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## 1NC — Off

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#### 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.

#### Countering fraud is central to every element of terror operations

Perri 10, J.D., CFE, CPA(Frank, “The Fraud-Terror Link: Terrorists are Committing Fraud to Fund Their Activities,” Fraud Magazine, <https://www.fraud-magazine.com/article.aspx?id=4294967888>)

The threat of terrorism has become the principal security concern in the United States since 9/11. Some might perceive that fraud isn’t linked to terrorism because white-collar crime issues are more the province of organized crime, but that perception is misguided. Terrorists derive funding from a variety of criminal activities ranging in scale and sophistication – from low-level crime to organized narcotics smuggling and fraud. CFEs need to know the latest links between fraud and terror. Credit card fraud, wire fraud, mortgage fraud, charitable donation fraud, insurance fraud, identity theft, money laundering, immigration fraud, and tax evasion are just some of the types of fraud commonly used to fund terrorist cells. Such groups will also use shell companies to receive and distribute illicit funds. On the surface, these companies might engage in legitimate activities to establish a positive reputation in the business community. Financing is required not just to fund specific terrorist operations but to meet the broader organizational costs of developing and maintaining a terrorist organization and to create an enabling environment necessary to sustain their activities. The direct costs of mounting individual attacks have been relatively low considering the damage they can yield. “Part of the problem is that it takes so little to finance an operation,” said Gary LaFree, director of the University of Maryland’s National Consortium for the Study of Terrorism and Responses to Terrorism.2 For example, the 2005 London bombings cost about $15,600.3 The 2000 bombing of the USS Cole is estimated to have cost between $5,000 and $10,000.4 Al-Qaida’s entire 9/11 operation cost between $400,000 and $500,000, according to the final report of the National Commission on Terrorist Attacks Upon the United States.5 Terrorist groups require significant funds to create and maintain an infrastructure of organizational support, sustain an ideology of terrorism through propaganda, and finance the ostensibly legitimate activities needed to provide a veil of legitimacy for their shell companies.6 However, don’t think that only large operations are needed for terrorists to carry out attacks; small semi-autonomous cells in many countries are often just as capable of conducting disruptive activities without extensive outside financial help – they just conduct smaller-scale frauds.7 Even though the nexus between fraud and terrorism is undisputed, there’s concern at state and local levels that law enforcement professionals lack specialized knowledge on how to detect the fraud-terror link because they’re more apt to investigate and prosecute violent crimes.8 A critical lack of awareness about terrorists’ links to fraud schemes is undermining the fight against terrorism. Fraud analysis must be central, not peripheral, in understanding the patterns of terrorist behavior.9

#### 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]

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#### The United States federal government should:

#### Increase NSF energy funding to 1 billion annually

#### Increase the Advanced Research Projects Agency-Energy’s budget to $1 billion annually

#### Double the budget for the Department of Energy Innovation Hubs.

#### Expand the (R&D) tax credit to 30 percent

#### Pass the American INNOVATES Act of 2015

#### Phase out existing energy production tax credits, and institute a new permanent, technology neutral tax incentive to support emerging clean energy technologies from demonstration through early commercial scale-up.

#### Create an Energy Innovation Trust Fund

#### The United States federal government should establish crisis communication channels between the United States and the People’s Republic of China, for use as a crisis de-escalaion tool, and communicate peaceful intentions through all relevant diplomatic channels.

#### The European Union should adopt the policies outlined in the Colom evidence.

#### First set of planks ensures the success of new energy technologies that are vital to preventing catastrophic climate change

Atkinson, 6/1/2015, Ph.D. in city and regional planning from the University of North Carolina, president of the Information Technology and Innovation Foundation (David, “An Innovation-Based Clean Energy Agenda For America”, <http://www2.itif.org/2015-energy-innovation-agenda.pdf?_ga=1.247224845.809357633.1469213846>) Recut by scott

FEDERAL INVESTMENT IN CLEAN ENERGY-RELATED RESEARCH AND DEVELOPMENT Public investments in research and development form the base of support for the innovation ecosystem by funding foundational basic science through proof-of-concept designs. Boost Clean Energy Science at the National Science Foundation The development of truly breakthrough technologies in areas like energy storage and solar conversion require advancements in science. 12 Government can’t predict or even direct the nature of that science, but it can identify the key areas of science most likely to lead to these breakthroughs and increase funding accordingly. A key place to start is the National Science Foundation. With an annual budget of approximately $7 billion, NSF funds projects that range the gamut on energy-related basic science, including those that advance knowledge about the growth of nanocrystals and the development of ultralightweight carbon fiber materials. 13 NSF provides integral support for basic energy science, including divisions in chemical, bioengineering, transport systems, chemistry, and materials research. NSF funds thousands of projects with implications for improving and developing new energy technologies. But it can and should do more. Congress should triple NSF funding for energy-related research to $1 billion annually. This increased funding should not go to studying climate change, but to advancing the science underpinning clean energy technology breakthroughs, especially generation and storage. At the same time Congress should charge the National Academy of Sciences (NAS) to undertake a study of the kinds of scientific advancements needed to drive transformational clean energy breakthroughs. 14 The findings of this study should guide the internal allocations of NSF funding for clean energy science. While early stage basic research is needed to build the knowledge base for clean energy breakthroughs, we also need more high-risk directed or applied R&D. The best agency supporting this is the Advanced Research Projects Agency-Energy, the Department of Energy’s breakthrough energy technology program, which invests in risky, next-generation clean energy technologies that could fundamentally change the energy market. 15 Modeled aft­er the Department of Defense’s Defense Advanced Research Projects Agency (DARPA) program, which has long invested in risky, potentially breakthrough technologies, ARPA-E invests in transformative technologies that allow scientists to re-envision entire energy systems. Unfortunately, ARPA-E is significantly underfunded. Its FY2013 budget is set at $280 million, not even 30 percent of the $1 billion initially proposed by the National Academies of Science and the President’s Council of Advisors on Science and Technology.16 Furthermore, ARPA-E’s budget has been plagued by uncertainty. It was initially funded at $400 million through the stimulus package in 2009, only to be cut through budget appropriations to $200 million in 2010. Its funding dipped further to $181 million in 2011, but was increased as part of the FY2012 budget Omnibus appropriations to $275 million, and investment in the agency has stayed relatively consistent since then. 17 ARPA-E is the strongest high-risk, high-reward research program in the federal government for clean energy technology, and its budget should reflect this reality; over a period of three to four years Congress should ramp up ARPA-E’s budget to $1 billion annually. DOE’s Energy Innovation Hubs are interdisciplinary, goal-oriented, integrated centers that bring together researchers from academia, industry, and the National Laboratories to work toward meeting ambitious and targeted technology goals with industry applications in mind. DOE funds four Hubs at $25 million per year: the Critical Materials Institute, the Joint Center for Energy Storage Research, the Joint Center for Artificial Photosynthesis (“Fuels from Sunlight”), and the Consortium for Advanced Simulation of Light Water Reactors (“Nuclear Energy Modeling and Simulation”). The Hubs connect scientists and industry to enable fast technology transitions from the lab into the market, and this goal-oriented mission keeps the Hubs focused on the future. DOE’s Office of Energy Efficiency and Renewable Energy (EERE) invests in research to develop next generation transportation, energy generation, and efficiency technologies. EERE serves as the “connective tissue” of the Department of Energy. Its Hubs leverage research conducted through EERE to reach technology milestones; the Energy Frontier Research Centers inform EERE research priorities; and cross-cutting programs within EERE connect interdisciplinary research throughout traditionally separate industry sectors. EERE also funds DOE’s Advanced Manufacturing O‑ice, which partners with industry, small business, universities, and other stakeholders to advance emerging manufacturing technologies that reduce climate and energy impacts while strengthening the manufacturing sector to increase national competitiveness. Appropriations to EERE are frequently significantly lower than proposed in presidential budget requests— FY2015 Omnibus appropriations were 15 percent below the FY2015 presidential request for EERE, and in previous years the di­erence has been even more significant. As EERE is the connective force among many of DOE’s innovation institutions, funding should be increased from approximately $1.9 billion to at least $3 billion per year to successfully accelerate and integrate energy RD&D programs at DOE. Expand and Increase the R&E Tax Credit The Research and Experimentation (R&E) Tax Credit is a key way the federal government supports private-sector R&D activities. The IRS allows the credit for qualified expenditures in the United States, which primarily include the wages paid to employees engaging in qualified research activities, 65 percent of the fees paid to external contractors for the performance of qualified research, and supplies used in conducting qualified research (but not equipment used in research). Scholarly research has shown that the credit is an e­ffective tool for spurring additional R&D (with one dollar of credit stimulating at least $1.20 of R&D), and that it also responds to a significant market failure: companies’ inability to capture the full societal benefit of their research.18As the Congressional Joint Committee on Taxation wrote, “Although an individual business may find it profitable to undertake some research, it may not find it profitable to invest in research as much as it otherwise might because it is diff­icult to capture the full benefits from the research and prevent such benefits from being used by competitors.”19 To spur private sector R&D investment, including in clean energy, while at the same time reducing the e­ffective corporate tax rate to make the U.S. economy more globally competitive, Congress should increase the Alternative Simplified Credit rate from 14 percent to 30 percent. REFORMING TECH-TO-MARKET AND DEPLOYMENT POLICIES Build Better Connections Between the National Labs and the Market The Department of Energy’s Off­ice of Science serves as a major hub for energy science research, exploring research in high-energy physics, nuclear energy, and chemistry to develop new materials and biochemistries for major advances in battery technologies and fuel cells. A critical source of energy innovation, Off­ice of Science investments support the construction and operation of its user facilities and maintain the U.S. National Labs system. The National Labs system, created in the 1940s, addressed some of the most significant scientific and innovation challenges of the time, and today the Labs continue to be a source of technology development and discovery. However, the Labs’ connection to the market is weak, and institutional adaptations would make the Labs more e­ffective and eff­icient. To enhance the “innovation enterprise” of the National Labs, Congress should pass the American INNOVATES Act of 2015, introduced by Senators Coons and Rubio. The bill would integrate the management of DOE’s science and energy programs to create a vertically integrated research enterprise, direct DOE to implement best practices to improve operations and management across the National Lab complex, allow the Labs to partner more e­ffectively with the private sector to create new technologies and enhance technology commercialization, allow DOE more flexibility to support applied research and development activities conducted by universities and nonprofits, and give startups more access to cutting-edge facilities at the Labs. The legislation would also provide the Labs with the opportunity to increase collaboration between government and university scientists with researchers from the private sector, including allowing the Labs to charge a market rate for all proprietary research, rather than only allowing full-cost recovery. Additional fees raised this way could be directed toward incentives for Lab management contractors, additional Lab overhead expenses, and/or the taxpayer as necessary per the Lab management and operation contracts. 21 The legislation also extends DOE’s pilot program— Agreements for Commercializing Technology (ACT)—which would give the Labs greater ability to partner with industry more quickly and eff­iciently. Transform Tax Credits for Deployment to Innovation Incentives Congress has created energy tax credits to spur clean energy deployment. But these could do more to drive innovation rather than more deployment of existing technologies. For example, the Wind Production Tax Credit (PTC) has off­ered the same value per kilowatt hour since 1992, making it a guaranteed subsidy for any wind technology, regardless of its future cost reduction and performance improvement potential. 22 Environmental groups argue the PTC is a key public investment for a nascent industry competing against entrenched fossil fuels that contribute to global warming. Yet, the PTC no longer supports breakthrough wind innovation as it did in the 1990s when most wind turbines were truly new technology. Today’s developers are more likely to choose commercial scale wind turbines that still aren’t cost competitive, especially when energy storage costs are taken into account, rather than invest in riskier, next-generation technologies. Congress should make the wind PTC and the solar Investment Tax Credit (ITC) drivers of innovation and at the same time eliminate conventional fossil fuel tax subsidies, such as oil and gas depletion allowances, drilling cost expensing, and production tax credits. 23 To do that Congress should implement a permanent, technology-neutral tax credit that only supports emerging energy technologies looking to scale into the marketplace. A good tax structure to start with is the Energy Innovation and Manufacturing Tax Credit (EIMTC) proposed by Will Coleman of OnRamp Capital. The EIMTC would only support next-generation clean energy from demonstration until it reaches commercial production scale, at which point the line of credit would sunset and the technology would have to compete in the marketplace. Clean technologies already at commercial scale, such as natural gas and many wind and solar technologies already prevalent in the market, would not be eligible. The result is a flexible, long-term tax credit that fosters and accelerates clean energy innovation and provides long-term policy certainty. RAISING REVENUE TO FUND CLEAN ENERGY INNOVATION INVESTMENTS Budgetary and political disputes in Congress, particularly in recent years, have resulted in consistent appropriations threats to key energy innovation programs. Investing more in clean energy R&D can help make America more energy independent, can lead to the growth a robust and globally competitive clean energy industry, and of course, can help reduce carbon emissions while actually saving money. But getting this technology will require increased federal support, in part to pay for the increased R&D tax credit and for increased federal support for clean energy research and development. There are two sources of funding Congress should consider to pay for these expanded investments. Create an Energy Innovation Trust Fund Supported by Drilling Fees The federal government collects drilling revenues on public lands through bonus bids in auctions, rents during times of exploration, and royalty rates when the tract of land is producing oil or gas. Congress distributes the majority of the revenue from oil and gas drilling on public lands to the U.S. Treasury’s General Fund. To prioritize energy innovation as a solution to climate change mitigation and economic growth, Congress should raise royalty rates on onshore leases as well as increase fees on unproductive acres for both onshore and off­shore leases to raise at least $1 billion per year to fund an Energy Innovation Trust Fund.

#### Next plank solves miscalc and US-China escalation.

Campbell & Sullivan 19 – Kurt; Chair and CEO of the Asia Group, 2018-19 Kissinger Fellow at the McCain Institute, and former US Assistant Secretary of States for East Asian and Pacific Affairs. Jake; nonresident senior fellow at the Carnegie Endowment for International Peace, former National Security Adviser to the US Vice President in 2013-2014, and former Director of Policy Planning at the US Department of State. (“How America Can Both Challenge and Coexist With China” Foreign Affairs. September/October 2019. <https://www.foreignaffairs.com/articles/china/competition-with-china-without-catastrophe>) //LFS—SR

To achieve such coexistence, Washington will need to enhance both U.S.-Chinese crisis management and its own capacity for deterrence. Even as Cold War adversaries, the United States and the Soviet Union worked concertedly to reduce the risk that an accidental collision would escalate to nuclear war; they set up military hot lines, established codes of conduct, and signed arms control agreements. The United States and China lack similar instruments to manage crises at a time when new domains of potential conflict, such as space and cyber­space, have increased the risk of escalation. In every military domain, the two countries need agreements that are at least as formal and detailed as the [U.S.-Soviet Incidents at Sea Agreement](https://2009-2017.state.gov/t/isn/4791.htm), a 1972 deal that established a set of specific rules aimed at avoiding maritime misunderstandings. The United States and China also need more communication channels and mechanisms to avoid conflict—especially in the South China Sea—to allow each side to quickly clarify the other’s intentions during an incident. The bilateral military relationship should no longer be held hostage to political disagreements, and senior military officials on both sides should engage in more frequent and substantive discussions to build personal ties as well as understandings of each side’s operations. Historically, progress on some of these efforts, especially crisis communication, has proved difficult: Chinese leaders fear that crisis communication could embolden the United States to act with impunity and would require devolving too much authority to senior military officers in the field. But these worries may be easing, given China’s growing power and military reforms.

