Sherman Act should not require that outright monopolization must first be shown. (Emphasis added). Honestly, I don’t have any idea what he means. Somehow, because firms hire independent contractors where at one time long ago they might have hired employees… they engage in Sherman Act violations, even if they don’t have market power? Huh? I get why he needs to try to make this move: As I intimated above, there is probably not a single firm in the world that hires low- or unskilled workers that has anything approaching monopsony power in those labor markets. Even Uber, the example he uses, has nothing like monopsony power, unless perhaps you define the market (completely improperly) as “drivers already working for Uber.” Even then Uber doesn’t have monopsony power: There can be no (or, at best, virtually no) markets in the world where an Uber driver has no other potential employment opportunities but working for Uber. Moreover, how on earth is hiring independent contractors evidence of anticompetitive behavior? ”Reclassification” is not, in fact, “standard operating procedure.” It is the case that in many industries firms (unilaterally) often decide to contract out the hiring of low- and unskilled workers over whom they do not need to exercise direct oversight to specialized firms, thus not employing those workers directly. That isn’t “reclassification” of existing workers who have no choice but to accept their employer’s terms; it’s a long-term evolution of the economy toward specialization, enabled in part by technology. And if we’re really concerned about what “employee” and “independent contractor” mean for workers and employment regulation, we should reconsider those outdated categories. Firms are faced with a binary choice: hire workers or independent contractors. Neither really fits many of today’s employment arrangements very well, but that’s the choice firms are given. That they sometimes choose “independent worker” over “employee” is hardly evidence of anticompetitive conduct meriting antitrust enforcement. The point is: The notion that any of this is evidence of monopsony power, or that the antitrust enforcement agencies don’t care about monopsony power — because, Bork! — is absurd. Even more absurd is the notion that the antitrust laws should be used to effect Steinbaum’s preferred market regulations — independent of proof of actual anticompetitive effect. I get that it’s hard to convince Congress to pass the precise laws you want all the time. But simply routing around Congress and using the antitrust statutes as a sort of meta-legislation to enact whatever happens to be Marshall Steinbaum’s preferred regulation du jour is ridiculous. Which is a point the OECD submission made (again, if only Steinbaum had read beyond the first sentence…): [T]wo difficulties with expanding the scope of antitrust analysis to include employment concerns warrant discussion. First, a full accounting of employment effects would require consideration of short-term effects, such as likely layoffs by the merged firm, but also long-term effects, which could include employment gains elsewhere in the industry or in the economy arising from efficiencies generated by the merger. Measuring these effects would [be extremely difficult.]. Second, unless a clear policy spelling out how the antitrust agency would assess the appropriate weight to give employment effects in relation to the proposed conduct or transaction’s procompetitive and anticompetitive effects could be developed, [such enforcement would be deeply problematic, and essentially arbitrary]. To be sure, the agencies don’t recognize enough that they already face the problem of reconciling multidimensional effects — e.g., short-, medium-, and long-term price effects, innovation effects, product quality effects, etc. But there is no reason to exacerbate the problem by asking them to also consider employment effects. Especially not in Steinbaum’s world in which certain employment effects are problematic even without evidence of market power or even actual anticompetitive harm, just because he says so.

#### Here’s just a short-list of the most notable industries

Select USA No Date (“INDUSTRIES”, <https://www.selectusa.gov/industries> , date accessed 9/11/21)

The United States is home to the most innovative and productive companies in the world, forming a diverse and competitive group of industry sectors. The U.S. industries highlighted here are exceptionally dynamic and represent key opportunities for global growth and success.

Aerospace

Agribusiness

Automotive

Biopharmaceuticals

Chemicals

Consumer Goods

Energy

Environmental Technology

Financial Services

Logistics and Transportation

Machinery and Equipment

Media and Entertainment

Medical Technology

Professional Services

Retail Trade

Software and IT Services

Textiles

Travel, Tourism, and Hospitality

### 1NR---L---Backtracking on Consumer Welfare

#### Any move away from consumer welfare magnifies inflation-centered political backlash

Ankush Khardori 12-14-2021, an attorney and former federal prosecutor, is a Politico Magazine contributing editor (Ankush, “It Took Forever to Get Confirmed. Now All He Has to Do is Fix All of Antitrust Law: The newly confirmed head of the DOJ’s antitrust division faces some serious obstacles in the coming year,” https://www.politico.com/news/magazine/2021/12/14/antitrust-enforcement-obstacles-kanter-justice-department-524187

