# 1NC

## 1NC — Off

### 1NC — CP

#### CP: The United States federal government should

#### not apply its core antitrust laws extraterritorially.

#### grant research contracts and funding grants to Tesla and Lockheed Martin for the development of new, lithium-ion and flow battery technology.

#### pass all of the Biden’s administration’s build back better plan.

#### Balancing tests are bad, objective standards are good. The aff ensures over-application of US law extra-territorially

Piraino 12, JD (Stephen, “A Prescription for Excess: Using Prescriptive Comity to Limit the Extraterritorial Reach of the Sherman Act,” *Hofstra Law Review*, 40.4)

An objective analysis avoids the problems inherent in balancing tests. 354 Balancing tests are ill-suited to determine the extraterritorial application of the Sherman Act.355 These types of tests do not operate well in practice and become problematic for judges.356 Courts cannot properly judge and balance the political factors inherent in balancing tests. 357 Further, these balancing tests-which do not represent rules of international law-have not adequately addressed the comity concerns raised by foreign nations. 358 Given the open-ended nature of balancing tests, there can either be multiple answers or no answer.3 59 Judges who cannot properly balance national interests will inevitably assert jurisdiction, which does nothing to further international relations. 360 However, an objective analysis grounded in prescriptive comity would solve many of the international relations issues because a nation's sovereignty is adequately protected.

#### That both solves and straight-turns advantage 2. The mere existence of extraterritorial application stunts “indigenous development”

1AC Murray ’17 [Sean; November 17; Fordham University School of Law (J.D.); Fordham International Law Journal; “With a Little Help from my Friends: How a US Judicial International Comity Balancing Test Can Foster Global Antitrust Redress,” <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2690&context=ilj>; KS]

Lastly, worldwide governments have expressed concern that US antitrust extraterritoriality stunts the growth of their own antitrust regimes due to the allure of treble damages.109 For example, competition authorities have argued that improper extraterritorial application of US antitrust law is likely to substantially undermine the effectiveness of other countries’ leniency programs, which are successful tools in discovering unlawful cartel activity, and thus will interfere with those countries’ overall antitrust enforcement, including private enforcement.110 Additionally, broad availability of US treble damage recovery to non-US litigants attracts away cases that might otherwise be litigated in non-US courts, thereby depriving those jurisdictions the development of the substantial body of jurisprudence that is necessary to facilitate the private enforcement of antitrust claims.111 An example of underdeveloped jurisprudence can be demonstrated in Israel, where the Israeli Supreme Court has not yet been required to decide whether Israel’s antitrust statute provides for indirect purchaser recovery.112 Other countries with underdeveloped private recovery doctrine, such as South Africa and Denmark, have seen little private litigation to fine-tune their private enforcement schemes, though activity is on the rise.113

#### Indigenous development also solves advantage 1. If every other country can police their own turf, then there’s no need for extra-territorial application

1AC Murray ’17 [Sean; November 17; Fordham University School of Law (J.D.); Fordham International Law Journal; “With a Little Help from my Friends: How a US Judicial International Comity Balancing Test Can Foster Global Antitrust Redress,” <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2690&context=ilj>; KS]

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#### Beal says plank 2 solves

1AC Beall 18 [Abigail Beall is a journalist writing for Chinadialogue, citing Dr Emma Kendrick, a materials chemist at the University of Warwick. "The race to develop the next generation battery." https://www.chinadialogue.net/article/show/single/en/10808-The-race-to-develop-the-next-generation-battery]

Alongside electric cars, grid storage is another area where large-scale batteries will play an increasingly important role. The amount of renewable power from solar and wind at any given time depends on the weather, which makes it intermittent. Batteries can help stabilise grids by storing energy efficiently. “Sodium-ion batteries could be an inexpensive alternative to lithium-ion in the grid storage market,” says Ms Cheng. Sodium-ion batteries work in a similar way to lithium-ion but use sodium instead, which is more readily available. Dr Emma Kendrick, a materials chemist at the University of Warwick, is looking into the sodium-ion battery. “This is a low-cost alternative to lithium-ion batteries,” she says. “It is still in its infancy but there are opportunities to perform research into the manufacturability and durability of the technology.” Flow batteries are another alternative. “Flow batteries are also attractive options since they can be easily scaled up to provide high capacity," says Ms Cheng, adding: "They contain two chemical compounds that are separated by a membrane. The compounds can flow through the membrane, creating chemical energy, but they can also move back to where they started, which recharges the battery." There are many other options. In February this year, scientists at the University of California Irvine created gold nanowire batteries that can withstand more recharging than ever before, hundreds of times within their lifetime. The team hopes this will one day lead to batteries that can last indefinitely. Graphene may also be a component of the battery of the future. A Spanish company called Grabat says their graphene batteries can provide power for an electric vehicle to travel 500 miles on a single charge. For comparison, Tesla’s Model 3 can travel 215 miles on one charge. While nobody can predict exactly what the next generation of batteries is going to look like, there is a huge amount of work going into solving the problem.

#### Plank 3 solves Econ

Winck 9-15-2021, economics reporter @ Business Insider (Ben, “Democrats have to pass Biden's agenda or the US won't get back to pre-crisis prosperity, Oxford Economics says,” Business Insider, <https://www.businessinsider.com/biden-democrats-spending-plan-must-pass-recovery-stumbles-oxford-economics-2021-9>)

Passing Democrats' latest spending plan could mean the difference between a stellar economic rebound and a subpar recovery that lasts for years, experts at Oxford Economics said Wednesday. Congressional Democrats are currently pushing forward with plans to pass President Joe Biden's sweeping infrastructure proposal. Details around the plan — which includes $3.5 trillion in spending — have slowly emerged as House committees finalize their portions of the bill. But as Democrats near their September deadline for passing the plan, disagreement over key elements such as the child tax credit and the price tag threaten to delay a vote. It might be better for Democrats to move forward with a smaller package, as failing to pass new spending would seriously hamper the US recovery, economists Nancy Vanden Houten and Gregory Daco of Oxford Economics said in a note. The team expects Democrats to shrink the latest spending proposal to $2.5 trillion before passing it through budget reconciliation. If lawmakers fumble efforts to pass the smaller measure with the $550 billion bipartisan infrastructure plan, the recovery will suffer for years, the economists said. For one, the US economy won't grow nearly as fast. Failure to pass the bills would cut 2022 growth to 3.7% from 4.4%, Oxford Economics said. Growth in 2023 would slide by 1.4% from 2.6%. It would also drag on the labor market's rebound. A lack of new spending would lead to 1.2 million fewer jobs being created, according to the team. The unemployment rate would only fall to 4.2% through 2023, instead of 3.5% in the firm's baseline scenario that sees both measures passing. More broadly, botching both plans' passages would leave the country struggling to return to its pre-pandemic economic health. Passing both packages would help US gross domestic product outpace its pre-crisis trend early next year, according to Oxford Economics' forecasts. That would mark a substantial victory over the pandemic after nearly two years of harsh economic pain. Conversely, a dearth of fresh stimulus dooms the country to a substandard recovery. Gross domestic product growth would retake its pre-crisis trend in 2022 but quickly slow and remain below the critical level well into 2023, the economists said. Approving both bills, then, can determine whether the country ever returns to its pre-COVID welfare. "September will be a pivotal month for the trajectory of US fiscal policy and President Biden's domestic policy agenda," the team said. Failure to pass the spending packages would drag on the economy just as other fiscal boosts are set to fade, they added.

### 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

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

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

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

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

### 1NC — DA

#### The West is unified in response to Russia---but, successful response relies on maintaining strong relations and close economic coordination with allies. Putin exploits any divisions.