#### Last plank solves EU Credibility — their evidence — KU is blue

1AC Colom et al. 21, Prof. Jordi Bacaria Colom, Professor of Applied Economics, Autonomous University of Barcelona (UAB); Dr. Péter Balázs, Professor Emeritus of Central European University (CEU); Dr. Rosa Balfour, Director, Carnegie Europe; Dr. Emil Brix, Director of the Diplomatic Academy in Vienna; Jim Cloos, Secretary-General of TEPSA, former Deputy Director General for General and Institutional Policy at the General Secretariat of the Council of the European Union; Steven Erlanger, Chief Diplomatic Correspondent in Europe for The New York Times, “The Time for EU’s Common Foreign Policy is Now,” GLOBSEC, March 2021, <https://www.globsec.org/wp-content/uploads/2021/03/GLOBSEC-The-Time-for-EUs-Common-Foreign-Policy-is-Now.pdf>

The EU – and the world more generally - is currently facing numerous foreign policy challenges, some of them latent for a long time and many the consequence of actions or inactions of the past (e.g. climate change and the pandemic). Though not all problems will be easy to solve in the short-term, EU foreign policy officials should, nonetheless, focus on five priority areas in 2021 (not all may, however, be realistic given the timetable).

The first (realistic to achieve) concerns the need to recompose relations with the US on trade, climate change (Paris Agreement), NATO reform and the Iran agreement. Improving political dialogue with Russia should be a second aim (not realistic to achieve but it is necessary to retain it). Progress will largely depend on the US position. The EU, moreover, must establish its security agenda on the European stage. A third goal (realistic with cooperation with the US) rests on the EU asserting a strong and unified position towards China and enforcing rules and addressing competitive inequality with Beijing. If agreed, WTO reforms, fourthly, should serve to aid in resolving disputes and concentrate needed action on digital trade, technology and climate change. Finally (not very realistic in the short term), the EU should develop an assertive foreign policy to promote security and economic growth in the Mediterranean space and the Middle East. Turkey is an essential piece to this puzzle.

There are several internal and external challenges the EU will be tasked with facing to advance its foreign policy priorities in 2021. Regarding the former, they include: achieving unanimity among EU Member States on foreign policy objectives; triggering effective implementation of the Next Generation EU recovery instrument to improve the confidence of European citizens in EU public actions; fostering inclusive growth for social cohesion to prevent radicalism and political populism that erode democracy and social stability.

On external challenges, meanwhile, they encompass: protecting critical EU value chains; ensuring the safety of supplies of all raw materials that are produced abroad and essential to developing clean energy; avoiding absolute external dependencies on health and food products.

To overcome the challenges identified above, the EU should intensify its diplomacy and use second track diplomacy by conducting outreach to civil society organizations; promote investments in infrastructure and inclusive education in strategic regions; take a precautionary approach towards introducing economic sanctions in response to political situations in other countries as they may prove to be ineffective and counterproductive.

If the EU wants to bolster its strategic ambition in the world, it should, foremost:

⊲ Strengthen its alliances.

⊲ Prioritize multilateralism.

⊲ Pursue and complete the Transatlantic Trade and Investment Partnership (TTIP), enhance the North Atlantic alliance and balance the effects of Asian integration and the Regional Comprehensive Economic Partnership (RCEP).

⊲ Improve relations with Latin American countries through support for initiatives including on climate change, health and social cohesion.

⊲ Use trade as an instrument for bolstering relations with ASEAN countries, South Korea and Japan. The EU must be present in Asia as part of its moves to rebalance foreign policy.

⊲ The EU must speak to and support Africa. Land grabs and the exploitation of critical minerals, oil and natural resources are a current reality of global geopolitics. Through multilateralism, however, the EU must cooperate with other countries to devise rules to protect populations.

“EU foreign policy should not merely be a facsimile of member state foreign policy but be highly targeted towards select partners, actions and issues”

by Dr. Péter Balázs

Professor Emeritus of Central European University (CEU)

The normativity and continuity of EU foreign policy should be maintained at a time when two key pillars, Germany and France, face important upcoming elections (Bundestag in September 2021, French Presidency in 2022).

The most important change that 2021 will bring concerns President Joe Biden and the return of the US to transatlantic cooperation and multilateral deals and organisations. This is an opportunity for Europe to forge unity internally and intensify relations with the US and the G7 on important strategic questions.

The expansion of China in Europe should be curtailed - “17+1” meetings indeed represent an open intrusion into the internal affairs of the EU. The new US administration, in fact, achieved what the EU has not previously been able to accomplish, successfully persuading some member states from participating at the highest level of a 17+1 meeting with the Chinese President. Major projects of member states with China (e.g. the Budapest-Belgrade railway) should be suspended if they are contrary to or in competition with EU programmes.

On Russia, meanwhile, ‘sticks and carrots’ work. The West will, sooner or later, be faced with swallowing Moscow’s belligerent occupation of Crimea. Russia, nevertheless, should pay a particularly high price for its transgression focused towards, among other topics, promoting human rights and finding a solution to protracted conflicts. In a new détente, some Eastern Partnership projects could be extended to Russia as confidence building gestures (e.g. environmental protection, transport networks, the war on terrorism).

In the Western Balkans, more transparency is needed on future enlargements. EU member states should be provided a road map on the process and candidates should also be presented with clearer scenarios bound to gradual conditionality. Turkey, furthermore, should be provided enticements to encourage the country to cooperate more with the EU and NATO and pull the country away from Russia’s orbit.

EU foreign policy should not merely serve as a facsimile of member state level foreign policy. Rather than necessarily addressing the entire world, it should be highly targeted towards select partners including the most prominent countries and organizations (e.g. ASEAN) and the most pressing global problems (Covid-19, climate change, terrorism etc.).

The EU should, moreover, deploy foreign policy activities where member states are fervently convinced that common action will prove more successful than individual national efforts.

“The EU’s foreign policy priorities need to be grounded in a deeper understanding of global challenges”

by Dr. Rosa Balfour

Director, Carnegie Europe

The international context is so troubled that any list of foreign policy priorities would resemble the Christmas tree that Javier Solana, former EU High Representative for foreign policy, used to complain about. EU disunity has made its foreign policy an aggregation of disjointed national priorities. This process undergone little change over the past twenty years. The precariousness of Europe’s future, meanwhile, is apparently not impetus enough to galvanise European capitals to agree on a common agenda.

EU foreign policy priorities for 2021 thus need to be grounded in a deeper understanding of global challenges - how and with whom these can be addressed is the next step. The climate crisis and the technological revolution, in particular, are two developments that will critically shape the future. And they will play out amid three significant and interconnected challenges: the US-China rivalry, the state of democracy and the post-pandemic recovery.

The US-China rivalry, which is politically dividing the world, impinges on all policy areas. The EU’s ambivalence on this issue reflects divisions among member states and misconceived hopes that Europe can be a neutral or equidistant party. Secondly, the state of democracy in Europe and the EU’s inability to prevent its deterioration are a weakness vis-à-vis geopolitical rivalries. These democratic shortcomings reveal Europe’s vulnerabilities, which are, in turn, exploited by actors seeking to further undermine the EU’s global clout, its position in the multilateral system, and the security of its societies. Finally, steering the post-pandemic recovery on both health and the economy will absorb considerable time and energy from political leaders. But it is, nonetheless, crucial that its reach be international and not just focused on Europe.

The EU recovery plan identified the recipe: marrying green and digital to make the economy fit for the future. The EU priority should now be to craft its foreign relations around these goals by supporting other countries in this transformative effort. Doing so will require investing resources and expending diplomatic effort towards existing partnerships and alliances. This cooperation can contribute in reformulating institutional global governance to make it responsive to the emerging world, pushing back against detractors of democracy and making our societies more resilient. In the more pragmatic world of policy, this translates into five priorities for 2021.

⊲ Reboot the US relationship. The EU cannot reject Washington’s call to discuss the challenge posed by China. The EU need not entirely align itself with US views on China but it needs to prove itself trustworthy and reliable if it wants to be listened to in Washington. Rather than join a race to the bottom, European capitals can play a role in de-escalating tensions where possible. To be credible, this will, however, necessitate standing firm on principles.

⊲ Counter geopolitics through inclusive multilateralism and openness. The US return to multilateral institutions provides a once in a generation opportunity to reform multilateralism to make it more effective – designing/crafting global solutions to global problems - and more inclusive – involving multiple state and non-state actors from all corners of the world.

⊲ Invest in democracy at home and abroad by strengthening institutions and practices to counter authoritarianism and the democratic pitfalls of the technological revolution.

⊲ Support other countries and actors in addressing the post-pandemic recovery and greening their economies.

⊲ Address the multitude of foreign policy challenges on the EU’s doorstep including, among others, Libya, Turkey and Russia. Through the above lenses – working with partners, defusing geopolitical tensions, investing in diplomacy and bolstering the commitment to universal principles – Europe can succeed.

“A “constitutional moment” needed to bolster the EU’s international strategic ambitions”

by Dr. Emil Brix

Director of the Diplomatic Academy in Vienna

Why is EU foreign policy taking centre stage during ongoing discussions on the geopolitical position and role of the European Union (EU)? This is, in fact, a direct consequence of both real and perceived changes in unstable geopolitical power relations. The notion that the bloc needs to learn “the language of power” to defend its interests and those of its member states on the global stage has indeed become commonplace in the EU. Josep Borrell, High Representative/Vice-President for foreign affairs and security policy, in particular, has advocated for this type of approach in EU relations with third countries and in addressing global challenges (from migration to climate change to cyber threats).

The EU’s global strength and influence, however, are now in jeopardy amid the continued economic rise of China, the departure of the UK from the EU and growing confrontations with Russia. Despite these headwinds, wake-up calls agitating for greater “strategic autonomy” of the EU are not yet prevalent enough to create the necessary momentum for large-scale reform of governance. Without an EU “constitutional moment”, it is unlikely that foreign policy activities can decisively bolster international strategic ambitions. Further piecemeal engineering, therefore, remains the most realistic approach to foreign policy priorities in 2021. This would entail:

⊲ Using the window of opportunity of the renewed US commitment to multilateral institutions to develop common EU proposals for a more up-to-date and “effective multilateralism”.

⊲ Continuing to make headway on a comprehensive EU-China strategy.

⊲ Not relenting on the ambition to establish a common EU-migration policy.

⊲ Re-activating the accession process of the Western Balkans.

⊲ Bolstering all other EU policy areas in making better use of the major global strengths of the EU, including trade and the setting of standards, on a wider scale. This, in fact, ranks as the most ambitious and important priority.

“The EU as a global player: a must”

by Jim Cloos

Secretary-General of TEPSA, former Deputy Director General for General and Institutional Policy at the General Secretariat of the Council of the European Union

In a world where a more assertive China is rapidly rising, the United States is becoming less predictable, the UK is going its own path, neighbors like Russia and Turkey are difficult and at times hostile and Africa is struggling to find its way, the EU must raise its game and become a stronger global player. There are indeed important lessons to be drawn from the COVID-19 pandemic and other crises that have befallen the EU and the world over the past twelve years.

This changing context, as evidenced in the Strategic Agenda adopted in June 2019 and various conclusions adopted in recent years, is increasingly recognized by the European Heads of State and Government. The EU’s tone has, in fact, become more assertive and voluntarist, with the European Council more frequently holding strategic debates on important third country partners.

A global player must perceive itself as one and adopt a language and demeanor that reflect this stance. A global player, moreover, sees the world as it is, not as the one it would like it to be. The EU, rightly, prides itself on being a strong promoter of multilateralism and a defender of values. And it should certainly continue pressing these priorities. But if other players are choosing not to play that game, then the EU must adapt and give itself the means to defend its interests in a more hard-headed way.

A global player also develops its own strategic autonomy, conferring it the possibility to help shape the world, defend its interests and make its own choices as to its place in the world. The EU should, notably, not orient itself towards protectionism or autarky, which would be folly on the part of the largest trading bloc in the world and an actor deeply integrated in the world. It is also paramount that the concept be defined in a broad and comprehensive manner: this is not just about foreign policy and security but also trade, the internal market, the economy, the digital world, climate change and energy policy.

A strong global player, finally, clearly envisions its place on the global stage. There is a need for a new and more equal partnership with the US and a clear understanding of how the bloc fits into a US-China-EU triangle. The EU must also resolve its future relations with the UK, devise a more stringent policy towards Russia and Turkey that, nevertheless, keeps the door open for more constructive dialogue and reinvent its relationship with Africa.

A few general principles to follow if the EU is to become a global actor:

⊲ Strong European Council leadership.

⊲ A “Team Europe” of institutional leaders.

⊲ Closer link between EU and national policies and the effective use of all available resources.

⊲ Use of reinforced cooperation where necessary.

⊲ A fresh review of EU governance.

“More realism and less fantasy about what the EU is and can be globally”

by Steven Erlanger

Chief Diplomatic Correspondent in Europe for The New York Times

The priorities for EU foreign and security policy must begin with the EU itself. A necessary starting point, in particular, rests on bringing Germany, France, Italy and Poland on board on key issues. EU foreign policy is too often limited to the lowest common-denominator or is merely rhetorical. We should stop thinking overly hard about a common EU foreign policy, especially on key bilateral relationships like those with Washington, Moscow and Beijing. The High Representative should rather spend more time coordinating relations with these crucial countries than worrying about consensus at 27, which is nearly impossible to attain on pressing or important issues, not least in a timely fashion. It is worth remembering that EU statements tend to come after France and Germany have made their positions known (not speaking now about the UK, which also often issued its own statements).

Americans like to talk about “Europe” -- but what and where is this mystical unified “Europe”? It is largely derived from the power that comes from EU competences on trade. But it will never rule on foreign policy and qualified majority voting is unlikely in this area, too. Nor will there be any sort of European “army” given that commanders and political control would be necessary. Who would be commander-in-chief? What type of democratic mandate would such a person have? What about parliamentary mandates, as in Germany? And what large country would allow its troops to go into combat under some unelected European command?

### 1NC — CP

#### The United States federal government should create a new, administrative agency, and have that agency substantially increase 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 through enhanced regulations that do not expand the scope of its core antitrust laws.