Kanter’s confirmation completes the installation of a much-vaunted trio of officials — including Lina Khan at the Federal Trade Commission and Tim Wu at the White House’s National Economic Council — who are supposed to usher in an era of antitrust reform across the federal government that has been urged by Democratic politicians, progressive think tanks and anti-corporate activists. The idea, put briefly, is to shift antitrust policy and enforcement away from the intellectual framework that has dominated the law for the last 40 years — which focuses largely on the prices that consumers pay — to a broader and more flexible approach that accounts for changes to larger market dynamics, including effects on labor and wages. This would be a daunting enough undertaking on its own, but now that Kanter is firmly at the helm of the Antitrust Division, the enthusiasm for his selection will confront several serious headwinds: organizational, legal and economic. Organizationally speaking, Kanter is coming into the DOJ without the support of a clear and built-in constituency. His selection came after the longest delay for a nominee to lead the office in modern history, and after a strange series of events that suggested the possibility that he was not the person that Attorney General Merrick Garland wanted to see in the role. That saga began with a story in late January from the American Prospect and the Intercept that reported that Garland was “hoping to install” Susan Davies, a former aide of his who had in a civil lawsuit a decade ago represented Facebook — a mortal sin among the progressive antitrust and anti-corporate set. (At his confirmation hearing the following month, Garland got visibly frustrated when asked about this, calling the report “completely incorrect,” but the American Prospect repeatedly doubled down on its reporting.) But even if Kanter’s new boss didn’t want him for the job originally, there are more significant concerns about Kanter’s ability to marshal the support and enthusiasm of the line attorneys and staff who work in the division. Kanter has never actually worked in the DOJ before and has no experience managing a large organization that resembles anything like the Antitrust Division and its 700 government employees. His government experience comprises a couple of years working at the Federal Trade Commission in the late 1990s straight out of law school. He spent the last 20 years working at a variety of private law firms in Washington, D.C., where he litigated against Google and represented companies that included Microsoft, Uber, Yelp, and News Corp. — work that is seemingly tolerated by the same people who opposed Davies on the theory that these sorts of companies have been the victims of Big Tech’s sharp-elbowed (and at times arguably illegal) business practices. As a relative outsider thrust atop a large government organization, Kanter is not that different from Khan, who now oversees more than 1,000 employees at the FTC after a very sparse government career of her own. For months, stories from POLITICO and other major outlets have reported that Khan has struggled to gain the confidence and support of the career staff who actually run the agency. It is not easy to take the helm of a large organization whose career staffers may view you with suspicion (and possibly even disdain), as Khan seems to be learning the hard way and as Kanter may soon learn as well. Legally speaking, Kanter will also need to deal with outsized expectations from progressives who may be overly optimistic about what can be achieved through more aggressive enforcement in an area of the law that is deeply conservative — ideologically, economically and jurisprudentially. A major issue will center on the department’s approach to one of antitrust law’s most fundamental concepts: the so-called consumer welfare standard — under which regulators and courts try to determine whether a proposed merger or challenged transaction will harm consumers in the form of higher prices, reduced output or diminished quality — and, more broadly, what the goals of antitrust law should be. In recent years, self-styled antitrust reformers have argued that the current framework, which is generally traced to former Solicitor General Robert Bork, is far too narrow. Khan, for instance, once argued that antitrust law should “protect consumers from anticompetitive overcharges and small producers from anticompetitive underpayments, preserve open markets, and disperse economic and political power.” In July, Biden signed an executive order on competition spearheaded by Wu that took a similarly expansive view — arguing that “excessive market concentration threatens basic economic liberties, democratic accountability, and the welfare of workers, farmers, small businesses, startups, and consumers.” Despite the generally appealing nature of this sort of language, the effort is in fact deeply controversial among many antitrust legal professionals, who question its coherence and administrability. Exactly where Kanter stands on these big questions is directionally apparent, but he has so far managed to avoid getting into some crucial specifics. In an FTC roundtable in 2018, he made clear that he was sympathetic to the reformers’ view, but during the confirmation process, he provided written responses to questions from Sen. Chuck Grassley (R-Iowa) on the topic that were far shakier on particulars. In them, Kanter wrote that he had previously “voiced concerns that the application of the consumer welfare standard has been inconsistent, vague, and insufficient to keep pace with market realities” and that “effective antitrust enforcement requires a deep understanding of market realities and facts to determine whether the conduct at issue harms competition and the competitive process.” He proceeded to effectively ignore Grassley’s questions about whether antitrust law should be used either to promote wage equality or to strengthen labor rights. Kanter would not have been nominated if the administration and his backers were not confident that he shares their goals, but implementing them is another thing entirely. There are very real questions about how to administer a policymaking and enforcement regime using an amorphous combination of economic objectives and political values. What exactly does it mean to “disperse economic and political power” in the context of a hypothetical merger? When looking at a potential transaction, how do you balance the supposed effects of lower prices against wage inequality? These are not questions that will be as easy to dodge in court filings and courtrooms as they are in roundtables and law journals. Lastly, there is another challenge for Kanter and the putative reformers that they could not have foreseen years ago when they began to formulate and spread their ideas — namely, that they would come to power at an economically awkward moment. Despite the White House’s best efforts, Americans appear to be highly concerned at the moment with inflation, worried about the prices of the actual things that they buy. Depending on how long this period lasts, an antitrust enforcement program that tries to upend the consumer welfare standard and its focus on lowering costs could prove even harder than it would otherwise already be.