Daalder 3-1-2022, President of the Chicago Council on Global Affairs and served as U.S. Ambassador to NATO from 2009 to 2013 (Ivo, “The Return of Containment,” Foreign Affairs)

To succeed, the new containment policy must be embraced by all Western allies—in Europe, in North America, and even in Asia. Russia, like the Soviet Union before it, is keen to exploit divisions within and between democracies. It has interfered in elections for years and supported far right politics in Europe and beyond. It has used bribes and Western energy dependence to divide Europe. Putin saw the divisions within NATO sown by U.S. President Donald Trump during his four years in office, and the disagreements over Afghanistan and submarine sales to Australia that occurred since, as evidence that the West was weak and divided. Now, he likely thought, was the time to strike.

Putin was wrong. The West has been remarkably unified in its response. Even before Russia’s attack, Western unity within NATO and beyond had solidified. The Biden administration, perhaps learning from its Afghanistan stumbles, did a superb job of bringing its allies together by sharing information, consulting frequently, and demonstrating tough, determined leadership. The result has been significant: strong sanctions, bolstered deterrence, and total political solidarity with Ukraine.

To preserve this unity, the United States, which has once again emerged as a leader of the West, will need to carefully listen to allies and be willing to change course to keep everyone on board. There will be times when internal divisions will raise questions about the solidity of the coalition. During the Cold War, NATO seemed to be in perpetual crisis—except when it mattered most.

An important difference between the Cold War era and today is the status of China. No longer a bit player on the global scene, Beijing has emerged as the Washington’s biggest competitor and largest geopolitical challenger in the Indo-Pacific and beyond. The Ukraine crisis emerged at a moment when the relationship between Russia and China has become particularly close. Their leaders have met 38 times since Xi Jinping became president of China in 2012, including most recently at the opening of the Winter Olympics. There, they issued a joint statement noting that their partnership had “no limits.” Far from condemning Russia’s invasion of Ukraine, Beijing has blamed the United States and NATO for taking insufficient account of Russia’s security interests.

Beijing’s pronouncements, however, contained an undercurrent of unease with Putin’s moves. The joint statement was notably silent on Ukraine, and official statements have consistently stressed China’s principled commitment to sovereignty, territorial integrity, and noninterference in the internal affairs of other nations. China abstained on a UN Security Council Resolution condemning Russia, rather than joining Moscow in voting against. And Beijing has never recognized Russia’s annexation of Crimea, suggesting it may keep an open mind on the future of Ukraine. There is scope, therefore, for quiet diplomacy to gauge whether Beijing might be persuaded to help put pressure on Russia.

Even if Beijing has its doubts, however, it is hardly in its interest to help the United States against Russia. Indeed, Chinese leaders no doubt welcome the U.S.’s renewed preoccupation with security in Europe because it gives Beijing more freedom of maneuver in its own region. China is also likely to help alleviate some of the economic consequences of sanctions for Russia, though there are limits to how much it can do, especially on the financial side, where transactions largely remain the domain of western currencies from which Russia has now been banned.

Containing Russia will therefore require paying attention to China. One way to increase the West’s leverage over Beijing would be to strengthen the political, economic, and military ties between the advanced democracies in Asia, Europe, and North America. An expanded G-7, for example, could include Australia and South Korea as well as the involvement of the heads of the EU and NATO. These nations and organizations will need to devise common strategies and policies not only to contain Russia but also to compete effectively with China.

February 24 was a turning point in history. Democratic powers of the West are once again called upon to defend a rules-based order that has been violently uprooted. Fortunately, the Western powers possess the innate strength necessary to contain Russia and outcompete China for influence across the globe. The only real question is whether they have the will and determination to do so in unison.

#### The plan collapses that delicate balance by alienating key allies

Desautels-Stein ’8 [Justin; Associate Professor of Law, University of Colorado; Emory International Law Review; “Extraterritoriality, Antitrust, and the Pragmatist Style,” vol. 22, p. 499-570]

The other major problem with this interpretation of the FTAIA allowing for any claim under the Sherman Act to get a plaintiff into U.S. courts, as explained in the Empagran decision, is that such an action would violate the 267 comity principle in international law. The policy implications of such a move, also as described in the amici briefs, would be to destabilize an assumption common to the international community, namely, the right of a state to govern its nationals and territory in accordance with its own norms and customs. 2 68 An expansion of U.S. extraterritoriality would threaten the pattern of interdependence upon which the international community is predicated.269 Ultimately, settled expectations on the part of foreign governments would come under serious pressure as to whether the U.S. policy of extraterritoriality over matters of private international law was still party to that central, if unspoken, contract.

#### The impact is nuclear world war 3

Dailey and Farwell 1-26-2022, \* commanded numerous special operations units in peacetime and wartime. As an ambassador, he headed the Department of State’s counterterrorism efforts, \*\*has advised U.S. Special Operations and the Department of Defense. An Associate Fellow in the Dept. of War Studies, King’s College, University of London, he is the author of Information Warfare (Quantico: Marine Corps U. Press, 2020) and The Corporate Warrior (Brookfield: Rothstein Publishing, 2022). (Dell and James, “Will the Ukraine Crisis Spark World War III?,” *National Interest*, <https://nationalinterest.org/feature/will-ukraine-crisis-spark-world-war-iii-199893>)

Will the Ukraine Crisis Spark World War III?

All parties owe it to themselves, their citizens, and the world to avoid an armed conflict that could accidentally escalate into World War III. Time is growing short.

Vladimir Putin’s rhetoric demands another Munich with Joe Biden capitulating, but Biden can’t and won’t oblige. But then the president predicted armed conflict. These smart leaders are better than that, and both need to avert an avoidable war. What both sides need is a grand strategy that redefines relations between the West and Russia, gives each what its pride and security interests require, and averts a conflict that could escalate into World War III. A key aspect of the U.S. posture is to stop reacting to Putin’s threats and shift to a pro-active posture to resolve the crisis, proposing actionable ideas that work for all sides. The talk is about deterrence, but the United States wants action from Russia that advances U.S. security interests just as Russia wants to advance its own. What plausible strategies might work for all the parties? Here are areas to consider for where the parties might find common ground and avoid war. If one characterized Dwight Eisenhower’s grand strategy as “containment,” this one seems to qualify as “equilibrium.” That notion doesn’t view Russia as a friend or ally. Let’s move beyond personalities and strike a balance for a stable order in Europe rooted in longer-term state-to-state relationships. Containment grasped that the Soviet Union had expansionist ambitions. Ike rightly rejected co-existence and worked to defeat communism. Russia wants to revive its Soviet sphere of influence, but it offers no ideology, and while seeking global influence as a great power, lacks communist imperial ambitions. A realistic coexistence rooted in strength makes sense for a united West, led by the United States, NATO—with its military focus—and the European Union—with its political focus. Achieving that goal will enable the West to direct fuller attention to its main challenges, particularly those posed by China’s ambitions. Russia Nationalism and hubris drive Putin to regain Russia’s influence and control over its former sphere. Putin views the Maidan Revolution that overturned a pro-Russian government in Ukraine as a U.S.-sponsored color revolution forming part of a scheme to oust him from power. Regime preservation is always Putin’s number one goal. While misguided, his fears help explain his tactics. Putin’s perception of the facts, not the facts themselves, governs Russian actions. A stable framework between Russia and the West might embrace the following ideas: First, assurances that neither Ukraine nor Georgia will become members of NATO. These nations enjoy no right to join NATO; membership is invitation only. Western security interests don’t require making them NATO members, and the West need not insinuate them so closely that Russia feels the relationship amounts to membership. Ukraine could accept a status similar to Austria’s. Austria is a democracy that does business with all sides and maintains its independence. Such status won’t harm the West, and would remove the threat that Putin most complains about. Ukraine needs to be a part of that negotiation. Second, some believe that Putin fears a successful democracy in Ukraine will spur knock-on consequences in Russia that undermine his regime. Unless he wants a real war, Putin is going to have to get real about this politically. He’s popular at home and may remain so unless Russians see lots of body bags coming home. That’s a more serious threat along, potentially, with Russia’s inept response to Covid-19. Third, Putin wants the United States to avoid meddling in Russian internal politics. Let’s be realistic. The United States rightly hit the roof over Russian meddling in U.S. elections. Putin has angered Europe by using weaponized social media and other hybrid warfare tactics to create political disruption and undercut NATO and the EU. But as Russia points out, no nation meddles in other countries’ politics as much as the United States does. One way forward may lie in a mutual agreement that the West and Russia will each stop meddling in one another’s internal affairs. Fourth, Putin would like to turn back the clock. He’s going to have to get real about that. Corruption and the failure of communism defeated the Soviet Empire, not the West. He led Russia to economic progress for the first part of his tenure. He needs to recognize that this record lights his way ahead, not armed conflict. Finally, Putin wants respect as a great power equal. One sore point for him is history. He feels that the West refuses to acknowledge that Russia fought most of the ground war against Germany during World War II and suffered the most casualties. He’s quite emotional about the issue. Addressing pride and nationalism is a matter of diplomacy. Working that out may not be easy, but the goal is achievable. In the meantime, if Putin wants more credit for Russia, Russian historians need to translate their work into English and publish in the West. The West The United States should require quid pro quos from Russia. First, as noted above, both sides must commit to cease meddling in one another’s politics or internal affairs. Second, Russia must commit to avoiding using the Nord Stream II as political leverage to influence European politics. Diplomacy must work out what that means in practice. Third, Russia must recognize that the West is acting with a united front through the United States, NATO, the EU, and the parties. The United States must make clear the West will do whatever is required to honor NATO’s Article V obligations. That includes boosting current military strength in Europe, especially airpower, which can be strategically positioned fairly rapidly. We feel clear lines of communication with Russia can help avoid confusion or cause miscalculation. Issues such as missile deployments have to be negotiated. Fourth, Russia must gain control over and crackdown on criminal cyber hacking in the West by the Russian state, its proxies, so-called “patriotic hackers,” and transnational criminal groups operating from Russia. Moscow’s attempts to disclaim such groups are nonsense and the West shouldn’t give credence to such efforts. Finally, and this is a matter for diplomacy that would take time to play out, Russia and the West should try to find common ground that recognizes the existential threat posed by China’s ambition to establish global military and economic supremacy by 2049. China’s achieving that ambition would pose an existential threat to both sides. Russia won’t join the West in an alliance against China, but the West can also influence Russia against allying with China against it. From the Western perspective, any deal has to stick. President Ronald Reagan once said that in dealing with Russia, “trust but verify.” That was a Russian proverb. If Russia plays fast and loose with a deal or breaks it, all bets are off and the West should move aggressively to protect its security interests, politically and militarily. That includes providing Ukraine with essential military support for defense. Matters are obviously more complicated and nuanced, but these ideas seem common sense and may help inform a framework for negotiation. For the United States, the Biden administration should seek bipartisan consultation and support so that the United States can present a unified front. We feel Russia perceives strategic weakness in the polarization evident in U.S. politics, and unity on Russia would strengthen the U.S. hand in dealing with Russia. All parties owe it to themselves, their citizens, and the world to avoid an armed conflict that could accidentally escalate into World War III. Time is growing short. It’s time to move out.