#### The counterplan solves and competes

Shelanski 18, Professor of Law @ Georgetown (Howard, “Antitrust and Deregulation,” Yale Law Journal)

A. Antitrust and Regulation as Policy Alternatives

A variety of institutions can govern economic competition. Decentralized, capitalist economies generally rely on markets themselves to provide the incen- tives and discipline necessary to keep prices low, output high, and innovation moving forward.8 But sometimes market forces alone cannot ensure efficiency and economic welfare—for example, when the market structure has changed due to mergers or the rise of a dominant firm, or when the market is an oligopoly susceptible to parallel conduct or collusion. In such cases, governance of competition by a nonmarket institution might be warranted. Because concentrated markets or even monopolies can arise for good reasons related to efficiency, in- novation, and consumer preference, the governance of competition more often involves vigilance than liability or injunctions. Then-Judge Stephen Breyer, long a leading scholar of antitrust and regulation, described the best situation as being an unregulated, competitive market in which “antitrust may help maintain com- petition.”9 Antitrust law aims to prevent the improper creation and exploitation of market power on a case-by-case basis while avoiding the punishment of commercial success justly earned through “skill, foresight and industry.”10 Thus, competition authorities like the FTC and the DOJ’s Antitrust Division review mergers, inves- tigate single-firm conduct, and prosecute collusion.11 Private plaintiffs can pur- sue civil antitrust liability through suits in the federal courts.12 To win their claims, enforcement agencies and private plaintiffs bear the burden of showing that the effect of a firm’s activity is “substantially to lessen competition, or to tend to create a monopoly,”13 or to constitute a “contract, combination, . . . or conspir- acy” in restraint of trade,14 or to “monopolize, or attempt to monopolize” any line of business.15 Antitrust is not, however, the only institution through which government addresses competition concerns and market failures. Congress can give regulatory agencies authority to intervene where they see the need to address competition and market structure—and Congress has often done so. With such statutory authority, “[i]n effect, the agency becomes a limited-jurisdiction enforcer of antitrust principles.”16 For example, the Department of Transportation (DOT) has jurisdiction to approve transfers of routes between airlines carriers, giving it a role in reviewing airline mergers.17 The 1992 Cable Act gave the FCC authority to limit the share of the national cable market that a single operator could serve, thereby giving the agency some control over the industry’s market structure.18 The FCC has long regulated market entry and, through its control over license transfers, reviewed mergers and acquisitions in several sectors of the telecom- munications industry. More recently, the FCC issued,19 and then repealed, 20 “network neutrality” regulations intended to preserve ease of entry and a level playing field for digital services. The Food and Drug Administration (FDA), Securities and Exchange Commission (SEC), Department of Energy, and numerous other federal agencies have various powers that directly affect competition.21 State regulation can be important as well in governing competition, particularly in the insurance and healthcare industries.22 In contrast to the case-by-case approach of antitrust, regulation typically im- poses ex ante prohibitions or requirements on business conduct. The Telecommunications Act of 1996, for example, required incumbent local telephone com- panies to grant new competitors access to parts of their networks and prohibited incumbents from refusing to interconnect calls from their customers to custom- ers of competing networks.23 With the rule in place, the FCC bore no burden of proving that a specific instance of network access was necessary for competition, or that a specific denial of interconnection would harm competition. In contrast to antitrust, where the burden of proving liability is on the agency, under a regulatory regime the burden of seeking a waiver from regulation or challenging an agency’s enforcement decision is usually on the regulated party. Antitrust and regulation therefore present alternative approaches to governing competition and addressing market failures.24 The government can review individual mergers under the antitrust laws, as it does in most markets, or it can set rules that impose clear, ex ante limits on the extent of concentration, as the FCC did for media ownership under the Communications Act.25 Government can investigate under the antitrust laws whether a firm has monopoly power that it has “willful[ly]” acquired or maintained other than “as a consequence of a su- perior product, business acumen, or historic accident.”26 Alternatively, with au- thority from Congress an agency can regulate how much of a market a single firm can serve, as the FCC tried to do with cable companies,27 or require firms to dispose of key assets in order to promote competition in a relevant market, as the DOT has done with airline slots.28

### 1NC — T

#### Business practices are ongoing conduct defined by the behaviors of many market participants

MacIntosh 97 (KERRY LYNN MACINTOSH-Associate Professor of Law, Santa Clara University School of Law. B.A. 1978, Pomona College; J.D. 1982, Stanford University. “LIBERTY, TRADE, AND THE UNIFORM COMMERCIAL CODE: WHEN SHOULD DEFAULT RULES BE BASED ON BUSINESS PRACTICES?” *William and Mary Law Review*, vol. 38, no. 4, May 1997, p. 1465-1544. HeinOnline accessed online via KU libraries, date accessed 8/27/21)

These new and revised articles reflect a strong trend toward choosing default rules4 that codify existing business practices.5 [[BEGIN FOOTNOTE 5]] 5. In this Article, the term "business practices" is used to refer to practices that emerge over time as countless market participants exercise their freedom to engage in profitable transactions. For an account of the evolution of business practices, see infra Part II. As used here, "business practices" is broader and less technical than "trade usage," which the Code narrowly defines as "any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question." U.C.C. § 1-205(2). [[END FOOTNOTE 5]] This is particularly true of the recent revisions to Articles 3 (Negotiable Instruments), 4 (Bank Deposits and Collections) and 5 (Letters of Credit).

**Prohibition requires forbidding a practice—the plan is only a hindrance**

**Van Eaton** et al **17** (Joseph Van Eaton, Gail Karish Gerard Lavery Lederer, lawyers for BEST BEST & KRIEGER, LLP. Michael Watza, KITCH DRUTCHAS WAGNER VALITUTTI & SHERBROOK, “BEFORE THE FEDERAL COMMUNICATIONS COMMISSION WASHINGTON, D.C”, COMMENTS OF SMART COMMUNITIES SITING COALITION, March 8, 2017 , https://tellusventure.com/downloads/policy/fcc\_row/smart\_communities\_siting\_coaltion\_comments\_mobilitie\_8mar2017.pdf)

2. What are at issue legally are prohibitions and effective prohibitions, and not hindrances, as the Commission seems to suggest in its Notice. The term “prohibit” is not defined in the Act, but it has an ordinary meaning: to formally forbid (something) by law, rule, or other authority; or to “prevent, stop, rule out, preclude, make impossible.” A mere “hindrance” “is simply not **in accord with** the ordinaryand fairmeaning” ofthe termprohibit,104 and can provide no basis for additional Commission intrusions on local authority over wireless facilities. Much of what Mobilitie complains about is a “hindrance” at most (and usually a hindrance magnified by its own actions).

**Only per se illegality prohibits a practice---rules of reason prohibit anticompetitive effects for individual acts, or instances of ‘practice.’**

Stevens 90 (John Paul Stevens- Justice, Supreme Court of the United States, “FTC v. Superior Court Trial Lawyers Ass'n,” 493 U.S. 411, Lexis

LEdHN[3C] [3C]LEdHN[14] [14]Equally important is the second error implicit in respondents' claim to immunity from the per se rules. In its opinion, the Court of Appeals **assumed** that the antitrust laws permit, but do not require, the condemnation of price fixing and boycotts without proof of market power. 15 The opinion further assumed that the **per se rule** **prohibiting** such activity "is only a rule of 'administrative convenience and efficiency,' **not** a **statutory command**." 272 U.S. App. D. C., at 295, 856 F. 2d, at 249.This statement contains two errors. HN10 [\*\*\*\*42] The per se [\*433] rules are, of course, the product of **judicial** interpretations of the Sherman Act, but the rules nevertheless have the same force and effect as **any other** **statutory** commands. Moreover, while the per se rule against price fixing and boycotts is indeed **justified** in part by "administrative convenience," the Court of Appeals erred in describing the prohibition as justified **only** by such concerns. The **per se rules** also reflect a **long-standing judgment** that the **prohibited practices** by their **nature** have "a substantial potential for impact on competition." Jefferson Parish Hospital District No. 2 v. Hyde, 466 U.S. 2, 16 (1984).

[\*\*\*\*43] LEdHN[15] [15]As we explained in Professional Engineers, HN11 the rule of reason in antitrust law generates

"two complementary categories of antitrust analysis. In the first category are **agreements** whose nature and necessary effect are **so plainly anticompetitive** that **no** elaborate **study** of the industry is needed to establish their illegality -- they are 'illegal **per se.'** In the second category are agreements whose competitive effect can only be evaluated by analyzing the facts peculiar to the business, the history of the restraint, and the reasons why it was imposed." 435 U.S., at 692.

[\*\*\*873] "Once experience with a particular kind of restraint enables the Court to predict with confidence that the rule of reason will condemn it, it has applied a conclusive presumption that the restraint is unreasonable." Arizona v. Maricopa County Medical Society, 457 U.S. 332, 344 (1982).

[\*\*781] LEdHN[16] [16] [\*\*\*\*44] The per se rules in **antitrust** law serve purposes analogous to per se restrictions upon, for example, **stunt flying** in congested areas or **speeding**. Laws prohibiting stunt flying or setting speed limits are justified by the State's interest in protecting human life and property. Perhaps **most** violations of such rules **actually** cause **no harm**. No doubt many **experienced** drivers and pilots can operate much more safely, even **at prohibited speeds**, than the average citizen.

[\*434] If the especially skilled drivers and pilots were to paint messages on their cars, or attach streamers to their planes, their conduct would have an expressive component. High speeds and unusual maneuvers would help to draw attention to their messages. Yet the laws may nonetheless be **enforced** against these skilled persons **without proof** that their conduct was **actually harmful or dangerous**.

In part, the justification for **t**hese per se rules is rooted in administrative convenience. They are also **supported**, however, by the observation that every speeder and every stunt pilot poses **some threat to the community**. An unpredictable event may overwhelm the skills of the best driver or pilot, even if the [\*\*\*\*45] proposed course of action was entirely prudent when initiated. A bad driver going slowly may be more dangerous that a good driver going quickly, but a good driver who obeys the law is safer still.

#### The rule of reason is the opposite of a prohibition

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.'

#### 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. And bidirectionality---rule of reason creates legally protected practices

#### SECOND---limits---they lead to a wave of legal standard affs that avoid generics

## 1NC — Supply Chains

### 1NC — Degrowth

#### Growth is unsustainable — pursuit causes extinction and turns war.

Trainer 20, PhD from University of Sydney. Conjoint Lecturer in the School of Social Sciences, University of New South Wales (Ted, The Simpler Way: Collected Writings of Ted Trainer, *The Simplicity Institute*, pp. 3-6)

1. Unsustainability

The way of life we have in rich countries is grossly unsustainable. There is no possibility of all people on Earth ever rising to rich world per capita levels of consumption of energy, minerals, timber, water, food, phosphorous etc. These rates of consumption are generating numer-ous alarming global problems, now threatening our survival and the survival of other species. Most people have no idea of the magnitude of the overshoot – of how far we are beyond sustainable levels of re-source use and environmental impact. If all the estimated 9.8 billion people living on earth in 2050 were to consume resources at the pres-ent per capita rate in rich countries, world annual resource production rates would have to be about eight times as great as they are now.

For instance, the ‘Ecological Footprint’ analysis indicates that the amount of productive land required to provide one person in Australia with food, water, energy and settlement area is about 6.6 ha (Global Footprint Network, 2019). If 9.8 billion people were to live as Australians do, approximately 65 billion ha of productive land would be required. However, the total amount of productive land available is only 12 billion ha. If we assume one third of this should be set aside for nature (see, e.g., Baillie Yang, 2018) the amount available for humans might be about 8 billion ha. In other words, our rich world per capita footprint is about eight times as big as it would ever be possible for all of the world’s people to sustainably share.

Figures for some other items indicate much worse ratios. For instance, the top 10 nations consuming iron ore and bauxite (from which we ob-tain aluminium and steel) have per capita use rates that are respectively around 65 and 90 times the rates for all the other nations (Wiedmann et al., 2015). Mineral ore grades are falling. All people could not rise to present rich world levels of mineral use. The same case can be made with respect to just about all other resources and ecosystem services, such as agricultural land, forests, fisheries, water and biomass.

These simple figures clearly demonstrate the impossibility of all people ever having the material ‘living standards’ we have taken for granted in rich countries like Australia. We are not just a little beyond sustainable levels of resource demand and ecological impact – we are far beyond sustainable levels. Rich world practices, systems and ‘living standards’ are grossly unsustainable, and can never be extended to all the world’s people. Again, few people seem to grasp the magnitude of the over-shoot. We must face up to dramatic reductions in our present per capita levels of production and consumption.

1.1. Now add the absurd commitment to economic growth

The main worry is not the present level of resource use and ecological impact discussed above, it is the level we will rise to given the obsession with constantly increasing the amount of production and consumption. The supreme goal in all countries is to raise incomes, ‘living standards’ and GDP as much as possible, constantly and without any idea of a limit. That is, the most important goal is economic growth.

Consider the implications. If we assume a) a 3% p.a. economic growth, b) a population of 9.8 billion, c) all the world’s people rising to the living standards we in the rich world would have in 2050 given 3% p.a. growth – in that scenario, the total volume of world economic output would be 20 times as great as it is now and doubling every 23 years thereafter.

So even though the present levels of production and consumption are grossly unsustainable, the determination to have continual increase in income and economic output will multiply these towards absurd and impossible levels in coming decades.

Why analyse in terms of 9.8 billion rising to rich world levels? Because a) it is not morally acceptable to assume that they remain much poorer than we are, and b) that’s what everyone aspires to, so we had better think about whether it is viable.

1.2 But what about technical advance?

When confronted by global sustainability problems most people just assume that technical advance and ‘green growth’ will solve them, enabling us to go on living with ever-increasing levels of affluence. They do not realise that the magnitude of the problems rules this out.

The core ‘tech-fix’ faith is that resource demand and environmental impacts can be ‘decoupled’ from economic growth, i.e., that produc-tion and consumption can go on increasing while resource demand is sufficiently reduced. This is extremely implausible (see Part Three of this anthology for more detail). How likely is it that the world’s amount of production could be multiplied by 20 while resource use and environmental impacts are reduced by, say, 50% – i.e., a factor 40 reduction? None of the thirty or more reports over the last 20 years show any global reduction at all; they all show that as GDP rises so do the impacts. The recent review essay by Hickel and Kallis (2019) pro-vides a powerful critique of ‘green growth’ (see also Ward et al., 2016).

1.3 Global problems should be seen in terms of ‘limits to growth’

The ‘limits to growth’ perspective (Meadows et al., 1972) is essential if we are to understand the most serious global problems facing us:

The environmental problem is basically due to the fact that far too much producing and consuming is going on, taking too many resources rom nature and dumping too many wastes back into nature. We are eliminating species mainly because we are taking or ruining so much habitat. The environmental problems cannot be solved in an economy that is geared to providing ever-rising production, con-sumption, ‘living standards’ and GDP (see the next essay, ‘Why this economy must be scrapped’, for more detail).

Third World poverty and underdevelopment are inevitable if a few living in rich countries insist on taking far more of the world’s re-sources than all could have. The Third World can never develop to rich world levels of consumption, because there are far too few re-sources for that. (For more detail on this issue, see the essay ‘Third World development’ in Part Two.)

Conflict and war are inevitable if all aspire to rich world rates of consumption, and if rich countries insist on limitless growth on a planet with limited resources. Rich countries now have to support repressive regimes willing to establish policies that enable our cor-porations to ship out cheap resources, use Third World land for export crops, exploit cheap labour etc. This means we must be ready to get rid of regimes and to invade and run countries that threaten to follow policies contrary to our First World interests. Our rich world living standards could not be as high as they are if a great deal of repression and violence was not taking place, and rich countries contribute significantly to this. If we are determined to remain affluent, we should remain heavily armed! (This issue is developed in the essay in part Two called ‘If you want affluence, prepare for war’.)

Social cohesion is deteriorating and quality of life is being damaged. This is so even in the richest nations, because the supreme goals are raising business turnover, incomes and the GDP, not meet-ing needs, building community and improving the quality of life. (Some details of this decline in quality of life and the benefits of an alternative way to live are discussed in Part Four.)

#### A second recession during COVID guarantees a successful transition — it both forces degrowth policies and makes them more popular.