#### That wrecks FTC enforcement

Kovacic 20, Global Competition Professor of Law and Policy, et al (William, with Allison Jones, “Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy,” *The Antitrust Bulletin*, 65.2)

D. Political Backlash

As we have already indicated, the government’s prosecution of high stakes antitrust cases often inspires defendants to lobby elected officials to rein in the enforcement agency. Targets of cases that seek to impose powerful remedies have several possible paths to encourage politicians to blunt enforcement measures. One path is to seek intervention from the President. The Assistant Attorney General of the Antitrust Division serves at the will of the President, making DOJ policy dependent on the President’s continuing support. The White House ordinarily does not guide the Antitrust Division’s selection of cases, but there have been instances in which the President pressured the Division to alter course on behalf of a defendant, and did so successfully.125 The second path is to lobby the Congress. The FTC is called an “independent” regulatory agency, but Congress interprets independence in an idiosyncratic way.126 Legislators believe independence means insulation from the executive branch, not from the legislature. The FTC is dependent on a good relationship with Congress, which controls its budget and can react with hostility, and forcefully, when it disapproves of FTC litigation—particularly where it adversely affects the interests of members’ constituents. Controversial and contested cases may consequently be derailed or muted if political support for them wanes and politicians become more sympathetic to commercial interests. The FTC’s sometimes tempestuous relationship with Congress demonstrates that political coalitions favoring bold enforcement can be volatile, unpredictable, and evanescent.127 If the FTC does not manage its relationship with Congress carefully, its litigation opponents may mobilize legislative intervention that causes ambitious enforcement measures to the founder.

### 1NR---I/L

#### FTC fraud crackdown solves terrorist financing---fraud, identity theft, money laundering, and tax evasion are used to fund terrorist cells---that’s Perri.

### 1NR---Fraud Key

#### Fraud funds terrorism

Corera 21 (Gordon, “Fraud epidemic 'is now national security threat',” *BBC*, <https://www.bbc.com/news/business-55769991>)

The losses go beyond the financial, the authors say. "Fraud has the potential to disrupt society in multiple ways, by psychologically impacting individuals, undermining the viability of businesses, putting pressure on public services, fuelling organised crime and funding terrorism," they add. 'No-one's priority' The report cites evidence that terrorist groups and lone actors turn to fraud in order to finance their activities.

#### It's central to every element of terror operations

Gordon 3, Professor of Economic Crime Programs Executive Director of the Economic Crime Institute Utica College, et al (Gary, “Identity Fraud: A Critical National and Global Threat,” Economic Crime Initiative, http://www.lexisnexis.com/presscenter/hottopics/ECIReportFINAL.pdf0