### 1NC — CP

#### The United States federal government should substantially increase prohibitions on anticompetitive business practices by the private sector by expanding the extraterritorial scope of its core antitrust laws in accordance with a comity balancing test.

#### It’s a PIC out of “at least” in the plan text — “At least” in the plan is an infinite blank check of unknowable and unspecified prohibitions—The plan mandates are merely a floor

Caprioloa 21, Doctorate in Educational Leadership from the University of Florida. (Patrick 9/8/21, “At Most” or “At Least”: Understanding Differences in Meaning, <https://strategiesforparents.com/at-most-or-at-least-understanding-differences-in-meaning/#:~:text=The%20short%20and%20simple%20answer,a%20specific%20number%20or%20quantity>.)

“At most” refers to a maximum amount, while “at least” generally refers to a minimum. “At most” means that any number less than the number presented is acceptable or true, while “at least” means the opposite — any number greater than the number stated is possible. You can also use “at least” to emphasize or reduce the effect of a statement.

#### The ambiguity built into passing a policy that does “at least” something without a check on the ceiling of the mandate is an invitation to oppression and violence

Brennan-Marquez 19, Associate Professor and William T. Golden Research Scholar, University of Connecticut School of Law. (Kiel, “Extremeley Broad Laws”, ARIZONA LAW REVIEW [VOL. 61], <https://arizonalawreview.org/pdf/61-3/61arizlrev641.pdf>)

With uncertainty, the problem is notice. Even on the (highly indulgent) assumption that members of the public actually read statutes and regulations,36 ambiguity and vagueness frustrate their ability to make sense of those materials. This worry spans to the early days of common law,37 and its institutional specter is the Star Chamber: a system of adjudication that, whatever its merits, operates behind closed doors, leaving subjects to guess after its operation—and causing the risk of abuse to loom large. As Justice Gorsuch recently argued, when people are “[left] in the dark about what the law demands,” it “invites the exercise of arbitrary power” by “allowing prosecutors and courts” to simply “make [the law] up.”38 The literary touchstone here is Kafka. Although he is certainly not the only writer to warn of the oppression—and absurdity—that can result from opaque legal systems, his work remains the most vivid. Particularly so The Trial, 39 which follows the well-meaning but hapless Josef K, who finds himself caught up in a prosecution for an unknown crime within an elusive and alienating judicial system. The book is an elaborate, and bitterly funny, cautionary tale about what can happen when “faceless bureaucrac[ies] . . . make . . . consequential decisions” for parties with “no understanding” of, or “no input” in, the process.40 The Trial is fiction, obviously, and hyperbolic fiction at that. But it illustrates an important point about actual legal systems. When people “lack . . . any meaningful form of participation” over their legal fates, feelings of “powerlessness and vulnerability” are quick to follow.41 As David Luban, Alan Strudler, and David Wasserman put it, one of the central purposes of law is securing “what we might call the moral intelligibility of our lives,” and the “horror of the bureaucratic process,” depicted with such lurid panache by Kafka, is not so much “officials’ mechanical adherence to duty” as “individual[s’] ignorance” of what is permitted, prohibited, and required of them as citizens.42

#### The counterplan solves 100% of the aff—All of their solvency evidence is specific to the plan mandates and they have no solvency advocate for the inclusion of “at least” in the plan text.

### 1NC — T

#### Expand requires a “change in the law”

Hatter 90 (HATTER, District Judge. Opinion in In re Eastport Associates, 114 BR 686 - Dist. Court, CD California 1990. Google scholar caselaw. Date accessed 7/12/21)

Second, Eastport asserts that the presumption against retroactivity does not apply because the amendment was intended only as a clarification of existing law. Where an amendment to a statute is remedial in nature and merely serves to clarify existing law, no question of retroactivity is involved and the law will be applied to pending cases. City of Redlands v. Sorensen, 176 Cal.App.3d 202, 211, 221 Cal.Rptr. 728, 732 (1985). The evidence in this case, however, does not support the conclusion that the amendment to section 66452.6(f) was simply a clarification of preexisting law. The Legislative Counsel's Digest specifically states that "[t]he bill would expand the definition of development moratorium." Senate Bill 186, Stats.1988, ch. 1330, at 3375 (emphasis added). Since the Legislative Counsel is a state official required by law to analyze pending legislation, it is reasonable to presume that the Legislature amended the statute with the intent and meaning expressed in the Counsel's digest. People v. Martinez, 194 Cal. App.3d 15, 22, 239 Cal.Rptr. 272, 276 (1987). By its ordinary meaning, the term "expand" indicates a change in the law, rather than a restatement of existing law. In light of the Counsel's comment, Eastport's argument is unpersuasive.

#### Violation---the aff isn’t Congress.

#### VOTE NEG:

#### Ground---Congressional change guarantees core DAs like horse-trading and politics, and have link uniqueness because of decades of Congressional inertia.