Kallis et al. 20, ICREA Professor at the Institute of Environmental Science and Technology, Autonomous University of Barcelona, With: Susan Paulson, Giacomo D’Alisa, Federico Demaria (Giorgios, “The case for degrowth in a time of pandemic,” *openDemocracy*, 5/14/2020, <https://www.opendemocracy.net/en/oureconomy/case-degrowth-time-pandemic/>)

The pandemic has lain bare the fragility of existing economic systems. Wealthy nations have more than enough resources to cover public health and basic needs during a crisis, and could weather declines in non-essential parts of the economy by reallocating work and resources to essential ones. Yet the way current economic systems are organized around constant circulation, any decline in market activity threatens systemic collapse, provoking generalized unemployment and impoverishment. It doesn’t have to be this way. To be more resilient to crises – pandemic, climatic, financial, or political – we need to build systems capable of scaling back production in ways that do not cause loss of livelihood or life. We make the case for degrowth. Conservative outlets such as [Forbes](https://www.forbes.com/sites/wlf/2020/04/29/still-against-degrowth/), the [Financial Times](https://www.ft.com/content/0b171892-8afd-11ea-9dcb-fe6871f4145a), or the [Spectator](https://www.spectator.co.uk/article/the-coronavirus-crisis-reveals-the-misery-of-degrowth-), have been pronouncing that the coronavirus crisis reveals “the misery of degrowth”. But what is happening during the pandemic [is not degrowth](https://twitter.com/DegrowthMemes/status/1255783275987177473). Degrowth is a project of living meaningfully, enjoying simple pleasures, commoning, sharing and relating more with others, and working less, in more equal societies. The goal of degrowth is to purposefully slow things down in order to minimize harm to humans and earth systems and to reduce exploitation. The current situation is terrible, not because carbon emissions are declining, which is good, but because many lives are lost; it is terrible not because GDPs are going down, to which we are indifferent, but because processes in place to protect livelihoods when growth falters are grossly insufficient and unjust. We would like to see societies become slower by design, not disaster. This pandemic is a growth-induced disaster, harbinger of more to come. Drives for growth have accelerated global flows of material and money, paving the way for lightning-fast circulation of bodies and diseases. The economic policies and social arrangements proposed by degrowth offer ways to make such situations more liveable and just, to emerge stronger and better post-crisis, and to reorient practices and politics towards care and community solidarity. The end of growth will not necessarily involve a smooth transition. It may very well be unplanned, unwilled, and messy, in conditions not of our own choosing. Conditions like the ones we are living through now. History often evolves with punctuations; periods of seeming paralysis can reach a tipping point, when unexpected events open new possibilities and violently close others. The COVID-19 pandemic is such an event. Suddenly, things take radical new directions, and the unthinkable becomes thinkable, for better or for worse. Severe economic depression led to Roosevelt’s New Deal, and also to Hitler’s Third Reich. What are the possibilities and dangers now? Amid this pandemic, many scientific, political, and moral authorities are communicating the message that caring for people’s health and wellbeing should come before profit, and that is great. A resurgence of a care ethic that we advocate in our forthcoming book [The Case for Degrowth](https://politybooks.com/bookdetail/?isbn=9781509535620) is evident in the willingness of people to stay home to protect their elders, and in the spirit of duty and sacrifice among care and health workers. Of course, many stay home also because they fear the virus and worry about themselves, or to avoid police fines. And many care workers go to work because they must earn a living. Acting collectively against crises, pandemic, or climate change requires such combinations of sacrifice and solidarity, self and collective interest, government interventions and people’s participation. Deep inequalities are coming into play in new ways. Residents of some countries are suffering different, and sometimes more severe, hardships than those of others, as are those who are deprived of full citizenship in prisons, migrant labor camps, and refugee settlements. Within each country, actors differentiated by gender, racial, socioeconomic, and occupational positions suffer different vulnerabilities in the face of the disease, and of the economic downturns that follow. Data from countries around the world show that [COVID tends to be much more severe and deadly in men](https://www.livescience.com/why-covid-19-more-severe-men.html) than in women. US Centers for Disease Control and Prevention show a disproportionate burden of illness and death among [racial and ethnic minority groups](https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html). Nurses, health aids, and caretakers, positions in which women prevail, are especially vulnerable to infection. As are millions of men working in essential jobs including sanitation, trucking, taxi-driving, and meat packing. These jobs, in very large majority performed by men, were already among the most dangerous occupations before adding exposure to coronavirus. While some have the luxury of sheltering at home, others must choose between unemployment without an adequate safety net and working at jobs that expose them to the coronavirus. Yet, unless whole populations are protected, not even the wealthiest are fully safe from contagion. In this crisis, like others before, [people have mobilized and self-organized](https://www.theguardian.com/commentisfree/2020/mar/31/virus-neighbours-covid-19) where businesses and governments have failed to provide for their needs – from mutual aid groups delivering food and medicines for elders, to groups of doctors, engineers, and hackers collaborating to 3-D print components for oxygen ventilators, to students babysitting the children of doctors and nurses. The proliferation of caring and commoning endeavors, which form the bedrock of the degrowth societies we envision, are all the more commendable given the contagious nature of the virus. After the pandemic is over, and the difficult path of economic reconstruction starts, this resurgent dynamism of commoning and care will be vital. Positive impulses among individuals and grassroots networks are necessary but not sufficient for sustained change. We need governments to secure healthcare for all, protect the environment, and provide economic safety nets. [The degrowth-supporting policies](https://www.greeneuropeanjournal.eu/can-we-prosper-without-growth-10-policy-proposals/) we advocate were necessary before the pandemic, and are more so during and after: a Green New Deal and public investment program, work-sharing, a basic care income, universal public services, and support for community economies. So is the reorganization of public finance through measures including carbon fees, caps on wealth and high incomes, taxes on natural resource use, and pollution. Whereas degrowth debates have traditionally focused on demobilizing resource-intensive and ecologically damaging aspects of current economies, [pandemic responses](https://tribunemag.co.uk/2020/03/the-anti-wartime-economy) deal with demobilizing those aspects not immediately essential for sustaining life. We coincide in facing the fundamental challenge of managing political economies without growth during and after the pandemic: how to demobilize parts of the capitalist economy while securing the provisioning of basic goods and services, experimenting with resource-light ways of enjoying ourselves, and finding collective meanings in life. Radical proposals are already being considered and selectively adopted across the political spectrum as they provide concrete solutions amid the pandemic. Companies and governments have reduced working hours and implemented work-sharing; different forms of basic income are being debated; financial measures have been instituted to subsidize workers in the quarantine period and after businesses close; an international campaign for [care income](https://globalwomenstrike.net/) has been launched; governments have engaged the productive apparatus to secure vital supplies and services; and moratoriums are being considered or imposed on rent, mortgage, and debt payments. There is growing understanding that vast government spending will be required. The world will change after the pandemic, and there will be struggles over which paths to take. People will have to fight to direct change toward more equitable and resilient societies that have gentler impacts on humans and natural environments. Powerful actors will try to reconstitute status quo arrangements, and to shift costs to those with less power. It takes organizing and a confluence of alliances and circumstances to ensure that it won’t be the environment and the workers who pay the bill, but those who profited most from the growth that preceded this disaster. [Degrowth is not forced deprivation](https://vocabulary.degrowth.org/), but an aspiration to secure enough for everyone to live with dignity and without fear; to experience friendship, love, and health; to be able to give and receive care; to enjoy leisure and nature, and to legitimize a life that it is also an experience of interdependence and vulnerability. This goal will not be met by subsidizing fossil fuel companies, airlines, cruise ships, hotels, and tourism mega-businesses. Instead, states need to finance Green New Deals and rebuild their health and care infrastructures, creating jobs in a just transition to economies that are less environmentally damaging. As oil prices fall, fossil fuels should be taxed heavily, raising funds to support green and social investments, and to provide tax breaks and dividends to working people. Rather than using public money to bail out corporations and banks, we urge the establishment of a [basic care income](https://comune-info.net/reddito-di-cura/) that will help people and communities to reconstruct their lives and livelihoods. These fundamental questions related to the strategies for socio-ecological transformation will be at the center of the [international Vienna degrowth conference](https://www.degrowthvienna2020.org/en/landing-page/) taking place as an online event in late May 2020. A good starting point are the principles for the recovery of the economy and the basis of creating a just society contained in the open letter [‘Degrowth: New Roots for the Economy’](https://www.opendemocracy.net/en/oureconomy/degrowth-new-roots-economy/). This crisis arguably opens up more dangers than it does possibilities. We worry about the politics of fear that the coronavirus pandemic engenders, the intensification of surveillance and control of peoples’ movements, xenophobia and blame of others, as well as home isolation that curbs commoning and political organizing. Once measures such as curfews, quarantines, rule-by-decree, border controls, or election postponements are taken, they can easily become part of the arsenal of political possibility, opening dystopian horizons. To counter these risks, degrowth motivates and guides us to re-found societies on the commons of mutual aid and care, orienting collective pursuits away from growth and toward wellbeing and equity. These are not just lofty aspirations; in our forthcoming book [The Case for Degrowth](https://politybooks.com/bookdetail/?isbn=9781509535620) we identify everyday practices and concrete policies to start building the world we want today, together with political strategies to support synergy among these efforts in the construction of equitable and low-impact societies. This book is unlike any other on degrowth, in that it is the first to try to address the hard question of ‘how to’ in the current political conjuncture. Before the pandemic, we had to work hard to convince people of the case for degrowth. Our job may be somewhat easier now amid such tangible evidence that the current system is crumbling under its own weight. As we embark on the second major global economic crisis in a dozen years, perhaps some of us will be more willing to question the wisdom of producing and consuming more and more, just to keep the system going. The time is ripe for us to refocus on what really matters: not GDP, but the health and wellbeing of our people and our planet.

#### Economic decline will be peaceful — COVID proves.

Walt 20, Belfer professor of international relations at Harvard University. (Stephen, May 13th, “Will a Global Depression Trigger Another World War?” *Foreign Policy*, <https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/>, Accessed 04-20-2021)

For these reasons, the pandemic itself may be conducive to peace. But what about the relationship between broader economic conditions and the likelihood of war? Might a few leaders still convince themselves that provoking a crisis and going to war could still advance either long-term national interests or their own political fortunes? Are the other paths by which a deep and sustained economic downturn might make serious global conflict more likely?

One familiar argument is the so-called diversionary (or “scapegoat”) theory of war. It suggests that leaders who are worried about their popularity at home will try to divert attention from their failures by provoking a crisis with a foreign power and maybe even using force against it. Drawing on this logic, some Americans now worry that President Donald Trump will decide to attack a country like Iran or Venezuela in the run-up to the presidential election and especially if he thinks he’s likely to lose.

This outcome strikes me as unlikely, even if one ignores the logical and empirical flaws in the theory itself. War is always a gamble, and should things go badly—even a little bit—it would hammer the last nail in the coffin of Trump’s declining fortunes. Moreover, none of the countries Trump might consider going after pose an imminent threat to U.S. security, and even his staunchest supporters may wonder why he is wasting time and money going after Iran or Venezuela at a moment when thousands of Americans are dying preventable deaths at home. Even a successful military action won’t put Americans back to work, create the sort of testing-and-tracing regime that competent governments around the world have been able to implement already, or hasten the development of a vaccine. The same logic is likely to guide the decisions of other world leaders too.

Another familiar folk theory is “military Keynesianism.” War generates a lot of economic demand, and it can sometimes lift depressed economies out of the doldrums and back toward prosperity and full employment. The obvious case in point here is World War II, which did help the U.S economy finally escape the quicksand of the Great Depression. Those who are convinced that great powers go to war primarily to keep Big Business (or the arms industry) happy are naturally drawn to this sort of argument, and they might worry that governments looking at bleak economic forecasts will try to restart their economies through some sort of military adventure.

I doubt it. It takes a really big war to generate a significant stimulus, and it is hard to imagine any country launching a large-scale war—with all its attendant risks—at a moment when debt levels are already soaring. More importantly, there are lots of easier and more direct ways to stimulate the economy—infrastructure spending, unemployment insurance, even “helicopter payments”—and launching a war has to be one of the least efficient methods available. The threat of war usually spooks investors too, which any politician with their eye on the stock market would be loath to do.

Economic downturns can encourage war in some special circumstances, especially when a war would enable a country facing severe hardships to capture something of immediate and significant value. Saddam Hussein’s decision to seize Kuwait in 1990 fits this model perfectly: The Iraqi economy was in terrible shape after its long war with Iran; unemployment was threatening Saddam’s domestic position; Kuwait’s vast oil riches were a considerable prize; and seizing the lightly armed emirate was exceedingly easy to do. Iraq also owed Kuwait a lot of money, and a hostile takeover by Baghdad would wipe those debts off the books overnight. In this case, Iraq’s parlous economic condition clearly made war more likely.

Yet I cannot think of any country in similar circumstances today. Now is hardly the time for Russia to try to grab more of Ukraine—if it even wanted to—or for China to make a play for Taiwan, because the costs of doing so would clearly outweigh the economic benefits. Even conquering an oil-rich country—the sort of greedy acquisitiveness that Trump occasionally hints at—doesn’t look attractive when there’s a vast glut on the market. I might be worried if some weak and defenseless country somehow came to possess the entire global stock of a successful coronavirus vaccine, but that scenario is not even remotely possible.

If one takes a longer-term perspective, however, a sustained economic depression could make war more likely by strengthening fascist or xenophobic political movements, fueling protectionism and hypernationalism, and making it more difficult for countries to reach mutually acceptable bargains with each other. The history of the 1930s shows where such trends can lead, although the economic effects of the Depression are hardly the only reason world politics took such a deadly turn in the 1930s. Nationalism, xenophobia, and authoritarian rule were making a comeback well before COVID-19 struck, but the economic misery now occurring in every corner of the world could intensify these trends and leave us in a more war-prone condition when fear of the virus has diminished.