Identity theft has been at the forefront as a societal problem for several years. The public has been made aware of the dangers of identity theft, particularly to personal and financial security. Many studies have been completed concerning the size and scope of victimization. The government, credit card and other financial service industries have responded by putting tighter controls in place. On the other hand, the insidious threat of identity fraud has not been similarly acknowledged. Both the public and private sectors must understand and confront the enormity of the identity fraud problem so that it can be solved. Identity fraud, which encompasses identity theft, is the use of false identifiers, false or fraudulent documents, or a stolen identity in the commission of a crime. It often emanates from a breeder document created from fictitious or stolen identifiers. The breeder document, such as a driver’s license or birth certificate, is used to spawn other documents, resulting in the creation of a credible identity which allows a criminal or terrorist access to credit cards, employment, bank accounts, secure facilities, computer systems, and the like. Once a criminal or terrorist has an established identity, he can use it to facilitate a variety of economic crimes, drug trafficking, terrorism, and other crimes. At one time, not that many years ago, a breeder document, such as a driver’s license, meant something; it could be used to establish a person’s identity with little or no question. Now, technology has enabled criminals to produce fraudulent documents, which can be used to procure additional fraudulent documents. Counterfeit documents, such as credit cards, used to be easily detectable; now it is relatively easy to produce a counterfeit hologram that usually passes for the real thing. Counterfeit documents are now readily available to illegal immigrants, drug traffickers, and international terrorists. Technology and the ability of the criminal element to adapt and defeat existing identification methodologies, predicated on breeder documents that are susceptible to counterfeiting, have made it necessary to develop different, more advanced identity authentication systems. Identity fraud is a component of almost every major crime and its presence is felt throughout the world. Therefore, it is absolutely essential that the importance of identity authentication is recognized whenever the potential result of misidentification is the commission or perpetuation of criminal activity. Government and industry leadership is necessary to facilitate the development of policies and technological tools that will assure accurate identity authentication.

#### Fraud funds all elements of terrorism

Gordon 3, Professor of Economic Crime Programs Executive Director of the Economic Crime Institute Utica College, et al (Gary, “Identity Fraud: A Critical National and Global Threat,” Economic Crime Initiative, http://www.lexisnexis.com/presscenter/hottopics/ECIReportFINAL.pdf)

As the size and scope of the problem begin to be understood, it is evident that identity fraud is linked to many global crimes, including terrorism, money laundering and financial crimes drug trafficking, alien smuggling, and weapons smuggling. The horrific events of September 11, 2001 and the resulting focus on terrorism have brought much scrutiny and attention to identity fraud as far more than a crime against consumers. Security concerns have quickly emerged in the areas of immigration, border crossings, airline passengers, Hazmat (hazardous materials) driver’s licenses, and pilot training. At the center of all of these concerns is the need to authenticate individuals to determine if they are who they claim to be. With little in place to stop identity fraud or to adapt as the perpetrators change their methods, seeking the highest return for the lowest risk, both domestic and international perpetrators are able to establish legitimate identities for themselves. Once they have stolen an identity and/or created a false identification document, they are able to create a fraudulent identity for themselves which allows them to cross borders and then provides them access to such identification documents as birth certificates, drivers’ licenses, and social security cards. Those documents, in turn, create greater access by allowing them to procure employment, credit cards, green cards, bank accounts, marriage certificates, leases, mortgages, and the like. With a job, a permanent address, and a credit record, they have established a credible identity. That credible identity enables them to engage in criminal activity – financial crimes, money laundering, smuggling, etc. – for profit, concealment, and/or to support terrorism.

### 1NR---Yes Nuke Terror

#### Nuclear terror coming—long term trends prove—assumes declining power of organizations

Marked

--nuclear reprocessing

--North Korea sells them

--Iran sells them

--Steal from Indo-Pak

Graham, 18 – Assistant Secretary of Defense in the first Clinton Administration, educated at Davidson College; Harvard College (B.A., magna cum laude, in History); Oxford University (B.A. and M.A., First Class Honors in Philosophy, Politics, and Economics); and Harvard University (Ph.D. in Political Science), Douglas Dillon Professor of Government (Graham Allison, "Nuclear Terrorism: Did We Beat the Odds or Change Them?," PRISM | *National Defense University*, 5-15-2018, http://cco.ndu.edu/News/Article/1507316/nuclear-terrorism-did-we-beat-the-odds-or-change-them/)

Factors and Actions That Have Increased the Risk of Nuclear Terrorism

Despite these successes, there have also been numerous missed opportunities and structural shifts during the past 13 years that have increased the risk of nuclear terrorism. Obama’s success in Iran is offset by his failure to stop North Korea’s nuclear advance. North Korea is today the world’s leading candidate to become “Nukes ‘R’ Us.” Long known in intelligence circles as “Missiles ‘R’ Us” for having sold and delivered missiles to Iran, Syria, Pakistan, and others, it has repeatedly demonstrated its willingness to “sell anything it has to anybody who has the cash to buy it,” as former Secretary of Defense Robert Gates famously noted.23 Indeed, anyone who doubts that North Korea would sell to others the wherewithal to make a nuclear bomb should pause and examine what they did in Syria. As we learned after Israel attacked and destroyed the Yongbyon-model reactor at al-Kibar in Syria in 2007, North Korea sold materials, designs, and expertise to help Syria build a plutonium-producing nuclear reactor.24 By now that reactor would have produced enough plutonium for a dozen nuclear bombs.