#### Or ASPEC: Is a voting issue- lets the 1AC shift of agent links and decks clash

### 1NC — PIC

#### We endorse the entirety of the 1AC sans their term of “developing countries” per their Cheng evidence.

#### “Developing” discourse is dehumanizing—it is not semantics

Koehrsen 19, Data Scientist at Cortex Intel, Data Science Communicator. (Will, The Myth of Us vs Them, <https://towardsdatascience.com/the-myth-of-us-vs-them-e0bfccb62f41>)

Conclusions You might argue that at the end of the day, this is only semantics. However, the “developed vs developing” dichotomy is more than a choice of words, it’s a mindset. At its core, a binary worldview is intellectually lazy because it means not looking at the data and it’s inhumane because it leads us to see individuals as the dreaded other rather than as people fighting for the same things that we are — health, prosperity, and a better life for those in the next generation.

## 1NC — Cartels

### 1NC — AT: Cartels

#### Cartels are deterred – most recent evidence prices in aff arguments.

**Verbeke** & Buts **08-17** – Professor of International Business and Strategy, McCaig Chair in Management, University of Calgary; Professor at the department of applied economics of the Vrije Universiteit Brussel

Alain Verbeke, Caroline Buts, “The Not So Brilliant Future of International Cartels,” Management and Organization Review, Cambridge University Press, August 2021, https://www.cambridge.org/core/journals/management-and-organization-review/article/not-so-brilliant-future-of-international-cartels/363CC718A5FD54F8BB390B9AB22150B7

 A NOT SO BRILLIANT FUTURE OF INTERNATIONAL CARTELS?

As explained in the previous section, we do not dispute the possibility that international cartels could become more important in the future under carefully defined conditions. We are **doubtful**, however, even when accepting B&C’s broad definition of this governance mode, that **international cartels** will **gain ground** more generally, vis-à-vis other forms of governance in international business, when multinational enterprises face increased political risk.

A key element, and perhaps a surprising one, explaining our **doubt** about the **bright future of cartels** is **four clear trends** in cartel regulation that are now **creating significant political risk for international cartel members** (admittedly not covering B&C’s benevolent cartels). First, **competition policy** is now a **priority** for policy makers around the world, as reflected in the **progress made** in **detecting**, **investigating**, and **prosecuting cartels** (OECD, 2020; OECD, 2021b). Recently published data indicate that **68% of global cartels** (with members from at least two different continents) have been **prosecuted by multiple jurisdictions**, with **average cartel fines** being **very high** at €19.3 million (OECD, 2020).

Second, the **consequences** of **being caught** as a cartel member have **gradually become more severe and far-reaching**, both for the orchestrating and the participating companies, and for the employees involved (Ordóñez-De-Hano, Borrell, & Jiménez, 2018). Depending on the jurisdiction, a **wide array of sanctions** is **now being deployed**, including **personal fines**, **trade prohibitions**, and **prison sentences** (these have **increased sevenfold** over a **recent five-year period**, OECD, 2020). After a finding of cartel-behavior from the competition authority, the legal battle usually continues in the form of lawsuits for damages whereby victims file claims and may also coordinate their actions, e.g., to recover cartel overcharges (Burke, 2019).

Third, **cartel investigations** have also **become more sophisticated**. **Leniency policies** – providing immunity from fines for the first player who admits to the existence of a cartel and discloses information on its functioning – are on the rise. This **powerful tool** serves both **detection** and **deterrence purposes** in the realm of anticompetitive behavior (Margrethe & Halvorsen, 2020; Marvão & Spagnolo, 2018; Miller, 2009). It **incentivizes cartel members to become whistle blowers**. Companies will be **less likely to join a cartel** if they know that its members may be **enticed to disclose cartel operations**, (Brenner, 2009; Vanhaverbeke & Buts, 2020).

A larger number of agencies than before now also have the mandate to conduct ‘**dawn raids**’, in order to **collect evidence of cartel behavior** and they can even enter private premises of employees during their search for incriminating material. In addition, **sophisticated econometric analyses** have become **standard practice** to **provide evidence of coordinated conduct** in industry and to calculate cartel overcharges (Parcu, Monti, & Botta, 2021).

Fourth, competition authorities have invested more in **outreach**, **communicating competition rules** through dedicated events, online campaigns, and competition networks. **Compliance programs** have also been on the rise with an **increasing number** of mainly **large companies investing in compliance training** to abide by competition rules (De Stefano, 2018).

The **increased efforts** to **fight anticompetitive agreements** in industry are now **deterring** and **destabilizing cartels**. Following a **substantial increase** in the **number of cartels** that have been ‘**caught**’, the **average life span** of these cartels is now **going down rapidly** (OECD, 2020). The fight against illegal, anticompetitive behavior will **intensify further in the near future**, rather than governments shifting their focus to contemplate potential benefits. At the same time, the beneficial effects have been widely acknowledged of international collaboration forms that are legally allowed by various competition policy regimes (and are therefore not considered cartels), see for instance Martínez-Noya and Narula (2018) on international R&D cooperation.

#### BUT Extra-territorial application doesn’t solve cartels, because other countries block

Kava 19, JD/MBA Candidate @ JU (Samuel, “The Extraterritorial Application of the Sherman Anti-Trust Act in the Age of Globalization,” *15 J. Bus. & Tech. L. 135*, Lexis)

Before the FTAIA was enacted, in 1982, many of the United States’ closest allies were disgruntled by the U.S. courts’ expansive extraterritorial application of the Sherman Anti-Trust Act.152 These nations confided in the territorial principle, and believed it “axiomatic that in anti-trust matters the policy of one state may be to defend what it is the policy of another state to attack.”153 The United Kingdom, one of the most outspoken allies against the United States’ “attempt[] to impose [its] domestic laws on persons and corporations who are not U.S. nationals and who are acting outside the territory of the United States,” viewed the extraterritorial application of the Sherman Anti-Trust Act as ironic given the fact “the United States was founded by those who took exception to little matters of taxation being imposed extraterritorially.”154 Thus, in an attempt to “protect their nationals from criminal [and civil] proceedings in foreign courts where the claims to jurisdiction [were] excessive and constitute[d] an invasion of sovereignty,” foreign nations enacted blocking statutes to resist the extraterritorial application of the Sherman Act.155 The blocking statutes of each nation varied, but all served to “block the discovery of documents located in their countries and bar the enforcement of foreign judgements.”156 The United Kingdom achieved these goals with the Protection of Trading Interests Act, France with the French Blocking Law, Canada with the Foreign Extraterritorial Measures Act, and Australia with the Foreign Proceedings Act.157 The conflicting laws between the United States and its foreign counterparts created tremendous uncertainty regarding what nation’s laws would be applied in the event of a cross-border dispute. According to Nuno Limáo and Giovanni Maggi, economists from the University of Maryland and Yale University, “as the world becomes more integrated, the gains from decreasing trade-policy uncertainty should tend to become more important relative to the gains from reducing the levels of trade barriers.”158

#### Grid resilient.

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

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

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

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

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

#### No correlation between economic decline and war.

Walt 20, Robert and Renée Belfer professor of international relations at Harvard University. (Stephen M., 5/13/20, “Will a Global Depression Trigger Another World War?”, *Foreign Policy*, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/)

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.