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

#### Growth-driven tech innovation proliferates and advances the technology necessary to conduct bioterrorism.

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Whatever the actual potential of these technologies, it is clear that a powerful technological imaginary exists among policy makers, technologists, and economists that contributes to an unshakeable faith in innovation and human ingenuity to solve the decoupling challenge. Degrowth proponents have so far mainly challenged this optimism by emphasizing the limited potential of renewable energy due to its intermittency and high land and raw material demands (e.g. Kallis, 2018). However, this may downplay the (at least theoretical) potential for convergent breakthroughs in nanotechnology, synthetic biology, and AI to vastly improve renewable energy efficiency and storage systems while designing new materials to substitute for depleting minerals (Diamandis and Kotler, 2014). More broadly, while degrowthers have to some extent considered individual FIR technologies (particularly AI and biotechnology) (e.g. Kallis, 2018; Kerschner et al., 2018), they have yet to address their convergent and mutually amplifying character, which leaves them vulnerable to the arguments of techno-optimists. Of course, the revolutionary promise of these technologies may fail to materialize, and, given the magnitude of the decoupling challenge, degrowth advocates are right to be skeptical. However, due to irreducible uncertainty combined with the ‘exponential’ and ‘revolutionary’ potential of the FIR (Schwab, 2017), even more rigorous critical assessments would always be insufficient in the eyes of the techno-optimists. Therefore, an alternative line of response should also be pursued: what if the FIR does succeed in decoupling economic growth from total environmental impact? What unintended consequences then might this give rise to?3 Dual-use technologies and the democratization of violence First, we must consider that all these are ‘dual-use technologies’, or technologies with potential both for economic productivity and violence. As Blum and Wittes (2015, p. 2) explain, these technologies are driving a trend referred to as the ‘democratization of violence’ in which the ‘destructive power once reserved to states is now the potential province of individuals’. Rather than simply a matter of creating new individual weapons, Blum and Wittes (2015, pp. 39, 7-8) emphasize that convergent FIR technologies are generating ‘whole technological fields – a series of breakthroughs in basic science and engineering’ that ‘generate creativity in their users to build and invent new things, new weapons, and new modes of attack’. And to compound the problem, while FIR technologies empower individuals to kill and provoke systemic chaos unlike any other time in history, they also empower states to monitor the minute details of private and public life and potentially constrict individual and collective freedoms, while the unprecedented threats enabled by these same technologies will likely reinforce governmental efforts to intensify securitization as deeply as is technologically feasible. Blum and Wittes summarize the emerging predicament as follows: How should we think about the relationship between liberty and security when we both rely on governments to protect us from radically empowered fellow citizens around the globe and also fear the power those same technologies give to governments? (Blum and Wittes, 2015, p. 13) Blum and Wittes do not consider how the earth system crisis will intersect with these threats, either as a positive or negative feedback. But it should be clear that, in a world of FIR-driven sustainability solutions, they would inevitably intensify, and it is thus necessary to consider what new problems and governmental responses they would engender.4 Without claiming to exhaustively describe the security risks created by the FIR, I will focus on three emerging areas of concern: biosecurity, cybersecurity, and state securitization, and will then discuss how they may collectively generate a spiral of insecurity and securitization. Biotechnology and the emerging terrain of biosecurity To begin with biosecurity, both the promise and peril of biotechnology – particularly the still nascent field of synthetic biology – is its immense creative potential. As a recent report from the National Academies of Sciences (NAS) describes: synthetic biology is expected to (1) expand the range of what could be produced, including making bacteria and viruses more harmful; (2) decrease the amount of time required to engineer such organisms; and (3) expand the range of actors who could undertake such efforts. (NAS, 2018, p. 4) For example, manipulating DNA structures in microorganisms can make certain agents more virulent, improve their resistance to antibiotics and vaccines, make them less detectable by already limited surveillance systems, transform harmless microorganisms into deadly ones, and make pathogens more resilient to diverse atmospheric conditions, thus increasing their lifespan (Charlet, 2018; NAS, 2018). At present these capabilities remain limited and dependent on highly advanced techniques and laboratory equipment, which is why most experts believe there have to date been no mass casualty bioterror attacks (NAS, 2018). However, the NAS notes that improvements in synthesis technology have followed a ‘Moore’s Law–like’ curve for both reductions in costs and increases in the length of constructs that are attainable’, and that ‘these trends are likely to continue’ (NAS, 2018, pp. 18–19). Moreover, automated DNA synthesis techniques remove much of the time-consuming and technically difficult aspects of manipulating DNA, further reducing barriers to access (Wintle et al., 2017). And in the future, experts warn that ‘convergent capabilities’ between synthetic biology, information technology, nanotechnology, and 3D printing may enable ‘sudden’ breakthroughs in bioweaponization (e.g. by improving bio-agent stability and delivery, providing advance[d]s aerosolization capability, and accelerating the ‘Design-and-Build’ cycle) (NAS, 2018, p. 87). The possibilities of bio-weaponization will expand as these techniques diffuse, which are already enabling the formation of a ‘DIYbio’ movement in which amateur scientists, inventors, and others are increasingly ‘capable of doing at home what just a few years ago was only possible in the most advanced university, government or industry laboratories’ (Bennett et al., 2009, p. 1109). The new CRIPSR/Cas9 gene editing technique further expands the range of genomic tinkering available to individuals, which has been widely embraced by the DIYbio community as a powerful tool that ‘makes it easy, cheap, and fast to move genes around – any genes, in any living thing’ (Maxmen, 2015). The capacities of DIY biohackers remain limited in important ways, though the trends described above suggests they will continue to increase as barriers to advanced bio-weaponization fall (NAS, 2018). And while the risks are evident, the democratization of these techniques may also facilitate the diffusion and customization of local solutions to environmental and health challenges while enhancing popular participation in the direction of biotechnological evolution away from transnational corporate dominance (Bennett et al., 2009). We can therefore say that these emerging technologies pose a unique kind of ‘security dilemma’: while their development and diffusion may strengthen local and global capacities to solve environmental challenges, they may also imperil global security by unleashing uniquely powerful and complex violence capabilities. Synthetic biology is only in its early stages, and governments from the UK to China aim to ‘accelerate [its] industrialization and commercialization’ in order ‘to drive economic growth’ and ‘develop solutions to key challenges across the bioeconomy, spanning health, chemicals, advanced materials, energy, food, security and environmental protection’ (Synthetic Biology Leadership Council, 2016, pp. 13, 4). If calls for emergency action to exponentially expand the green economy indeed accelerate these trends (Falk et al., 2018), then by 2030 (and more so by 2040) we will live in a world where genetically engineered biofuels dramatically increase, genetic tinkering with crop varieties is normalized to enhance agricultural resilience, and gene drives are deployed to control old and new disease vectors intensified by climate change (among other potential applications), which would exponentially expand the number of individuals with biotech expertise and access to the needed equipment. Therefore, while we have yet to experience a catastrophic bioterror attack, rapid advances in synthetic biology are nonetheless creating a ‘black swan waiting to happen’ (Bennett et al., 2009, p. 1110), and the risk is that such black swans could become increasingly ‘normal’ if this technology becomes a key engine of economic growth and green technological innovation.

### 1NC — ! Defense

#### No warming impact.

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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 — Protectionism

### 1NC — ! Defense

#### No protectionism impact — trade doesn’t solve war

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Certainly, the more countries trade and invest with one another, the greater the economic cost of conflict and the stronger the incentive to keep the peace. America and China today are more interdependent economically than any two comparably powerful states have ever been before, and this will certainly restrain ambition and rivalry on both sides. The question is whether the restraints will prove stronger than the pressures going the other way. If interdependence does trump strategic and political ambition, we should be seeing it happening between the United States and China now – but we have not seen much evidence of that yet. So far the two countries seem to be acting very much as strong states in the past have acted as relative power shifts from one to the other. Pessimists like John Mearsheimer and Niall Ferguson remind us that before war broke out in 1914, the great powers of Europe had grown more economically interdependent than they had ever been before, and than they would be again for almost a century.12

The lesson to draw is that interdependence increases the incentive for leaders to subordinate political ambitions and ignore nationalist sentiments, but it does not remove the need for them to take these bold and [politically] politicaly risky steps. The hard choices still have to be made. It is easy for leaders to see that economic interests require them to compromise their countries’ aspirations for international status and power, but it is harder for them to acknowledge that to their people, and harder still to put their economic interests ahead of strategic and political ones when a choice has to be made. In fact, most often people see it as shameful to put economic concerns first when issues of power and status are engaged. What president would tell the American people that their country will compromise its position on an issue like Taiwan in order to protect America’s economic interests? What Chinese leader could make the same argument to the Chinese people? When a choice has to be made, especially when it has to be made in the glare of an international crisis, it is very hard to put economics first.

In some ways the obvious importance of economic interdependence increases rather than limits the risk that rivalry will escalate, because of the way it can affect one country’s view of the other’s priorities. There seems to be a pattern here: each side believes that the imperatives of interdependence will press more heavily on the other. That inclines both governments to assume that the other will compromise to protect the economic relationship, so they do not have to do so. In Washington they expect China to back down from its challenge to America once Beijing understands the economic risks of rivalry. In Beijing they think America will blink. That makes both of them less inclined to compromise their own position – which makes escalation more likely.

Ultimately, faith in the power of interdependence boils down to faith in the power of money to trump other emotions and motivations. That is a risky proposition. We cannot assume that Chinese leaders will always choose rationally to maximise China’s objective benefits. They are no less liable than the leaders of any other country to allow what may be, or may seem to us to be, irrational desires for status and influence to trump the rational calculations of national interest.

Economics is important, but money isn’t everything. Countries, like people, want to be rich, but they also want to be safe and to feel good about themselves. For countries, as for individuals, aspirations for security and identity often compete with material interests, and often win. America’s and China’s divergent visions touch on very deep issues of national identity in both countries, which can easily seem to outweigh economic imperatives when the crunch comes. And there is always something a little strange about the assumption, implicit in the interdependence argument, that our economic desires will suppress the urge to strategic and political competition when our desire to avoid the horrors of war will not.

#### EU can’t solve conflict---Nagorno-Karabakh proves.

Popescu 20, director of the Wider Europe programme at the European Council of Foreign Relations. (Nicu, 11-11-2020, "Russia’s win in Nagorno-Karabakh is EU’s loss", *POLITICO*, https://www.politico.eu/article/russia-win-eu-loss-in-nagorno-karabakh/)

After six weeks of fighting over the disputed region of Nagorno-Karabakh — and several failed cease-fires — Russia has mediated a deal between Armenia and Azerbaijan that appears likely to hold. With the conflict now officially re-frozen, the situation has yielded two clear winners: Russia and Turkey, who flexed their muscle in the region while the European Union sat on the sidelines, appearing increasingly irrelevant in its own neighborhood. Unless the EU rethinks its strategy in the region, it seems relegated to observing as others take charge. The Russia-brokered deal bears striking resemblance to what Armenia, Azerbaijan and the international community agreed would be a reasonable compromise, under the so-called Madrid Principles a decade ago. The main difference is that it is being implement [implemented] by military force, not diplomats or politicians. As part of the deal, Russia will deploy some 2,000 peacekeepers, ensuring that Nagorno-Karabakh will have a Russian-protected land connection to Armenia, and that Azerbaijan will have Russian-protected communication lines and transport links through Armenia to the Azeri exclave of Nakhchivan. But if Azerbaijan might seem the victor and Armenia the loser, the situation is more complicated for both. For Baku, this is more of a Faustian bargain than a victory. Azerbaijan acquired seven territories around Nagorno-Karabakh, previously occupied by Armenia, and will get to keep the territorial gains it made in the enclave, but will have to accept constraints on its future foreign policy and security. With Russian military presence on what is internationally recognized as Azerbaijan’s territory, and Russian security personnel ensuring Azerbaijani access to its exclave in Nakhchivan, Moscow suddenly acquires much more security leverage in the country. Nagorno-Karabakh will now look more like Georgia’s secessionist regions of Abkhazia and South Ossetia before 2008. Georgia’s two separatist regions have long been geopolitically convenient conflict zones that allowed Russia to raise or lower the security temperature to influence domestic politics and the security situation in Georgia. Azerbaijan has joined the club now. In the short term, this will lead to an Azeri-Russian honeymoon but could become a source of future instability and acrimony in Moscow-Baku relations. Armenia, meanwhile, retains de facto control of part of Nagorno-Karabakh, and the deployment of Russian peacekeepers on the ground makes the country less vulnerable to future conflagrations. As a result, however, Armenia finds itself in the much more difficult situation of having dramatically increased its already high dependence on Moscow, with what remains of Armenian-controlled Nagorno-Karabakh now indefensible without Russia. Yerevan now faces the possibility that Russia will push it even harder into making painful concessions in domestic or foreign policy. The real winners of the latest flare-up over Nagorno-Karabakh, ultimately, are Turkey and Russia. Moscow has tightened the screws of its control of Armenia and the country’s domestic and foreign policies. It also has much more military and security leverage on future developments in Azerbaijan. Turkey also has cause for celebration. Its ally Azerbaijan re-acquired its seven districts and part of Nagorno-Karabakh thanks in large part to Turkish support. The Turkish military and Turkish-made drones got good publicity, as did Turkey’s credibility as a power that truly supports its allies (unlike Russia). And despite Turkey’s bold military maneuvering, Ankara and Moscow’s capacity to remain on good terms remained unshaken. None of the above bodes well for the EU’s own foreign policy and international profile. Foreign policymaking in the EU’s wider neighborhood has become increasingly militarized. The key players in the region are not EU countries; instead Turkey, Russia and now Azerbaijan increasingly see bold military action as an efficient and sure way to success, from the South Caucasus to Syria and Libya. As long as the EU continues to focus almost exclusively on diplomatic and economic means to exercise its power in its neighborhood, this trend will continue. There is no quick way out of this irrelevance for the EU. Still, short of sending military troops and inserting itself into every military imbroglio on its periphery, there is another possible way forward.

### 1NC — Circumvention

#### Courts circumvent.

Newman 19, University of Miami School of Law professor and a former attorney with the U.S. Department of Justice Antitrust Division. (John, 4-5-2019, "What Democratic Contenders Are Missing in the Race to Revive Antitrust", *Atlantic*, https://www.theatlantic.com/ideas/archive/2019/04/what-2020-democratic-candidates-miss-about-antitrust/586135/)

But the federal courts represent a massive stumbling block for any progressive antitrust movement. Reformers have identified two paths forward; both lead eventually to the court system. The first is relatively moderate: appoint regulators who will actually enforce the laws already on the books. Warren’s plan rests in part on this straightforward idea. The second, more audacious path requires congressional action to amend and strengthen our current laws. Warren’s call for a new ban on technology companies’ buying and selling via their own platforms falls into this category. Klobuchar has also proposed new antitrust legislation that would make it easier to block harmful mergers and acquisitions. But no matter its content, enforcing a law requires persuading a judge. When it comes to U.S. antitrust laws, federal judges—not Congress, and not regulatory agencies—are the ultimate arbiters. The Department of Justice Antitrust Division, one of our two public enforcement agencies, files all its cases in federal courts. And although the Federal Trade Commission (the other) can decide cases internally, the inevitable appeals eventually end up in court as well. No matter how strongly worded a law may be, ideologically driven judges can usually find a way around enforcing it. The cyclical history of U.S. antitrust law is proof that judges wield nearly limitless institutional power in this area. Soon after Congress passed the Sherman Act in 1890, a conservative Supreme Court began to chip away at its effectiveness. Congress reacted in 1914 with the Clayton Act, which sought to ban anticompetitive mergers. In 1936, at the height of the New Deal era, Congress passed the Robinson-Patman Act, which prohibits price discrimination (charging different prices to different buyers for the same product). These laws were actively enforced for decades. But starting in the late 1970s, conservative judges began to erode the Clayton Act. Today, megamergers among competitors such as Bayer and Monsanto barely raise eyebrows. So-called vertical mergers, which combine suppliers and their customers, are now all but immune from antitrust enforcement—see the DOJ’s failed challenge to AT&T and Time Warner’s recent tie-up. Under the business-friendly Roberts Court, the Robinson-Patman Act has similarly been eviscerated. By the 2000s, the ideas of the conservative Chicago School had become mainstream in antitrust circles. Robinson-Patman, a law intended to protect small businesses, was an easy target for Chicago School critics narrowly focused on efficiency and low consumer prices. Their attacks found a receptive audience in the federal judiciary. Among insiders, Robinson-Patman is now known as “zombie law.” It remains on the books, but regulators no longer bother trying to enforce it. If Democrats want to change antitrust law, they will first and foremost need to change the judges who apply it.

[marked]

Yet none of the 2020 contenders championing antitrust reform have even mentioned the possibility of appointing progressive antitrust thinkers to the bench. Conservatives, on the other hand, have long recognized the centrality of antitrust to broader questions about the apportionment of power in society. In his seminal work, The Antitrust Paradox, Robert Bork called antitrust a “microcosm in which larger movements of our society are reflected.” Battles fought in this arena, Bork wrote, “are likely to affect the outcome of parallel struggles in others.” Strong antitrust enforcement keeps powerful monopolies in check. Toothless antitrust allows the unlimited accumulation of corporate power. Recognizing the high stakes, the Republican Party has gone to great lengths to appoint conservative antitrust experts to the federal judiciary. Bork was an antitrust professor at Yale Law School before becoming an appellate judge in 1982.\* Frank Easterbrook practiced and taught antitrust before donning the black robe in 1985. Douglas Ginsburg served as the head of the Justice Department’s Antitrust Division before he became a federal judge in 1986. None of the three managed to join the Supreme Court, but not for lack of trying. Reagan nominated both Bork and Ginsburg to serve as justices, though Ginsburg withdrew and Bork was famously rejected after a contentious Senate hearing. And whom did the GOP select as its very first U.S. Supreme Court nominee during the Trump Administration? None other than Neil Gorsuch, who practiced antitrust law for more than a decade before joining the Tenth Circuit. Even as a judge, Gorsuch continued to teach a law-school course on antitrust until his confirmation to the Supreme Court in 2017. Once upon a time, progressives demonstrated similar concern about judicial treatment of antitrust laws. Justice Stephen Breyer, for example, served as special assistant to the head of the DOJ Antitrust Division before his judicial appointment by President Jimmy Carter. Earlier still, Justice John Paul Stevens was an antitrust lawyer, scholar, and professor before his appointment to the bench. Today’s Democratic 2020 hopefuls seem to have forgotten the lessons of history. Their antitrust proposals focus exclusively on appointing the right regulators and amending our current statutes. These are right-minded ideas, but they overlook the central role judges play in our political system. There is an old saying in the legal community: “Hard cases make bad law.” That may be true, but it is just as often the case that bad judges make bad law. Real antitrust reform will require more than regulatory and legislative tweaks; it will require the right judges.