Moreover, what price did North Korea pay for having proliferated nuclear-weapons technologies and materials? In 2006, after watching North Korea test its first nuclear device and fearing that it might do something this reckless, President Bush issued a solemn warning. Declaring that sale or transfer of any nuclear weapon or nuclear-weapons material and technologies would cross a bright red line, Bush warned that any sale that violated this prohibition would be held “fully accountable.”25 But after North Korea was found to have disregarded this warning, how did the United States respond? When Israel informed the Bush Administration that it had discovered this facility as the project was approaching completion, the United States not only failed to take military action itself to stop it, but urged Israel to take the issue to the United Nations. Just weeks after Israel disregarded U.S. advice and destroyed the reactor, the United States returned to the Six-Party Talks with North Korea. And less than a year later, President Bush gave the Kim regime a significant concession by removing it from the list of state sponsors of terrorism in return for inspections on and initial steps to dismantle the Yongbyon reactor—a deal that Pyongyang reneged on just six months later when it kicked out the inspectors and announced that it would resume reprocessing at the reactor.26

When Nuclear Terrorism appeared in 2004, North Korea had yet to conduct a nuclear test. Since then, it has conducted six nuclear tests, including one in September 2017 that produced a yield ten-times that of the Hiroshima bomb.27 In Obama’s two terms, Kim Jong Un and his father, Kim Jong Il, conducted 80 missile tests. In Trump’s first year in office, Kim Jong Un has so far conducted 20 additional missile tests, including three ICBM tests.28 Today, North Korea stands on the threshold of a credible nuclear threat to the U.S. homeland. If North Korea succeeds in completing its nuclear deterrent, leaders of other rogue states will certainly take note.

As North Korea has continued violating UN injunctions to halt its nuclear and missile programs, the United States and its allies have ratcheted up sanctions on the Kim regime. The United States and China now insist that the most severe sanctions ever are “biting” and that “maximum pressure” on North Korea will force the Kim regime to relent and comply in order to avoid collapse. Those who have been watching this issue for the past two decades have heard that hope before. Moreover, tightening sanctions give a cash-strapped regime greater incentives to turn to the nuclear black market.

The United States has warned Kim Jong Un that selling nuclear weapons or weapons-usable nuclear materials would cross an inviolable red line. But as noted above, President Bush drew this red line a decade ago for Kim’s father—but to no effect. At this point, how credible will another threat from the United States to “punish” North Korea for selling nuclear weapons or material be? Indeed, our predicament today is even more difficult. If Kim Jong Un launches his next series of ICBM tests and the IC concludes that he has the capability to attack the American homeland, how credible will any U.S. threat to punish North Korea for anything short of a full-scale attack on South Korea or the United States be? As Kim’s advisers will ask, if the United States is not prepared to act on its threat to prevent North Korea from acquiring the ability to strike the American homeland, why would they act if North Korea sold nuclear weapons to Iran?

Even if Trump succeeds in halting Kim’s progress short of a credible ICBM threat to the U.S. homeland, which seems unlikely at this point, the threat of nuclear terrorism emanating from North Korea will continue to require a significant U.S. campaign to deter and prevent. Due to the inability of previous administrations to stop North Korea’s progress earlier, a nuclear-armed North Korea, with the capacity and perhaps willingness to sell, will remain a major challenge not only for Trump but for his successors.

Another major long-term challenge is the relentless advance of science and technology and the accelerating diffusion of nuclear and radiological know-how. The proliferation of advanced manufacturing has made it easier to produce components needed for a bomb. For example, the A.Q. Khan nuclear black market network manufactured key parts for centrifuges in workshops in Malaysia.29 Furthermore, the widespread availability of radiological material in medical and research settings has led to the recognition that it is simply a matter of when, not if, terrorists detonate a dirty bomb. This reminds us of one of the hardest truths about modern life: the same advances that enrich and prolong our lives also empower potential killers to achieve their deadly ambitions.