#### Respect for sovereignty is high now---new sovereignty disputes lead to great power war and collapse interdependence — turns the aff

Walt 20, professor of international relations at Harvard University (Stephen, “Countries Should Mind Their Own Business,” *Foreign Policy*, <https://foreignpolicy.com/2020/07/17/sovereignty-exceptionalism-countries-should-mind-their-own-business/>)

What we are seeing, in short, is a reassertion of sovereign independence on the part of great and small powers alike. The Westphalian model of sovereignty has never been absolute or uncontested, but the idea that individual nations should be (mostly) free to chart their own course at home remains deeply embedded in the present world order. The territorial state remains the basic building block of world politics, and, with some exceptions, states today are doing more to reinforce that idea than to dilute it. Although there are clearly areas where our future depends on states agreeing to limit their own freedom of action and conform to global norms and institutions, greater respect for sovereignty and national autonomy has some obvious benefits. First, states that interfere in foreign countries rarely understand what they are doing, and even well-intentioned efforts often fail due to ignorance, unintended consequences, or local resentment and resistance. A stronger norm of noninterference could make some protracted conflicts less likely or prolonged. Second, trying to impose a single model on other countries inevitably raises threat perceptions and increases the risk of serious great-power conflict. The Westphalian idea of sovereignty was created in part to address this problem: Instead of continuing to fight over which version of Christianity would hold sway in different countries (one of the key drivers of the wars that preceded the Westphalian peace), European states agreed to let each ruler determine the religious orientation of their realm. Similarly, a powerful state’s efforts to shape the domestic arrangements of another country will inevitably be seen as threatening by the target: Just look at how Americans now react to the possibility of Russian interference in our political system. Third, creating a more stable international economic order while preserving most of the benefits of trade and comparative advantage will require fashioning trade and economic arrangements that permit great national autonomy, even at the price of slightly lower global growth rates. Not only might this reduce the risk of global financial panics, but allowing individual states greater freedom to set the terms of their international economic engagement could also reduce the anti-free trade backlash that is currently fueling costly trade wars. Finally, a world in which a single political and economic model prevails is probably impossible anyway, at least for the foreseeable future. To believe that one size could fit all ignores the enormous diversity that still exists in the world and the powerful tendency for ideas and institutions to morph and evolve as they travel from their point of origins. Take pop music: Elvis Presley creates a new amalgam of rhythm and blues, gospel, and rockabilly (with a jolt of testosterone), his influence arrives in England and helps inspire the Beatles, who lead the “British invasion” of America in the 1960s, which then combines with Bob Dylan and the folk music movement to create the sound of groups like The Byrds. Or look at how Lin-Manuel Miranda combined hip-hop with his deep appreciation of traditional Broadway styles to create something new like Hamilton. These examples just scratch the surface of how music changes when different cultural streams begin to interact; I could just as easily have cited examples from Africa, Latin America, the Middle East, or the Silk Road. Because humans are boundlessly creative social beings who resist conformity, and because no social or political arrangements are ever perfect, dissidents will always arise and contending visions will emerge no matter how fiercely they are repressed. Institutions created in one place may travel to other locations, but they will mutate and evolve in the process and exhibit different forms wherever they take root. And that’s why I’ll raise two cheers for the (partly) sovereign state. A world made up of contending nationalisms is hardly a utopia, with the ever-present possibility of conflict and war and many obstacles to mutual cooperation. But trying to fit a diverse humanity into a uniform box is doomed to fail—and no small source of trouble as well. Even if we hold certain values to be sacred and are tempted to act when other states violate them, continued respect for boundaries and sovereignty is also a norm that can keep simmering rivalries in check. Libya would not have multiple powers interfering in it today had Britain, France, and the United States not decided to meddle there back in 2011. As A.J.P. Taylor once archly observed, leaders in the 19th century “fought ‘necessary’ wars and killed thousands; the idealists of the 20th century fought ‘just’ wars and killed millions.” Looking ahead, greater respect for national sovereignty and fewer efforts to force the whole world into one way of living will help emerging rivalries stay within bounds and help countries with very different values cooperate on those critical issues where their interests overlap.

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

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

Demographics holding back growth

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

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

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

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

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

#### Power tagged nothing in it says emerging tech causes extinction

## 1NC — Indigenous Regimes

### 1NC — TL

#### Existing indigenous laws are sufficient to solve, but any US extra-t application risks conflict

Simmons 18, executive Senior Editor, Southern California Law Review, Volume 92; J.D. Candidate 2019, University of Southern California Gould School of Law; B.S., summa cum laude, Political Science and Economics 2016, Bradley University. (Jay Kemper, “What’s in a Claim? Challenging Criminal Prosecutions Under the FTAIA’s Domestic Effects Exception – Note by Jay Kemper Simmons,” *Southern California Law Review*, https://southerncalifornialawreview.com/2018/11/02/whats-in-a-claim-challenging-criminal-prosecutions-under-the-ftaias-domestic-effects-exception-note-by-jay-kemper-simmons/#\_ftnref166)

The foregoing discussion indicates that domestic antitrust laws play a major role in modern global trade regulation. Arguably more than any time since the passage of the FTAIA, today the international dimensions of competition policy warrant careful consideration by lawmakers, businesses, and legal practitioners. Markets are increasingly global, and the application of domestic competition law to international business has necessarily become more complex. Although global trade can unlock market efficiencies and enhance consumer welfare, it must be managed diligently among co-equal sovereign collaborators.[166] The FTAIA clarifies that U.S. antitrust law plays a limited role in managing foreign anticompetitive activities. Moving forward, the FTAIA’s “effects exception” should therefore not be permitted to independently support extraterritorial criminal prosecutions under the Sherman Act. The plain language of the FTAIA, in tandem with other traditional tools of statutory interpretation, suggests a limited range of legal redress for competitive harms stemming from wholly foreign acts. Such activities are cabined to the domain of civil redress and should not be subject to criminal prosecution under the FTAIA. An interpretation of the FTAIA that would reduce reliance on American criminal law enforcement in favor of civil redress and enhanced criminal action by foreign governments in the competition sphere would be preferable, as this approach would reduce the risk of impolitic prosecutorial overreach. Spirited arguments can be made for rigorous domestic criminal enforcement where Americans face competitive injuries, but these arguments become less clear‑cut in the global marketplace. Yet one thing is clear: The FTAIA—a pronouncement designed by Congress to clarify the limited range of extraterritorial claims under the Sherman Act—did not speak clearly enough for federal courts. Absent judicial action, Congress should enunciate that criminal penalties are in fact authorized by the FTAIA’s plain terms. In the meantime, American competition authorities are prepared to exercise every ounce of extraterritorial authority meted out by the federal judiciary.[167] This portends potential conflict where rigorous international competition is involved. Although the litigants in Hui Hsiung failed to fully raise arguments challenging a Sherman Act criminal prosecution under the FTAIA, the decision remains instructive. Criminal penalties under the Sherman Act are currently available to American prosecutors under a domestic effects theory.[168] Sherman Act remedies are structural and behavioral. Thus, international businesses and their agents may face U.S. competition remedies that directly interfere with corporate governance structures, including, but not limited to, compliance monitors, deferred-prosecution agreements, and non-prosecution agreements.[169] This portends trouble in a world already plagued by political uncertainty surrounding global trade.[170] Businesses and individuals facing the current legal regime should challenge criminal enforcement of the Sherman Act under the FTAIA’s domestic effects exception. Given a lack of a clear controlling precedent, a domestic effects theory should not permit U.S. authorities to pursue criminal sanctions against wholly foreign activities, which fall more reasonably within the domain of foreign governments’ competition authorities.[171] By challenging the law in this way, businesses might topple the edifice of judicial inference that has resulted in uniform treatment of civil claims and criminal actions under the Sherman Act’s extraterritorial dimensions. Given the proliferation of domestic competition laws worldwide in recent decades,[172] in particular, the Sherman Act should not be elevated to the status of global doctrine.[173] Nor should American jurists desire it to be treated as such.[174] The application of domestic criminal law to foreign activities demands propriety, which, in the immediate context, is best achieved by presumptively tempering domestic executive authority. To the extent short-term underdeterrence follows from respecting foreign governments’ criminal antitrust regimes, American law offers a robust range of civil redress.[175] Trade talk has shifted from an overall cooperative tenor to a chorus of conflict.[176] The amended “panel” decisions will stand as good law for the time being. However, presumptive equivocal treatment of the civil and criminal provisions of the Sherman Act after the FTAIA demands meaningful justification from U.S. courts in the immediate future. For although American antitrust laws play a significant role in the contemporaneous global political economy, words matter: “A rose by any other name may smell as sweet,”[177] but an indictment does not a claim make.

### 1NC — AT: SDGs

#### SDGs fail

Deighton ’19 — Ben, managing editor; (September 24, 2019; “SDGs ‘failing to create transformational change’”; *SciDev.Net*; <https://www.scidev.net/global/news/sdgs-failing-to-create-transformational-change/>;)

The Sustainable Development Goals (SDGs) are often failing to produce the profound changes needed to achieve their ambitious objectives due to a lack of coordination across the 17 separate goals, the American Association for the Advancement of Science (AAAS) annual meeting heard.