# 2NC

## CP — Advantage

#### Severs, a VI for NEG ground: the “core antitrust laws” means Sherman, Clayton, and FTC acts.

**FTC ND**. “The Antitrust Laws.” 2013. Federal Trade Commission. June 11, 2013. https://www.ftc.gov/tips-advice/competition-guidance/guide-antitrust-laws/antitrust-laws.

Congress passed the first antitrust law, the Sherman Act, in 1890 as a "comprehensive charter of economic liberty aimed at preserving free and unfettered competition as the rule of trade." In 1914, Congress passed two additional antitrust laws: the Federal Trade Commission Act, which created the FTC, and the Clayton Act. With some revisions, these are the three core federal antitrust laws still in effect today.

## Advantage — Protectionism

#### BUT it independently causes war —empirics and asymmetry prove it can’t overcome fundamental disagreements — independent link to the turn

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

The most obvious rebuttal of these arguments is empirical. It just did not happen. Countries trading with each other, all around the globe, have fought wars with one another, over and over again. Some recent examples are Russia and Georgia, Russia and Ukraine, and Saudi Arabia and Yemen. As Smith predicted, human nature is an important factor in the explanation. People will quarrel and fight: ultimately emotions rule reason. In the domestic situation, there is hardly anyone who thinks that people can do without police and judiciary, because some people simply will not obey the rules. The international system is without a court with enforcement powers. There are some structural constraints, but it remains a human affair. The fundamental insights of Smith and his contemporaries into human behaviour do not amount to some oldfashioned idea, long refuted by modern science. They are confirmed not only by modern economists such as Kahneman (2011) and international relations specialists such as Waltz (1954, pp. 16–79) and Donelan (2007), but also by theorists working on the border between evolutionary psychology and international affairs (Rosen, 2005; Rubin, 2002; Thayer, 2004).

The relationship between trade and economic interdependence is also far more complex. Economic interdependence matters sometimes, but it cannot trump power politics. As Copeland (2015, pp. 1–50, 428–46) makes clear, economic interdependence is sometimes a constraint on violent action by a state. Yet it could just as well be a cause of violent action, especially of a pre-emptive nature in the event that actors expect to be cut off from trade and other economic resources in the near future. In this way, the benefits of continued trade lose out against the expected economic vulnerability. Sobek (2009, pp. 107–27) adds that trade relations might lead to uneven power relationships, which may be a cause of war as well.

Also relevant here is the fact that free trade does not normally result in bilateral interdependence, except for trade in the rarest goods. Free trade leads to multilateral trade relations, and consequently there may be more than one country where particular goods can be bought. Therefore, in times of war, it is relatively easy to switch to suppliers from country A to country B or C. In this way warfare may be a less costly option than is assumed by the idea of economic interdependence.

Public opinion is not automatically opposed to war, as Cobden painfully found out during the Crimean War (1853–56). This has been evident many times since, not least in the two world wars. So the idea of public opinion as a pacifying factor influencing decision-makers must be discarded. It must also be noted that the public in any case hardly ever influences foreign policy decisions on war and peace (Hill, 2003, pp. 250–82).

Trade is unable to foster peace, because it is unable to overcome many causes of war. Think about cultural and religious differences, geopolitical causes such as the fight for natural resources, including increasingly rare raw materials, or more traditional wars between great powers or their proxies over a border dispute. States may also act against their economic interest for some perceived higher goal (Coker, 2014). The causes of war are often multifaceted and complex. Wars happen because people have reasons to fight, in the form of goals and grievances, and possess enough resources and resolve (Ohlson, 2009). Trade relations are just one factor in the mix of causes of war, which include such coincidental factors as chance, luck, or reckless behaviour by individuals who happen to influence public policy. International commerce is simply not a “perfectly effective antiwar device” (Suganami, 1996, pp. 153–210). The best one can say is that the protection of trade relations is sometimes one of the factors in the decision not to wage war. Nothing less, nothing more.

To sum up, many of Adam Smith's arguments still stand, and are confirmed or complemented by modern research. There is no solid ground for the expectation that trade promotes, fosters, or leads to peace. Generally, international economic interests are not the crucial factors in decisions over war and peace. Too many other factors come into play. To believe that trade fosters peace was folly even hundreds of years ago. To still think so is to believe in fairy tales, to be ~~blinded~~ [confused] by the correlates computed by limited yet available datasets, or both.

## Advantage — Supply Chains

#### Extinction — non-state actors will deploy.

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

Recent developments in biotechnology may, however, give people the capability to design pathogens which overcome this trade-off. Some gain-of-function research has demonstrated the feasibility of altering pathogens to create strains with dangerous new features, such as vaccine-resistant smallpox40 and human-transmissible avian flu,41 with the potential to kill millions or even billions of people. For an engineered pathogen to derail humanity’s long-term future, it would probably have to have extremely high fatality rates or destroy reproductive capability (so that it killed or prevented reproduction by all or nearly all of its victims), be extremely infectious (so that it had global reach), and have delayed onset of symptoms (so that we would fail to notice the problem and mount a response in time).42 Making such a pathogen would be close to impossible at present. However, the cost of the technology is falling rapidly,43 and adequate expertise and modern laboratories are becoming more available. Consequently, states and perhaps even terrorist groups could eventually gain the capacity to create pathogens which could deliberately or accidentally cause an existential catastrophe.

#### 1 — Growth centric innovation causes US-China war.

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

State securitization and totalitarian dangers

The third key risk domain involves the securitization powers of states. FIR technologies may not qualitatively transform state power individually, though their convergent character could offer immense power to states that are able to systematically harness these capabilities for surveillance and militarization purposes. Unsurprisingly, such capacities are being intensively pursued by leading states. In particular, the US and China appear to be engaged in an AI arms race, with China aiming to create a $150 billion AI industry by 2030 and the Pentagon seeking to triple its AI warfare budget to match China’s ambition (Ashizuka, 2019). Military robotics is also a key field of competition, with worldwide spending tripling between 2000 and 2015 from $2.4 to $7.5 billion, and which some estimate will double again by 2025 (Allen and Chan, 2017). The US has also spent $29 billion on nanotechnology research since 2001, with about 20 per cent of its investments involving military applications (National Nanotechnology Initiative, 2019). A short list of potential military applications includes powerful and lightweight body armor, microscopic and networked nano-bots with capacities for ‘swarm intelligence’, and more compact and powerful chemical and nuclear weapons (Drexler, 2013; National Nanotechnology Initiative, 2019).

The full extent of the capabilities these technologies may unleash cannot be known in advance, though it seems possible that they could become an ‘axial’ capability of states. As Deudney (2007) describes, an axial capability is one that can dominate an entire system due to its unique character. While FIR technologies may not offer axial capabilities individually, their convergent character is such that they could collectively offer an axial advantage to states able to systematically harness their potential. This could take the form of a globally networked and nano-IOT-AI powered system harnessing vast capacities for force mobilization and information gathering and processing. By integrating nanotechnology, the IOT, big data, and robotics while harnessing the processing power and flexibility of advanced AI, states may in this way be in the midst of unleashing technological capabilities that will enable them to informationalize and monitor human populations while mobilizing destructive power with an unprecedented degree of precision and sophistication.

Of course, without speculating on the future, we can already see how states are taking advantage of the global information infrastructure to enhance control over the security environment. In particular, the metastasizing US security state is already in process of forging an incipient TechnoLeviathan – a ‘global-surveillance-state-in-the-making’ – whose drive for informational omniscience is pushing it beyond territorial boundaries in an effort to control the global infosphere and erode all pretense of legality and democratic oversight (Engelhardt, 2014, p. 107). And we are seeing comparable developments in China, where advances in AI, the IOT, and big data are being used to construct a ‘citizen score’ system that incentivizes ‘good’ (i.e. regimefriendly) behavior and punishes citizens for critical thinking (Mitchell and Diamond, 2018). Thus, while securitization trends in the US and China should already give us pause, they will only become more extensive and intensive by integrating increasingly advanced FIR technologies over time, which would likely be the case if the latter are relied upon to achieve decoupling.

#### 2 — Growthist innovation causes cyber war.

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

Cybersecurity in an age of ‘smart everything’

The second key problem with the FIR is that ‘exponential technologies’ deployed to decouple growth from environmental impact will also intensify ongoing cybersecurity threats. Cybercrime has increased to the point of costing the global economy an estimated $500–600 billion per year, while new vulnerabilities in civilian infrastructures continue to be discovered and exploited more quickly than they can be secured (Goodman, 2016). We are thus dealing with an already significant problem, though it remains important to consider how it will deepen in a world reliant on FIR-dependent solutions to the earth system crisis, especially once we take into account the cyber vulnerabilities posed by next generation information systems (Goodman, 2016).

In particular, we must consider the risks associated with the incipient IOT, which is a key component of the solution-set offered by techno-optimists for decoupling economic growth by dramatically improving efficiencies in energy, transportation, and agriculture (Falk et al., 2018; World Economic Forum, 2018). One of the prerequisites of a future renewable energy system capable of providing at least 80 per cent of growing electricity demand would be the creation of national or regional ‘smart grids’ in which energy surpluses in areas with lots of wind and sun at a given time can be transmitted to areas with energy deficits. While this system would itself increase cyber vulnerabilities relative to more modular systems, the efforts of Cisco and others to enhance the efficiency of smart grids via the IOT would intensify these vulnerabilities even more. In this vision, the smart grid would form ‘an intelligent network of power lines, switches, and sensors able to monitor and control energy down to the level of a single lightbulb’, which would be enabled by IOT connected sensors that ‘monitor energy use and manage demand, time shifting noncritical applications like delaying the start of your dishwasher to the middle of the night, when energy is cheaper’ (Diamandis and Kotler, 2014, pp. 169– 171). In this way, every connected device – from iPhones and laptops to dishwashers and microwaves – would become a possible point of entry for hackers to the overall network (Goodman, 2016). The IOT is also envisioned as a possible solution to traffic congestion and fuel efficiency for the future fleet of self-driving electric vehicles that are set to (potentially) transform the market over the next decade. While advocates of ‘smart’ cars and ‘smart’ cities are enthusiastic regarding the possibilities for improved energetic and economic efficiency, it would also leave vehicles vulnerable to remote hijacking, as researchers Chris Valasek and Charlie Miller demonstrated in 2014 by taking control of a 2014 Jeep Cherokee (Markey, 2015). Adding further to the IOT-hype, a recent World Economic Forum report proposes deploying it to create ‘precision agriculture’ systems, which could link farms with global positioning systems and weather data collection to monitor water and soil conditions while enabling farms to automatically optimize inputs (World Economic Forum, 2018).

If these IOT powered energy, urban, and agricultural systems come into being, this would constitute an exponential expansion of attack vectors for would-be hackers, whether they come from states, criminal organizations, or non-state terrorist networks. Cybersecurity analyst Mark Goodman effectively captures the scale the problem:

The IoT will be a global network of unintended consequences and black swan events ... we cannot even adequately protect the standard desktops and laptops we presently have online, let alone the hundreds of millions of mobile phones and tablets we are adding annually. In what vision of the future, then, is it conceivable that we will have any clue how to protect the next fifty billion things to go online? (Goodman, 2016, pp. 301–302).

In short, while the expansion of cyber vulnerabilities is already stressing if not overwhelming the defense capacities of governments, corporations, and public utilities, it is also practically assured that these vulnerabilities will expand significantly if the global economy relies on smart energy grids and the IOT to maximize energy efficiency and decouple growth from growing resource use.

#### Growth makes catastrophic disease inevitable — extinction.

Morand & Walther 20 (\*Serge Morand; PhD, disease ecologist @ Kasetsart University; \*\*Bruno A. Walther; DPhil, Taipei Medical University; 4/20/20; “The accelerated infectious disease risk in the Anthropocene: more outbreaks and wider global spread”; pg. 3-4; Accessible at: <https://doi.org/10.1101/2020.04.20.049866>) \*”to” added to preserve grammatical integrity, brackets denote a change

We here want to draw attention to another important and noteworthy feature of the Anthropocene which greatly affects public health, human well-being, and economic performance. These findings are especially pertinent as the world reels from the health, social and economic impact of the current SARS-CoV-2 pandemic (El Zowalaty and Järhult, 2020; Ghebreyesus and Swaminathan, 2020; Lorusso et al., 2020). The increasing connectivity of human populations due to international trade and travel (Guimerà et al., 2005; Colizza et al., 2006; Brockmann and Helbing, 2013; Gabrielli et al., 2019), the rapid growth of the transport of wild and domesticated animals worldwide (Rosen and Smith, 2010; Schneider, 2012; Rohr et al., 2019; Levitt, 2020), and other factors such as the increasing encroachment of human populations on hitherto isolated wild animal populations through loss and fragmentation of wild habitats (Patz et al., 2004; Despommier et al., 2006; Pongsiri et al., 2009; Myers et al., 2013) have led to a great acceleration of infectious disease risks, e.g., the increase in emerging infectious diseases and drug-resistant microbes since 1940 (Jones et al., 2008) and the increase in the number of disease outbreaks since 1980 (Smith et al., 2014). To expand the previous analysis (Smith et al., 2014) to the beginning of the Anthropocene, we investigated whether the number of disease outbreaks has increased since the Second World War. In addition, we examined whether the global pattern of infectious disease outbreaks changed possibly due [to] the increasing connectivity of human populations. In other words, have the disease outbreaks become more globalized in the sense that these outbreaks are increasingly shared by countries worldwide? To investigate these questions, we used a the most complete, reliable, and up-to-date global dataset (GIDEON Informatics, 2020) which had already been used in the previous analysis (Smith et al., 2014). This dataset can be used to enumerated the recorded annual number of disease outbreaks. To investigate the changing global patterns of disease outbreaks, we used this dataset to calculate two measures which have been recently introduced into ecological and parasitological studies. These two measures, namely modularity and centrality, quantify the connectivity of bipartite networks. Modularity is defined as the extent to which nodes (specifically, sites and species for presenceabsence matrices) in a compartment are more likely to be connected to each other than to other nodes of the network (Thébault, 2013). The calculation of a modularity measure is useful for global phenomena because it allows the overall level of compartmentalization (or fragmentation) into compartments (or clusters, modules, subgroups, or subsets) of an entire dataset to be quantified. High modularity in a global network means that subgroups of countries and disease outbreaks interact more strongly among themselves (that is, within a compartment) than with the other subgroups (that is, among compartments) (Bordes et al., 2015). Centrality is defined as the degree of the connectedness of a node (e.g., a keystone species in ecological studies; Jordán, 2009; González et al., 2010). In the context of our study, centrality is the degree of the connectedness of a country and those countries connected to it. We estimated the countries which are the potential centres of disease outbreaks by investigating the eigenvector centrality of a given country in a network of countries which share disease outbreaks among each other. Eigenvector centrality is a generalization of degree centrality, which is the number of connections a country has to other countries in terms of sharing disease outbreaks. Eigenvector centrality considers countries to be highly central if the connected countries to them through shared outbreaks are connected to many other well-connected countries (Bonacich and Lloyd, 2001; Wells et al., 2020). Modularity and centrality analyses have been used to investigate various ecological, parasitological and epidemiological questions (e.g., Tylianakis et al., 2007; Jordán, 2009; González et al., 2010; Anderson and Sukhdeo, 2011; Bascompte and Jordano, 2014; Poisot et al., 2014; Bordes et al., 2015; Genrich et al., 2017). Using a widely used world dataset on infectious disease outbreaks, we here present results which demonstrate that the accelerated number of disease outbreaks and their increased global spread are two further threatening aspects of the accelerated infectious disease risk associated with the globalization process which characterizes the Anthropocene.