While those potential killers are not as cohesively organized as they were prior to 9/11 when al-Qaeda had a coordinated WMD effort, the terrorist threat has metastasized. Al-Qaeda morphed into ISIL and an array of affiliates like al-Shabaab in Somalia. These newer terrorist organizations will undoubtedly splinter further as a result of the loss of ISIL and al-Qaeda’s main safehavens. But these groups have demonstrated a remarkable ability to find hosts in other fragile states around the globe, from Niger to Yemen, and even within more stable states, like Indonesia.

Furthermore, the widening scope of U.S. counterterrorism operations has continued to create new mutations. The United States has now conducted drone strikes and Special Forces raids in at least seven Muslim-majority countries: Afghanistan, Iraq, Libya, Pakistan, Somalia, Syria, and Yemen. Furthermore, with the Trump Administration’s recent announcement that it will begin flying drone missions out of a new base in Niger, this number will likely rise to include at least Niger and Mali, along whose borders many terrorists operate.30 Despite major efforts to avoid civilian casualties, many strikes have resulted in significant collateral damage, providing fodder for terrorist recruiters.31 Thus, while U.S. counterterrorism operations have been immensely successful in hunting down high-level militants, these efforts in each area must be weighed against the risk that operations could create more enemies than they kill.

The battle against Islamic extremist ideologies and their adherents will be a generational challenge. This is less a problem to be “fixed” than a condition that will have to be managed. It will require constant vigilance for as far as any eye can see. And as long as there are states that are unwilling or unable to suppress terrorists or expel them from their borders, they will find savehavens in which to continue. We should never forget that most of the planning and preparation for the 9/11 attack was done by an al-Qaeda cell in Hamburg, Germany. Moreover, while al-Qaeda’s core has been decimated, its remaining leaders continue to find refuge in the nuclear-armed ticking time bomb called Pakistan.

While rarely featured in the American media, the India–Pakistan relationship continues to be one of the most dangerous dynamics in the world. Underlying the relationship is a deep-seated animosity and seemingly irresolvable dispute over the status of Kashmir, a mountainous region between the two countries claimed by both. Their armies continue to frequently exchange fire across the “Line of Control” that separates India-controlled Kashmir from Pakistan-controlled Kashmir. In addition to remnants of al-Qaeda and the Taliban, Pakistan also harbors (and has given active support to) terrorist groups like Lashkar-e-Taiba (LeT) and Jamaat-ud-Dawa (JuD) whose primary target is India.

There have been two major terrorist attacks emanating from Pakistan this century: on the Indian Parliament in Delhi in 2001, and in a dramatic attack on the Taj Hotel in Mumbai in 2008. The 2001 attack led to a massive military buildup and standoff along the Line of Control. This came just two years after the Kargil War in 1999, which was just a year after both states conducted nuclear weapons tests.

Both states have been building up capabilities to prepare for the next crisis. In the hopes of persuading the government of Pakistan to prevent further attacks by quasi-independent militant groups like LeT and JuD, India has unveiled a “Cold Start” doctrine that threatens to respond to future attacks with a quick, decisive incursion of ground troops into Pakistani territory. The concept is to punish Pakistan for any terrorist attacks and force it to take actions to dismantle terrorist organizations. The hope is that stopping the invasion after penetrating just 10–15 kilometers into Pakistan will avoid triggering nuclear retaliation. However, Pakistan has responded in a way that not only makes its threat of a limited nuclear response more credible; it makes the risk of loss of Pakistani nuclear weapons much higher. Pakistan has been aggressively developing and planning deployments of tactical nuclear weapons and short-range Nasr missiles near the Indian border.32

Nuclear security experts have rightfully sounded the alarm bells. Tactical nuclear weapons deployed to the frontlines pose a clear risk of theft by a rogue field commander or terrorist group. Moreover, the larger the number of weapons, the smaller and more transportable their size, and the wider their deployment, the higher the probability some will go missing.

India and Pakistan are both also actively producing fissile material and enlarging their nuclear arsenals. The Nuclear Threat Initiative’s Nuclear Security Index ranks India and Pakistan among the four least secure countries in the world for nuclear material, along with Iran and North Korea.33

Perhaps most concerning for the global nuclear order, however, is what has happened in U.S.–Russia relations. The United States for two decades after the collapse of the Soviet Union provided assistance to Russia through the CTR, helping to secure weapons and fissile material before anything made its way to the black market. Three years ago, in the wake of Russia’s invasion of Crimea and the Obama Administration’s decision to punish Putin by imposing strong sanctions and cancelling cooperative programs between the Department of Energy and its Russian counterpart, these activities stopped. Thus, patterns of sharing and cooperation that had included exchange of technologies and practices for protecting nuclear weapons and materials, disposing of plutonium, and identifying potential terrorists halted.