“The reality is that if they are just seen as aspirational goals what happens is — what is actually happening now —  is that governments are just labelling what they are doing anyhow as being in the obligation of the SGDs,” Peter Gluckman from the University of Auckland, New Zealand, told a panel discussion during the event, held in Washington, DC from 14-17 February.

The [SDGs](https://www.scidev.net/global/governance/sdgs/) were adopted by the United Nations in September 2015, and call for [governments](https://www.scidev.net/global/governance/) to achieve goals such as ending poverty, eradicating hunger and ensuring everyone has access to clean, affordable [energy](https://www.scidev.net/global/environment/energy/) by 2030.

However, global hunger has risen for the third year in a row, according to the latest UN’s [world food security report](http://www.fao.org/state-of-food-security-nutrition/en/), while fewer than five per cent of countries are on track to meet childhood obesity and tuberculosis targets, according to [a study](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(17)32336-X/fulltext) published in The Lancet in 2017.

Global carbon emissions were also set to rise by two per cent in 2018 to hit an all-time high, according to [a report](https://www.uea.ac.uk/about/-/strong-growth-in-global-co2-emissions-expected-for-2018) by the UK’s University of East Anglia and the Global Carbon Project. The trend is driven by rises in the use of coal, oil and gas.

“Don’t get me wrong, those [the SDGs] are critically important and we are fully committed — but let’s be honest about lots of words and lots of talk, but perhaps little action,” Daan du Toit, deputy director-general for international cooperation at the South African Department of Science and Technology, said during a panel discussion.

Nakao Ishii, chief executive of the DC-based funding organisation Global Environment Facility, said that in her native Japan, people would wear SDG badges at policy meetings, but that did not always mean they understood the changes that are required to implement the objectives.

“It’s almost an order if you go to those meetings you have to wear the SDG badge, but the question is to what extent they really do understand the need of transformation, which is not the incremental approach anymore,” she said.

Trade-offs

One of the problems, according to the panel, is that there is often a trade-off between different SDGs, meaning that one goal is achieved to the detriment of other goals.

One example is that of the Aral Sea on the border between Kazakhstan and Uzbekistan, formerly the fourth largest inland lake in the world. The rivers that feed the lake have been diverted to irrigate desert farmland, causing it to shrink by over 90 per cent since the 1960s.

“The irrigation of the farmland helped to achieve one SDG goal, number two, that aims to enhance food security,” said Hongbo Yang, from the US-based Smithsonian Conservation Biology Institute.

“But that progress is achieved as a sacrifice of another goal which is SDG number 14, which aims to protect aquatic wildlife.”

#### No warming impact.

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

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

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

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

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

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

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

### 1NC — AT: Brazil

#### Brazil antitrust high now

Esposito 21, Brazilian Antitrust attorney (Marcos, Competition/Antitrust in Brazil, https://chambers.com/content/item/4030)

2021 marks ten years since the Brazilian Competition Act was enacted, and significant progress has been made over that time. From an institutional point of view, CADE has succeeded in maintaining its status as one of the most respected competition agencies worldwide, amidst a challenging scenario, especially in the most recent years. The Brazilian public’s awareness of competition law matters has grown significantly thanks to CADE’s activity on high-profile matters as well as its advocacy efforts. The appointment of CADE Commissioners and General Superintendence members has garnered more attention from the business and political communities, and the strategic value of competition law enforcement is noticeably stronger. Aiming to increase transparency and predictability about future enforcement actions, guidelines have been issued by CADE over the past ten years. Guidelines on CADE’s leniency program and settlement agreements in cartel cases were both issued in May 2016; the leniency guidelines were updated in June 2020 and the settlement guidelines updated in September 2017. These were preceded by guidelines on antitrust compliance programs (January 2016), which were further supplemented by guidelines on fighting bid-rigging cartels (December 2019). Merger control aspects were also supported by guidelines on horizontal mergers (June 2016), gun jumping (May 2015) and merger control remedies (October 2018). The production of data before the Economic Department of CADE was also the subject of guidelines (April 2019). Merger Control Considering the authorities’ past practice in the 2000s and before, when cases normally took longer than two years to be reviewed in an ex post review system, the business community and the antitrust Bar were initially skeptical of CADE’s ability to seamlessly migrate to a pre-merger system. However, even with limited resources throughout its recent history, CADE’s General Superintendence (GS) has dedicated significant efforts to its merger control program and has been generally successful in observing deadlines and clearing cases quickly after the pre-merger system was enacted, particularly those that show no concern on the merits. Fast-track deals have been reviewed in up to 30 calendar days by the GS, and cross-border cases where clearance in Brazil could become a bottleneck are very few and far between. Complex cases naturally undergo a much more thorough and lengthy review, and across time CADE has adopted strong remedies to clear some of them and even completely blocked some others. CADE has also dedicated a lot of effort to cooperation with foreign authorities, and attention to consistency across jurisdictions has proven very important from the perspective of Brazilian practitioners. Overall, the balance sheet for merger-related work performed by CADE is positive, from the perspective of both the efficiency and the quality of the decisions. There are, however, institutional aspects of the Brazilian merger control rules that still pose challenges to businesses. Notably, the role of interested third parties – which, admittedly, is a very important one – can sometimes be exacerbated if an excessively lax test is used to admit the complaints of an intervening third party. The possibility of third parties appealing the GS’s decisions before the Tribunal, for example, may cause unnecessary delays that could have been avoided. Conduct Investigations Brazil has been comparatively less affected by the downturn in cartel investigations that has been observed worldwide in recent years. Even though there is an undisputed global decrease in leniency applications, and cases at CADE are moving at a slower pace, some local investigations have been launched lately still as an outcome of Operation Car Wash, which has accounted for most of CADE’s work on cartel matters since at least 2014. CADE’s cartel settlement program has remained quite active, and authorities have signaled that the bar should be raised in terms of contribution and payments required to settle. A few settlement applications that have been negotiated with the GS have gone as far as being rejected later by the Tribunal, which was not common in the past – and this indicates the need of more predictability on the matter. CADE has also liaised with its foreign counterparts for conduct investigation whenever necessary and has remained very active in multilateral forums (ICN, OECD, etc). Likewise, CADE has strengthened its links with domestic authorities that may also have jurisdiction over the same facts investigated locally: CADE has executed cooperation agreements with several authorities responsible for criminal enforcement (state prosecutors) and has also strengthened connections with administrative bodies responsible for anti-bribery and anti-corruption enforcement (e.g. CGU, AGU and TCU). With an increased risk of potential litigation for damages, which are still comparatively uncommon but gaining traction in Brazil, CADE adopted specific regulations concerning access to investigation documents in 2018/19. The main purpose was to strike a balance between protecting the self-incriminating documents produced in the context of leniency and settlement agreements, while allowing victims access to records that could be relevant for damage claims. The 2018 document also aimed at fostering damage claims by allowing CADE to consider any damages paid as a mitigating factor when quantifying fines and settlement contributions. A trend of addressing unilateral conduct more intensely has been reported by CADE’s officers in several public statements in the last two years. While this agenda for future action on dominance cases is still gaining traction and has not yet been fully reflected in the number of new dominance cases, new cases have been made public and it is expected that this policy trend may be increasingly materialized in statistics. Advocacy and COVID-19 Impact on Competition Law Enforcement CADE has fared reasonably well during the pandemic. Sanitary precautions for remote working were put in place very quickly, and staff were able to continue their activities without major delays. Also, CADE was able to migrate very promptly to holding virtual meetings with parties in ongoing investigations, especially given the limitations for practitioners to commute to Brasilia. Early on in the pandemic, with a surge in the demand for certain products (such as masks, hand sanitizer and medication for COVID-19 symptoms, among others), CADE started an investigation into possibly abusive price increases, asking major players for price history information for a long list of products. This investigation went on for a couple of months (during which parties were required to report their prices monthly) and is currently pending. This move sent out a clear message that CADE was monitoring this behavior closely, but no major action against any players has been taken so far. Also, early on in the pandemic, CADE made it clear that the authority would be very careful about accepting the pandemic as a defense either for mergers that would not be otherwise approved or for any type of anticompetitive behavior. A general principle repeated publicly and constantly by CADE was that no permanent change with enduring potential negative effects would be accepted to address a temporary situation such as this crisis. Indeed, one year into the pandemic, no changes have been noticed in terms of anticompetitive conduct enforcement, application of the failing firm defense or any other factors that could have been directly affected by the pandemic. A Look Ahead CADE has indicated that it will continue to enforce its agenda, circumstances allowing, even considering that the effects of the pandemic are expected to last well into 2021. One of the main concerns raised by antitrust authorities worldwide and echoed by CADE relates to the enforcement of competition laws in the digital economy. On the anticompetitive conduct investigation front, CADE has signaled concern about practices by major players that could significantly impact the market (going as far as issuing injunctions). Regarding merger control, the authority has been consistently voicing concerns about killer acquisitions and the sufficiency of current notification thresholds to capture all transactions of interest for effective competition enforcement. A market inquiry was conducted in 2020, and, in that context, CADE asked several players with a history of investment in technology about deals carried out over the past decade. No major public action has been taken over this so far, and this investigation is currently pending. Additionally, further guidelines are expected to be issued by CADE on fine calculations for cartel cases, which underwent public consultation in 2020. The demand for more concrete parameters for fines has been in the forefront of discussions about cartel enforcement, including how to calculate the benefits gained by the convicted parties from the infringement. This trend for the future connects with the increasing number of private damage claims in Brazil and CADE’s efforts to support such trend while adopting all measures to safeguard its own leniency and settlement programs.