#### 2. Chemical emissions.

Julian Cribb 17, Fellow of the Australian Academy of Technological Sciences and Engineering, 2017, “The Poisoner,” in Surviving the 21st Century, p. 113-117

There are two essential points about the Earthwide chemical flood. First it is quite new. It began with the industrial revolution of the late nineteenth century, but expanded dramatically in the wake of the two world wars—where chemicals were extensively used in munitions—and has exploded in deadly earnest in the past 50 years, attaining a new crescendo in the early twenty-first century. It is something our ancestors never faced—and to which we, in consequence, lack any protective adaptations which might otherwise have evolved due to constant exposure to poisons. ¶ Second, the toxic flood is, for the most part, preventable. It is not compulsory—but is an unwanted by-product of economic growth. Though driven by powerful industries and interests, it still lies within the powers and rights of citizens, consumers and their governments to demand it be curtailed or ended and to encourage industry to safer, healthier products and production systems. ¶ The issue is whether, or not, a wise humanity would choose to continue poisoning our children, ourselves and our world. ¶ Regulatory Failure ¶ Despite the fact that around 2000 new chemicals are released onto world markets annually, most have not received proper health, safety or environmental screening—especially in terms of their impact on babies and small children. Regulation has so far failed to make any serious curtailment of this flood: only 21 out of 144,000 known chemicals have been banned internationally, and this has not eliminated their use. At such a rate of progress it will take us more than 50,000 years to identify and prohibit or restrict all the chemicals which do us harm. Even then, bans will only apply in a handful of well-regulated countries, and will not protect the Earth system nor humanity at large. Clearly, national regulation holds few answers to what is now an out-of-control global problem. ¶ Furthermore, the chemical industry is relocating from the developed world (where it is quite well regulated and observes its own ethical standards) and into developing countries, mainly in Asia, where it is largely beyond the reach of either ethics or the law. However, its toxic emissions return to citizens in well-regulated countries via wind, water, food, wildlife, consumer goods, industrial products and people. The bottom line is that it doesn’t matter how good your country’s regulations are: you and your family are still exposed to a growing global flood of toxins from which even a careful diet and sensible consumer choices cannot fully protect you. ¶ The wake-up call to the world about the risks of chemical contamination was issued by American biologist Rachel Carson when she published Silent Spring in 1962, in which she warned specifically about the impact of certain persistent pesticides used in agriculture. Since her book came out, the volume of pesticide use worldwide has increased 30-fold, to around four million tonnes a year in the mid-2010s. Since the modern chemical age began there has been a string of high-profile chemical disasters: Minamata, the Love Canal, Seveso, Bhopal, Flixborough, Oppau, Toulouse, Hinkley, Texas City, Jilin, Tianjin. Most of these display a familiar pattern of unproductive confrontation between angry citizens, industry and regulators, involving drawn-out legal battles that deliver justice to nobody. By their spectacular and local nature, such events serve to distract from the far larger, more insidious and ubiquitous, universal toxic flood. ¶ Chemists and chemical makers often claim that their products are ‘safe’ because individual exposure (e.g. in a given product, like a serve of food) is too low to result in a toxic dose, a theory first put forward by the mediaeval scholar Paracelsus in the sixteenth century. This ‘dose related’ argument is disingenuous, if not dishonest—as modern chemists well know—for the following reasons: Most chemicals target a receptor or receptors on certain of your body cells, to cause harm. There may be not one, but hundreds or even thousands of different chemicals all targeting the same receptor, so a particular substance may contribute an unknowable fraction to an overall toxic dose. That does not make it ‘safe’. Chemicals not known to be poisonous in small doses on their own can combine with other substances in water, air, food or your body to create a toxin. No manufacturer can truthfully assert this will not happen to their products. Chemical toxicity is a function of both dose and the length of time you are exposed to it. In the case of persistent chemicals and heavy metals, this exposure may occur over days, months, years, even a lifetime in some cases. Tiny doses may thus accumulate into toxic ones. Most chemical toxicity is still measured on the basis of an exposed adult male. Babies and children being smaller and using much more water, food and air for their bodyweight, are therefore more at risk of receiving a poisonous dose than are adults. ¶ Chemicals and minerals are valuable and extremely useful. They do great good, save many lives and much money. No-one is suggesting they should all be banned. But their value may be for nothing if the current uncontrolled, unmonitored, unregulated and unconscionable mass release and planetary saturation continues.¶ Chemical Extinction ¶ Two billion years ago, excessive production of one particular poisonous chemical by the inhabitants of Earth caused a colossal die-off and threatened the extermination of all life. That chemical was oxygen and it was excreted by the blue-green algae which then dominated the planet, as part of their photosynthetic processes. After several hundred million of years, the planet’s physical ability to soak up the surplus O2 in iron formations, oceans and sediments had reached saturation and the gas began to poison the existing life. This event was known as the ‘oxygen holocaust’, and is probably the nearest life on Earth has ever come to complete disaster before the present (Margulis and Sagan 1986). Since it developed slowly, over tens of millions of years, the poisonous atmosphere permitted some of these primitive organisms to evolve a tolerance to O2—and this in time led to the rise of oxygen-dependent species such as fish, mammals and eventually, us. The takehome learning from this brush with total annihilation is that it is possible for living creatures to pollute themselves into oblivion, if they don’t take care to avoid it or rapidly adapt to the new, toxic environment. It’s a message that humans, with our colossal planetary chemical impact, would do well to ponder. ¶ While it is unlikely that human chemical emissions alone could reach such a volume and toxic state as to directly threaten our entire species with extinction (other than through carbon emissions in a runaway global warming event) or even the collapse of civilization, it is likely they will emerge as a serious contributing factor during the twenty-first century in combination with other factors such as war, climate change, pandemic disease and ecosystem breakdown. Credible ways in which man-made chemicals might imperil the human future include: Undermining the immune systems, physical and mental health of the population through growing exposure to toxins Reducing the intelligence of current and future generations through the action of nerve poisons on the developing brains and central nervous systems of children, rendering humanity less able to solve its problems

and adapt to major changes; and by increasing the level of violent crime and conflict in society, which is closely linked to lower IQ. Bringing down the economy through the massive healthcare costs of having to nurse, treat and maintain a growing proportion of the population disabled by lifelong chronic chemical exposure. By poisoning the ecosystem services—clean air, water, soil, plants, insects and wildlife—on which humanity depends for its own survival and thereby contributing to potential global ecosystem breakdown By augmenting the global arsenal of weapons of mass destruction and hence the risk of their use by nations or uncontrollable fanatics.

# 1NR

## DA — FTC

#### 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.

#### Thumpers are all talk. Data about actual enforcement proves it’s in steady decline.

Wait and Roter 2-1-2022, \*JD, former Federal Trade Commission (FTC) lawyer advises deal makers and litigants, \*\*JD, associate in the Washington, DC office where she is a member of the Antitrust and Competition group at NRF (Amanda and Leslie, “Data On Biden's Tough Antitrust Stance Paints Subtler Picture,” *Law 360*)

U.S. antitrust authorities have publicly decried the growth of dominant companies and have announced initiatives to increase merger enforcement and conduct more rigorous merger reviews. But looking behind the rhetoric to the data shows that enforcement may not be increasing as much as companies may fear — at least not yet.

What we are seeing, however, are administrative and substantive changes that are leading to longer and more burdensome reviews.

The Rhetoric

This past year has heralded an evolution in competition policy as antitrust law remained a prominent part of public discourse. On July 9, 2021, President Joe Biden signed a sweeping executive order that called for antitrust agencies to more aggressively scrutinize proposed mergers and acquisitions in certain major sectors, including energy, health care and technology.[1]

Multiple bills were introduced in Congress and in state legislatures that, if passed, would significantly alter antitrust law and affect its enforcement.[2] Most significantly, new leadership took office at both of the U.S. antitrust agencies, with Lina Khan becoming chair of the Federal Trade Commission and Jonathan Kanter heading the Antitrust Division of the U.S. Department of Justice.

We have already seen sweeping changes in antitrust enforcement practices. Even before Khan's confirmation to the FTC, both the FTC and DOJ indefinitely suspended grants of early terminations of the Hart-Scott-Rodino Act waiting period in February 2021.[3]

Once Khan assumed office in June 2021, the FTC rescinded numerous other long-standing merger enforcement policies and implemented new protocols. For example, in August 2021, the FTC began issuing preconsummation warning letters to parties in several transactions in which it did not complete its investigation within the HSR waiting period.[4]

The agency also announced that it was broadening the scope of second requests, which could include investigating noncompetition concerns,[5] rescinded its adherence to the vertical merger guidelines and other informal agency guidance,[6] and announced more stringent requirements on parties obtaining consent decrees.[7]

While the DOJ has not implemented the same new practices adopted by the FTC, the division is signaling a move toward more aggressive merger enforcement. Together with the FTC, the DOJ launched a public review of the horizontal merger guidelines to inform their consideration of potential revisions and updates.[8]

Further, Kanter recently stated in remarks to the New York State Bar Association's antitrust law section that "merger remedies short of blocking a transaction too often miss the mark."[9] He advised that "full weight must be given to preserving competition that already exists in a market," which "will often mean that we cannot accept anything less than an injunction blocking the merger — full stop."[10]

The Data

Yet with all this attention to antitrust merger enforcement, we are not seeing a commensurate increase in enforcement. At least not yet.

Mergers and acquisition activity that is reportable to the FTC and DOJ pursuant to the HSR Act has increased dramatically over the past decade. According to the FTC and DOJ's HSR annual reports, the number of adjusted transactions reported under the HSR Act increased from 1,414 in fiscal year 2011 to 2,030 in fiscal year 2019, seeing a decline during the fiscal year 2020 pandemic, and then rebounding to 3,644 in fiscal year 2021.[11]

Yet, the number of mergers challenged as a percentage of these reported transactions has remained fairly consistent at about 2% to 3% of all adjusted reported transactions over the past 10 years. In fact, the number of challenged transactions appears to have actually decreased in fiscal year 2021 — both in terms of the number of transactions challenged and as a percentage of the adjusted reported transactions.

By our count, the FTC challenged only 15 transactions in fiscal year 2021 — about half of the number of challenges the year before — whereas the DOJ challenged about the same number of transactions — 14 or 15 — as the prior year.

#### The FTC is tentatively committed to fighting fraud now. But it’s under the radar.

Kaufman 12-21-2021, JD (Daniel, “What Is a Rule-A-Palooza – Another Public Federal Trade Commission Meeting,” JD Supra, <https://www.jdsupra.com/legalnews/what-is-a-rule-a-palooza-another-public-1946261/>)

Commissioner Slaughter discussed scammers who impersonated her when she was acting chair in an effort to steal COVID-19 relief funds from consumers. Commissioner Phillips noted that he has been concerned that the agency was turning away from fraud enforcement and also noted the recent decline in complaints being issued from the agency. And Commissioner Wilson made it clear that although this rule is worthy of being initiated, the broad “rule-a-palooza” described in the Statement of Regulatory Priorities is hugely problematic. And she asked folks to check out her dissent, linked above. Chair Khan noted that government and business impersonation schemes have “skyrocketed during the pandemic” and were targeting seniors, communities of color and small businesses. And I would be remiss if I didn’t have at least a few words to say about the public comment portion of the show, and of course the continued rigorous oversight of time limits by the FTC’s awesome head of public affairs. (And I know that sounds absolutely sarcastic, but I swear it isn’t intended as such – she is the best.) A smaller-than-usual number of participants addressed issues including impersonation fraud and the FTC’s recently launched supply chain study. And for my closing thoughts, I will reiterate Commissioner Phillips’ point. I too have been concerned that, up until now, the new FTC leadership has been pretty quiet about the agency’s fraud work, causing many to wonder whether the agency would decrease its traditional fraud focus. It remains to be seen, but I certainly hope agency leadership realizes how important it is for the agency to continue to be a leader in tackling fraud. But let’s set expectations about this rulemaking: despite the controversial streamlining of FTC rulemaking, there is a long, long road ahead for this rulemaking. And if you are interested in the rulemaking, you can find background information and questions that will help frame the issues here. And trust me – your comments in rulemakings are reviewed closely by FTC staff.

#### Under the radar priorities are most likely to get cut during resource triage

McCabe 18, covers technology policy from The Times' Washington bureau, formerly of Axios (David, “Mergers are spiking, but antitrust cop funding isn't,” Axios, <https://www.axios.com/antitrust-doj-ftc-funding-2f69ed8c-b486-4a08-ab57-d3535ae43b52.html>)

The number of corporate mergers has jumped in recent years, but funding has stagnated for the federal agencies that are supposed to make sure the deals won’t harm consumers. Why it matters: A wave of mega-mergers touching many facets of daily life, from T-Mobile’s merger with Sprint to CVS’s purchase of Aetna, will test the Justice Department's and Federal Trade Commission’s ability to examine smaller or more novel cases, antitrust experts say. What they’re saying: “You have finite resources in terms of people power, so if you are spending all of your time litigating big mergers … there might be some investigations where decisions might have to be made about which investigations you can pursue,” said Caroline Holland, who was a senior staffer in DOJ’s Antitrust Division under President Obama and is now a Mozilla fellow. What's happening: More mergers are underway now than at any point since the recession. The total number of transactions reported to the federal government in fiscal year 2017, and not including cases given expedited approval or where the agencies couldn't legally pursue an investigation, is 82% higher than the number reported in 2010 and 55% higher than the number reported in 2012. Funding for antitrust officials who weigh the deals hasn’t kept pace. The funding for the Department of Justice’s antitrust division has fallen 10% since 2010, when adjusted for inflation. That's in line with the broader picture: not adjusting for inflation, the Department's overall budget increased just slightly in 2016 and 2017. Funding for the FTC has fallen 5% since 2010 (adjusted for inflation). An FTC spokesperson declined to comment on funding levels and Antitrust Division officials didn't provide a comment. Driving the news: Merger and acquisition activity is up 36% in the United States compared to the same time last year, according to Thomson Reuters data from April. Several deals under government review have gotten national attention, including Sinclair’s purchase of Tribune's TV stations or T-Mobile’s deal with Sprint, which stands to reduce the number of national wireless providers from four to three. Meanwhile, the Justice Department is awaiting the ruling on its lengthy legal effort to block AT&T’s proposed $85 billion purchase of Time Warner. Yes, but: It’s not the attention-grabbing mega-mergers that advocates worry will get less of a close look thanks to a shortage of funds. Instead, some say budget limitations are likely to matter when officials are deciding which smaller or "borderline" deals to investigate further. “Sometimes there’s nothing there,” said Holland of the agency's early investigations. “Other times, it might be, ‘This is kind of a close call, and we’ve got three or four close calls and we need to pick one of them.’" "It could mean settlements get accepted that otherwise wouldn’t, or deals that should be challenged aren’t," said Michael Kades of the Washington Center for Equitable Growth, an antitrust-enforcement-friendly think tank that has done extensive research on the topic, in an email

#### **Enforcement against multiple companies magnifies the link.**

Sutner 20, News Director @ TechTarget. (Shaun, 12-15-2020, "Efforts to break up big tech expected to continue under Biden", *SearchCIO*, <https://searchcio.techtarget.com/news/252493702/Efforts-to-break-up-big-tech-expected-to-continue-under-Biden>)

Biden pushed on antitrust

Antitrust activists, though, are optimistic about the prospects of a Biden administration clamping down on big tech -- an outcome they argue is long overdue, with decades of light enforcement of antitrust laws. They are pushing Biden toward aggressive antitrust policy. Thirty-three antitrust, consumer and progressive groups in a letter on Nov. 30 urged Biden to reject the influence of big tech vendors and to exclude big tech executives, lobbyists, lawyers and consultants from his administration. Prominent among the signatories was Public Citizen, the liberal consumer advocacy group that has called for Biden to triple the FTC's annual funding, from $400 million to $1.2 billion. "At the front end we want these investigations to be pressed. There are supposed to be investigations of Amazon and Apple and we believe there are cases to be brought there," said Alex Harman, competition policy advocate at Public Citizen and former chief legal counsel to Sen. Mazie Hirono (D-Hawaii). "It's a lot to bring big antitrust cases against multiple companies, and that requires resources," Harman said. "As a lawyer, I don't want to say 'Biden does this,' but we want results that structurally change these companies. We don't want quick resolutions and quick settlements."