Ninety percent of all the nuclear weapons in the world remain in the United States and Russia. Moscow’s active participation

in preventing theft and sale of nuclear weapons materials and sensitive technologies has made the difference between failure and success in preventing the spread of nuclear weapons. Whatever the state of relations between the two countries and their leaders, this reality cannot be denied. Technology has imposed on the two countries an inescapable partnership and absolute requirement for cooperation at least to a level that can avoid nuclear use, either against each other or by terrorists. In a phrase, however insufferable, Russia is America’s inseparable Siamese twin.34

Trends in U.S.–China relations are also impacting the long-term nuclear order. As Thucydides taught us, when a rising power threatens to displace a ruling power, alarm bells should sound: danger ahead. This is the central argument of my recent book, Destined for War: Can America and China Escape Thucydides’s Trap? China’s economy has already overtaken the United States to become the largest economy in the world (measured by the metric that the CIA and the IMF agree is the best yardstick for comparing national economies).35 At the 19th Party Congress in October 2017, President Xi Jinping reiterated China’s determination to build a military commensurate with China’s economic power that can, in his words, “fight and win.” China has long maintained a “minimum deterrent” posture, with only a few hundred nuclear weapons (as opposed to several thousand for the United States and Russia). However, along with the rest of its military, China is strengthening this arsenal.

In addition, China has the fastest growing nuclear power industry in the world, with plans to install more than 100 gigawatts of nuclear power by 2030. As part of this effort, China plans to reprocess spent fuel into plutonium fuel for nuclear reactors.36 Furthermore, Japan, which already has a huge stockpile of plutonium (enough for 1,300 nuclear weapons), plans to add to this stockpile by reprocessing spent fuel at its long-delayed Rokkasho plant.37 As plutonium is produced, transported, and used on an industrial scale, the risks of theft increase.

Together these developments have been eroding confidence in the nonproliferation regime. Widespread recognition that North Korea is not going to denuclearize and the prospect that its ICBMs could soon threaten the United States are stimulating debate in South Korea and Japan about the reliability of U.S.–extended deterrence commitments. Sixty percent of South Koreans now support development of their own independent nuclear deterrent.38 With the scars of Hiroshima, the Japanese public has a deep nuclear neuralgia. But their recently reelected prime minister, Shinzo Abe, is determined to amend the pacifist constitution in order to rebuild a Japanese military commensurate with its economic standing. As Henry Kissinger has been warning: “As this [North Korean] threat compounds, the incentive for countries like Vietnam, South Korea and Japan to defend themselves with their own nuclear weapons will grow dramatically.”39

On the Iranian front, President Trump has raised doubts about the future of the JCPOA constraints on Iran’s nuclear program. During his speech to the UN General Assembly in September 2017, Trump called the Iran deal “one of the worst and most one-sided transactions the United States has ever entered into” and “an embarrassment to the United States.”40 In October, he took the first step toward burying the agreement by refusing to certify that Iran has been complying with the deal. If Congress takes the next step and reimposes sanctions on Iran’s nuclear program, this violation of U.S. requirements under the deal would free Iran from the constraints the agreement imposes on its nuclear activity, and we could see it moving again towards a nuclear bomb. Alarmed by Iran’s earlier efforts, Saudi Arabia developed plans for a nuclear energy program that would provide the infrastructure for its own weapons program. It has so far been unwilling to follow in the footsteps of its neighbor the United Arab Emirates (UAE) in pledging not to build an indigenous nuclear fuel cycle. A full fuel cycle to enrich uranium and reprocess plutonium would also provide the critical infrastructure for a nuclear weapons program. While the Trump Administration has said that a Saudi equivalent of the UAE agreement would be “desired,” it has not insisted that this would be a requirement for U.S. support.41 If the Saudis develop an indigenous nuclear fuel cycle and the deal constraining Iran’s nuclear program falls apart, we should expect to see an arms race in the world’s most volatile region in which Israel, and perhaps others, will be tempted to act before the Middle East becomes a nuclear tinderbox.