#### Ribeiro doesn't say antitrust revives their economy, BUT it's about CADE so it's solved.

#### The Brazilian govt won’t allow actions to stop deforestation and block any efforts to solve

Barroso & Mello 21, Justice at the Brazilian Supreme Court. Professor of Law at the Rio de Janeiro State University. L.L.M., Yale Law School. S.J.D., Rio de Janeiro State University. Post-doctoral studies as Visiting Scholar at Harvard Law School. Senior Fellow at Harvard Kennedy School. (Luis, with Patricia Mello, Clerk at the Brazilian Supreme Court. Professor of Law at the University Center of Brasília – UniCeub. Visiting Researcher at the Max Planck Institute for Comparative Public Law and International Law, In Defense of the Amazon Forest: The Role of Law and Courts, https://harvardilj.org/2021/03/in-defense-of-the-amazon-forest-the-role-of-law-and-courts/)

As the above considerations already seem to point out, the fight against deforestation and other crimes in the Amazon lacks an essential element: the political will of the Brazilian government. Deforestation, illegal timber, and mining generate jobs in many regions with poor economic alternatives. Some towns have up to twenty illegal sawmills, responsible for the employment of hundreds of workers and their families. Because of the scale of these illegal operations, many perpetrators of environmental crimes are elected as mayors, town council members, and state assembly representatives, thereby shaping local politics.[70] When bribes do not work, illegal loggers and miners frequently resort to intimidation and employ armed militias to escape punishment.[71] According to a Human Rights Watch report, out of three hundred murders of forest defenders recorded by the Pastoral Land Commission since 2009, only fourteen were taken to trial.[72] This reluctance is reflected in a common conception that tackling illegal logging and mining will create a social problem as a result of job losses. In this regard, the regularization of public land invasion is defended on the ground that it is necessary to officialize rural settlements[73] for low-income people, who arrived in the region, following encouragement from the government at the beginning of its occupation during the seventies, and still lack formal access to their rural property.[74] Likewise, it is also said that formalizing property stops deforestation because the owner becomes responsible for any environmental damage.[75] However, regularizations are evidently not targeted to low-income families and the privatization of public lands encourages new invasions. According to environmentalists and scientists, the current environmental policy of the federal government worsens the situation. It is characterized by: (i) an apparent dismantling of environmental institutions, including the suppression of environmental agencies,[76] the alteration of the composition of collegiate environmental bodies in order to control their decisions,[77] and the dismissal of civil servants committed to environmental protection;[78] (ii) repeal of rules concerning the protection of areas for permanent preservation;[79] (iii) alleged non-use of budgetary resources directed to public environmental policies;[80] and, finally, (iv) alleged [freezing] paralysis of funds responsible for financing actions against climate change and deforestation.[81]

#### Deforestation in Brazil is caused by government choice and corruption

Barroso & Mello 21, Justice at the Brazilian Supreme Court. Professor of Law at the Rio de Janeiro State University. L.L.M., Yale Law School. S.J.D., Rio de Janeiro State University. Post-doctoral studies as Visiting Scholar at Harvard Law School. Senior Fellow at Harvard Kennedy School. (Luis, with Patricia Mello, Clerk at the Brazilian Supreme Court. Professor of Law at the University Center of Brasília – UniCeub. Visiting Researcher at the Max Planck Institute for Comparative Public Law and International Law, In Defense of the Amazon Forest: The Role of Law and Courts, https://harvardilj.org/2021/03/in-defense-of-the-amazon-forest-the-role-of-law-and-courts/)

One of the primary incentives for deforestation and illegal appropriation of public lands in the Amazon comes from the government itself.[55] Under pressure from land grabbers who are politically well-connected, the federal government from time to time pardons the criminal acts of invaders

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and allows for the regularization of public land appropriation with the transfer of their ownership. Examples of this practice include Laws n. 11.952/2009, during the presidency of Luiz Inácio Lula da Silva, and n. 13,465/2017, during the presidency of Michel Temer, and also Provisional Measure n. 910, issued on December 11, 2019, by current President Jair Bolsonaro.[56] These rules progressively extended the size limits of regularizable areas and the deadlines for lands occupied up until 2004 (Law n. 11.952/2009), 2008 (Law n. 13.465/2017) and, most recently, 2014 (2019 Provisional Measure).[57]The Provisional Measure also removed the limits on the number of regularizable properties per person or entity.[58] Fortunately, this last rule was not approved by the Congress and lost its effects.[59] These laws are indicative of a Brazilian logic whereby wrongdoings that have gradually become the status quo are subsequently legalized. More than merely legitimizing the appropriation of public lands, these practices translate into incentives for the continuity of land grabbing, fostering the vicious cycle of invasion, deforestation, and posterior legalization. The referenced 2019 Provisional Measure, similar to previous laws, intended to allow for the acquisition of lands through payments, notably set at sums significantly below market value,[60] losing billions of Brazilian Reais to the federal government.[61] It also fosters new invasions, for it confirms the expectation that these lands will eventually be legalized.[62] Finally, the progressive legalization practice leads to the concentration of lands in the hands of land grabbers and large landowners, as well as violence and disputes in rural areas. Although the Provisional Measure has not been approved by Congress, regularization is still possible for invasions up to 2008 and for very low prices, based on Law n. 13.465/2017. Additionally, the current government openly refuses to demarcate indigenous reserves or to recognize the property of traditional communities over the land they occupy,[63] despite it being their constitutional duty.[64]

#### Even completely unchecked deforestation takes 200 years and won’t cause extinction

Hannah Voak 16, Assistant Ecologist, Nurture Ecology Ltd., 4/22/16, “A world without trees,” <http://www.scienceinschool.org/content/world-without-trees>

There are approximately 3.04 trillion trees on planet Earth (Crowther et al, 2015), covering 31% of the world’s land surfacew1. Today, for Earth day, we’re taking a look at trees.

Around 15 billion trees are cut down each year. So, hypothetically speaking, it would take just over 200 years for the world’s forests to completely disappear. While this scenario is unlikely, what would be the consequences of a tree-free planet? Let’s start with perhaps the most obvious difference – oxygen concentration.

A lack of oxygen?