#### Causes wing-clipping — Big wins against big players cause FTC wing-clipping

Hyman 14, Workman Chair in Law and Professor of Medicine, University of Illinois, and former special Counsel at the Federal Trade Commission (David A., and William E. Kovacic, Hyman is H. Ross & Helen; Kovacic is Global Competition Professor of Law and Policy, The George Washington University Law School, “Can’t Anyone Here Play This Game - Judging the FTC’s Critics The FTC at 100: Centennial Commemorations and Proposals for Progress: Essays,” George Washington Law Review, 83.6)

The ABA Commission set out three basic guidelines for the FTC's future antitrust work:

(1) Forsake trivia in favor of economically significant matters;123

(2) Emphasize cases involving complex, unsettled questions of competition economics and law, and leave per se cases to the DOJ;124 and

(3) Replace voluntary commitments with binding, compulsory orders. 12 5

Each of these changes certainly sounds sensible, particularly when taken one at a time. After all, who could be against the forsaking of trivia? But, each change involved a shift from a safer law enforcement strategy to a riskier one. The pursuit of economically significant matters galvanizes tougher opposition in litigation and motivates firms to seek out legislative assistance in backing down the agency. Focusing on complex and unsettled areas of the law involves greater litigation risk (because the cases are on the edges of existing doctrine) and exposes the agency more broadly to claims that it is engaged in unprecedented enforcement or sheer adventurism. The pursuit of tougher remedies arouses a stronger defense by respondents and, again, increases efforts to enlist Congress to discipline the FTC. Although the ABA Commission noted the importance of political support and a vigorous chairman who would "resist pressures from Congress, the Executive Branch, or the business community," 1 26 it paid almost no attention to the predictable consequences of having the FTC occupy the risk-heavy end of the spectrum of all possible enforcement matters. The political science literature before 1969 had emphasized the political dangers inherent in the Commission's expansive norms-creation mandate and its broad information-gathering and reporting powers.1 27 For example, Pendleton Herring's study in the mid-1930s about the political hazards facing economic regulatory bod-ies said the agency's mandate placed it in "a precarious position" from the start: The parties coming within [the FTC's] jurisdiction were often very powerful. The more important the business, the wider its ramifications, and the more numerous its allies and subsidiaries, the closer it came within the commission's responsibility. To review the firms with which this agency has had official contacts, especially in its early years, is to go down the roster of big business in this country. Making political enemies was soon found to be an incident in the routine of administration. The discharging of official duties meant interfering with business and often "big business."128 Had it read and absorbed the teaching of the available political science literature, the ABA panel would have had to confront deeper, harder questions about the causes of the FTC's performance. The panel missed (or underestimated) the big issue of politics. Like many blue ribbon studies of government performance, the ABA Report was long on demands for bold action and short on practical suggestions about how to cope with the crushing political backlash that boldness can breed.129 B. The Posner Dissent Posner argued that the FTC would not be able to deliver on the ABA Commission's ambitious agenda because the FTC's leaders and staff lacked the necessary incentives to do so. 130 In his view, FTC Commissioners deliberately avoided confrontation with powerful eco- nomic interests that could frustrate reappointment or deny the board member a suitable landing place in the private sector upon leaving the agency.131 Similarly, FTC staff saw little upside (and considerable downside) to being overly aggressive in enforcing the law.1a2 Posner's assessment was certainly plausible. Government service disproportionately attracts people who plan to stay, and keeping your head down is an excellent way of doing that. "Don't make waves" becomes the default strategy of the lifers, and those who are tempera-mentally unsuited to that approach either self-select out, or are ac- tively encouraged to depart. 33 But matters are not so simple. Regulators that create or adminis- ter a program that threatens major commercial interests can leave government and monetize their expertise by guiding firms through the regulatory shoals.1 34 The prosecution of big cases attracts media at- tention and raises the prominence of the officials who set them in mo- tion. This publicity often translates into attractive offers for post- government employment. Posner also overlooked the emergence of attractive career paths for aggressive enforcement officials outside the private sector. A reputation for toughness would prove to be an asset, not a barrier, for those aspiring to join university faculties, think tanks, or advocacy groups that wanted to add high visibility officials to their ranks. III. SOME LESSONS AND A FEW MODEST SUGGESTIONS People like morality tales. The conventional morality tale in- spired by the ABA Report goes like this: In 1969, the FTC had a long history of existence, but almost nothing else to recommend it.1" The ABA Report accurately diagnosed the problems and laid out a clear agenda for the FTC to redeem itself.136 The FTC followed the recom- mendations in the ABA Report, and the agency was saved. All hail the ABA Commission, and the wisdom of those who served onit.13 Of course, life is more complicated. Unambiguous morality tales are more common in children's books than in real life. 38 A close reading of the record indicates that the pre-1969 FTC was not as aw-ful, and the ABA Report was not as good, as the conventional wisdom would indicate.1 39 We consider the lessons that should be drawn and offer four "modest suggestions that may make a small difference" the next time we encounter a similar situation.140 A. Be Careful What You Demand (Or Wish For) The ABA Commission wanted the FTC to be a fierce and aggressive enforcer/regulator, and it generated a detailed list of all the things the agency had to do to justify its continued existence.141 The FTC responded aggressively to the challenge-but in so doing, it became significantly overextended. In other work, we consider a number of factors that appear to be associated with good agency performance.14 2 One of the most important factors is whether the agency has the capacity and capability to perform the tasks that it has been given (or for which it has assumed responsibility).143 An agency that is overextended will find itself engaged in a constant process of regulatory triage-meaning it is unlikely to do a good job on any of the tasks within its portfolio of responsibilities. It is one thing to launch a single bet-the-agency case and entirely another to launch a half-dozen of those cases and an equal number of significant rulemaking projects simultaneously-let alone staff each case and rulemaking project so as to maximize the likelihood of good outcomes across the entire portfolio.144 The ABA Commission set a high bar for the FTC to clear if it was to remain in business-and the FTC responded with the enforcement equivalent of building and launching an armada of 1,000 ships.145 Little thought was given by the ABA Commission (or by top FTC management) as to whether the agency was up to the task of waging the functional equivalent of multiple land wars in Asia. 146 In particular, the ABA Commission gave no attention to the time it would take the agency to build the highly skilled teams of professionals it would need to perform the ambitious agenda it had recommended. There should have been an express caution that building this capability would take time. Instead, the ABA Report's "one last chance" admonitionl47 led the FTC to take on a daunting agenda before it had the ability to deliver. This consequence arguably is one of the ABA Commission's most unfortunate legacies. The remarkable thing is that the FTC managed to do as well as it did-notwithstanding the Herculean list of labors handed to it by the ABA Commission. B. Leadership Incentives Matter Posner did not think the FTC leadership would ever be able to rouse itself from its stupor.14 8 He also could not envision a set of in- centives that would motivate the FTC to become an activist presence on the regulatory scene. 149 As detailed above, Posner's assessment on both of these issues was wrong.150 But, it does not follow that the FTC's leadership (or the leader- ship of any other agency) is subject to an optimal set of incentives. Agency leadership always faces a choice between consumption and investment-and the stakes are systematically skewed toward con- sumption (in the form of launching new high-profile cases) by the short duration of any given leader's tenure.'51 As one of us noted in another article, the case-centric approach to evaluating agency per- formance-which is what the ABA Commission effectively embraced and encouraged-has a critical vice: It accords no credit to long-term capital investments. It gives decisive weight to the initiation of new cases. This incentive system can warp the judgment of incumbent political appoin- tees who typically serve terms of only a few years. The per- ceived imperative to create new cases can create a serious mismatch between commitments and capabilities, as the si- rens of credit-claiming beckon today's manager to overlook the costs that improvident case selection might impose on the agency in the future, well after the incumbent manager has departed. It is a common aphorism in Washington that agency leaders should begin by picking the low-hanging fruit.... What is missing in the lexicon of Washington poli- cymaking is an exhortation to plant the trees that, in future years, yield the fruit.1 52 [FOOTNOTE 152 BEGINS] 152 Kovacic,supra note 144, at 922; see also Kovacic, supra note 151, at 189 ("[A] short-term perspective may incline the manager to launch headline-grabbing initiatives with inadequate regard for the matter's underlying merits or the ultimate cost to the agency, in resources and reputation, in litigating the case. If the case goes badly, the manager responsible for the take-off rarely is held to account for the crash landing. He can hope the passage of time will dim memories of his involvement, he can blame intervening agents for their poor execution of his good idea, or he can shrug his shoulders and say he was making the best of the fundamentally bad situation that policymakers encounter in the nation's capital."); Timothy J. Muris, Principlesf or a Successful Competition Agency, 72 U. CHi. L. REV. 165, 166 (2005) ("An agency head garners great attention by beginning 'bold' initiatives and suing big companies. When the bill comes due for the hard work of turning initiatives into successful regulation and proving big cases in court, these agency heads are often gone from the public stage. Their successors are left either to trim excessive proposals or even to default, with possible damage to agency reputation. The departed agency heads, if anyone in the Washington establishment now cares about their views, can always blame failure on faulty implementation by their successors."). [FOOTNOTE 152 ENDS] Thus, if anything, the ABA Commission's "do something" recommendations encouraged (and hyper-charged) precisely the wrong incentives. C. Don't Forget About Politics Perhaps the largest failing of the ABA Commission was its failure to anticipate the political risks associated with its recommendations. Academics and do-gooders will enthusiastically lecture all and sundry about how the government exists to promote the general public interest-but decades of research on political economy make it clear that there is not much of a constituency for that mission.153 Indeed, an agency that seeks to promote the general public interest is an agency without any constituency.1 54 Thus, the ABA Commission wound up and sent into battle an agency without any real constituency or political backing, to wage war against a large and politically powerful collection of firms in every sector of the economy. There is no question that the FTC was unlucky, in that many of its most enthusiastic supporters were being voted out of office at the same time the FTC was picking fights with everyone and their brother.155 But, luck aside, if you were trying to create a "coalition of the willing" determined to clip the wings of the FTC, you would be hard-pressed to pick a better strategy than the one selected by the ABA Commission.15 6

#### 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.

#### 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.

## Advantage — Supply Chains

#### Transition will be forced---crisis causes degrowth by involuntarily ending growth.

Giorgos Kallis 18, ICREA Research Professor at Universitat Autònoma de Barcelona, environmental scientist working on ecological economics and political ecology, formerly Marie Curie International Fellow at the Energy and Resources Group of the University of California at Berkeley, PhD in Environmental Policy and Planning from the University of the Aegean in Greece, et al., 5/31/18, “Annual Review of Environment and Resources: Research On Degrowth,” Annual Review of Environment and Resources, Vol. 43, p. 308-309

The fate of such openings will play out amid coevolutionary processes involving institutional organization, technology, environmental conditions, values, and knowledge (149). Although current worlds seem trapped in continuity, history is rife with surprise, fueled by the incessant creativity of humans and their ability to come up with new ways of seeing the world and new forms of living and producing their societies and their environments (150). ¶ From this perspective, recent debates on the possibility of voluntary paths to degrowth versus the more probable event of forced reductions provoked by an involuntary crash (10, 77) is misleading (78). Change is always voluntary and is always enacted through unchosen conditions (such as the availability of fossil fuels or the thermodynamics of production processes). History is shaped by collective action or inaction. As economic growth falters and as the toll of its limits and costs becomes unbearable, a transition in the direction of something akin to degrowth could emerge from dynamics among unforeseeable reactions, experiments, adaptations, and political struggles. Such a transition does not have to be in the name of degrowth. As with the eco-communes of Barcelona that Cattaneo & Gavalda (107) studied, the reduction of resource use can be the outcome of broader processes of social transformation driven by an ambition to co-live autonomously and democratically (1). ¶ In contexts where life under growth is already disastrous for many people, and threatens to become even more so with climate change and the overshooting of planetary boundaries, literature reviewed here studies, envisages, and advocates changes in institutions, policies, values, understandings, and everyday modes of living. Without the voluntary work to conceive and embody alternative ideas, explanations, practices, and institutions today, an involuntary end to growth may well lead to a state of continual economic depression in which islands of wealth are sustained in seas of deprivation, without pretense of democracy and social justice.

#### That’s especially true of the next recession — it’ll be huge and traditional economic tools will fail.

Duguay 20, Senior Economist for Prevedere and Council Member at Forbes (Andrew, June 19th, “Why The Next Recession Could Be Even Worse,” *Forbes*, <https://www.forbes.com/sites/forbesfinancecouncil/2020/06/19/why-the-next-recession-could-be-even-worse/?sh=3ebe6491d6af>, Accessed 06-21-2021)

The recession we’re not prepared for is the one still a few years away. To understand why, we’ll have to look back at one of the most dependable economic indicators in the past several decades: the correlation between the deficit as a percentage of gross domestic product and the unemployment rate. Since the 1970s, one followed the other, which makes sense considering the government is prone to ratchet up spending when the economy is depressed. In 2016, however, there was an anomaly: The deficit and employment rate diverged. The deficit continued to rise even as the economy thrived and unemployment remained low.

Why is this important? First, it is important to disabuse the common misconception that a growing deficit invariably leads to an accelerated inflation rate. That’s not necessarily the case. Furthermore, a larger deficit is not in and of itself particularly harmful to the economy in the short term; it’s mostly benign — until inflation ramps up, that is. Historically, the U.S. has responded to deficits in one of three ways: raising taxes, reducing spending or suppressing interest rates below the inflation rate, which effectively amounts to a “backdoor taxation.” We haven’t seen any of these responses in more than a decade.

Put another way, we won’t have the ability to stimulate the economy the next time we face a recession. Our deficit broke from historical trends four years ago, which was only exacerbated by the enormous spending via the current stimulus packages. Spending during a downturn is not only prudent; it’s necessary. But it becomes deleterious to the economy when the deficit is already at an elevated level.

This puts the U.S. on a precarious trajectory that could lead to a much deeper recession in the next few years. While there has been a clear necessity to provide an unprecedented stimulus to curtail an immediate collapse of the economy, there could be significant long-term consequences if the government doesn’t balance this spending in the near future.