Oxygen makes up roughly 21% of the Earth’s atmosphere, but you probably know that already. What you might be surprised to find out, however, is that only half of this oxygen is produced through photosynthesis in trees and other plants on land. The other half is produced in oceans, by microscopic marine organisms called phytoplankton. The environment would not be devoid of oxygen if all trees were lost but the oxygen level would be lower. Would it be sufficient for humans to survive? In one year, a mature leafy tree produces as much oxygen as ten people breathe. If phytoplankton provides us with half our required oxygen, at current population levels we could survive on Earth for at least 4000 years before the oxygen store ran empty. However, that’s not considering a number of other factors: increasing population size, for example, would reduce the amount of oxygen available, whilst phytoplankton blooms due to an abundance of carbon dioxide could increase oxygen levels.

Suffocating smog

Whilst there may be enough oxygen for humans to survive on Earth, at least to begin with, the air we breathe could still be responsible for our demise. Like giant filters, trees help to cut down on pollution levels. Leaves intercept airborne particles and ozone, carbon monoxide, sulfur dioxide and other greenhouse gases are absorbed through the leaves stomata. In 2012, outdoor air pollution was estimated to cause 3.7 million premature deaths worldwidew2. Imagine the impact removing these environmental sieves would have on humankind. Air-pollution masks would become a necessity and bottled ‘clean air’ could come at a premium.

Full of hot air?

Armed with pollution masks, would the climate and temperature still be suitable for us? One important consideration is carbon dioxide. In one year, an acre of mature trees soaks up the same amount of carbon dioxide that we produce by driving the average car 26 000 miles. Since human activities like this increase the normal level of carbon dioxide in the atmosphere, cutting down trees would tip the balance even further, not to mention the enormous amount of stored carbon that would be released from doing so.

Deforestation is already responsible for up to 15% of global greenhouse gas emissions and you might think that an overwhelming increase in carbon dioxide would result in a much warmer planet. However, the relationship between trees and global temperature is much more complicated.

Energy and water fluxes between trees and the atmosphere also play a role and a tree’s colour, for example, can affect the amount of the Sun’s energy that is absorbed or reflected. Studies have shown that Europe’s trees have actually caused a slight increase in regional temperatures since 1750w3, while transpiration from plants in tropical forests cools the surface temperature. Therefore, whether the temperature becomes too hot to handle could depend on many factors, although a recent study concluded that reducing forest size increases average air surface temperatures in all climate zones (Alkama & Cescatti, 2016).

# 2NC

## CP — Advantage

#### Expansive extra-territorial application decks global antirust enforcement, turns advantage 1 because no other country can effectively enforce while the US is a legal option

Tone 14, Partner, Katten & Temple LLP Jeffrey R. Tone, Brief of the Korea Free Trade Commission as Amicus Curiae in Support of Appellees’ Opposition to Rehearing En Banc, Motorola Mobility LLC v. AU Optronics Corporation, et al., US Court of Appeals for the Seventh Circuit, October 2014, LexisNexis

II. Application of U.S. Antitrust Laws in the Context Proposed by Plaintiff Will Interfere With Other Countries’ Antitrust Enforcement.

The expansive application of the U.S. antitrust laws urged by Plaintiff will also undermine one of the most fundamental features of other countries’ public antitrust enforcement regimes: leniency programs. Like the U.S. Department of Justice and the European Commission, the KFTC has adopted a delicately balanced leniency program that effectively detects and deters cartel activities, which by nature are often undertaken in secret. To the KFTC’s knowledge, numerous other countries have also adopted similar leniency programs. If the U.S. antitrust laws are applied to claims arising out of transactions that take place outside the United States without any direct effect on the U.S. markets, companies will be discouraged from seeking leniency from non-U.S. antitrust authorities, including the KFTC. Under those circumstances, filing for leniency with non-U.S. antitrust authorities might actually result in a greater likelihood of facing private antitrust damages actions in the United States. Such disincentive is likely to undermine substantially the effectiveness of other countries’ leniency programs and will interfere with those countries’ overall antitrust enforcement.

#### 1AC Murray agrees

1AC Murray 17, J.D., 2017, and Stein Scholar, Fordham University School of Law; B.A., 2010, Vassar College (Sean, “With a Little Help from my Friends: How a US Judicial International Comity Balancing Test Can Foster Global Antitrust Redress,” https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2690&context=ilj)

Other calls for restraint have also emerged. In its amicus brief for Empagran, the DOJ maintained that US antitrust extraterritoriality as it pertains to private litigation, and with it the treble damage feature, may deter leniency applicants that greatly aid cartel prosecution.104 Consequently, the agency argues, cartel crackdown efforts would suffer because the threat to cartels from leniency-applicant turncoats deters more cartels than would higher penalties.105 Others have cautioned against negative consequences of overregulation, which in turn may harm efficiency and consumers as much as the anticompetitive behavior antitrust laws proscribe.106 The growth of effects jurisdiction has expanded the number of different jurisdictions in which regulatory claims must be satisfied.107 This proliferation increases the cost of doing business internationally: firms must spend more time and money crafting and maintaining antitrust compliance programs, defending in lawsuits alleging illegal anticompetitive conduct, and completing cross-border transactions subject to merger reviews.108

#### Independently, the CP solves the terminal econ impact

Kava 19, J.D./M.B.A. Candidate, 2020, University of Maryland Francis King Carey School of Law and Johns Hopkins University Carey School of Business (Samuel, “The Extraterritorial Application of the Sherman Anti-Trust Act in the Age of Globalization: The Need to Amend the Foreign Trade Antitrust Improvements Act (FTAIA) & Vigorously Apply International Comity,” Journal of Business & Technology Law)

In essence, to ensure the economic prosperity of the global economy, the United States Congress should be proactive in amending the FTAIA. Specifically, Congress should prescribe a broad international comity test for courts to consider when deciding if the Sherman Anti-Trust Act should apply extraterritorially. If international comity is taken seriously, unlike its most recent application by the Supreme Court in Hartford Fire Insurance Co., there will be a greater degree of compliance by the international community and more certainty will be provided to consumers and producers. Moreover, federal courts should not wait until Congress amends the FTAIA. In fact, federal courts should, on its own accord, extensively apply an international comity analysis to every case where a foreign entity is involved. As was previously mentioned, some courts continue to apply a robust international comity analysis. Specifically, the Ninth Circuit Court of Appeals in Mujica v. Airscan Inc. considered: [T]he location of the conduct in question, the nationality of the parties, the character of the conduct in question, the foreign policy interests of the United States, any public policy interests, the strength of the foreign governments' interests, and the adequacy of the alternative forum. 171 Thus, until the United States Congress takes the necessary step to amend the FTAIA, federal courts should consider applying an international comity analysis to all cases that involve an international entity. By adopting a broad international comity analysis: (1) foreign nations would be less likely to adopt burdensome blocking statutes, (2) consumers and producers would have more certainty through unified laws, (3) the global economy will continue to prosper because of the certainty and predictability of the law, and (4) foreign nations may become more amenable to enter into bi-lateral treaties with the United States.

#### Reverse causal---broad application collapses the global economy

McNeill 98 – B.S. (Business Administration), M.S. (Business Administration), San Diego State University, J.D., California Western School of Law

James S. McNeill, “Extraterritorial Antitrust Jurisdiction: Continuing the Confusion in Policy, Law, and Jurisdiction,” California Western International Law Journal, Vol. 28, No. 2, 1998, <https://scholarlycommons.law.cwsl.edu/cgi/viewcontent.cgi?article=1316&context=cwilj>

To allow the judiciary an opportunity to establish greater credibility with the international community for their determinations of jurisdiction, the Supreme Court must establish a uniform analysis of international comity in antitrust disputes. The role of the United States in the economics of rapidly growing international trading is far too important to allow as many different tests as there are circuits. In the absence of a clear rule, the DOJ has gone so far as to suggest that the judiciary not review decisions to take enforcement actions against foreign conduct made by the Executive Branch.287 This suggestion by the DOJ may have merit for public enforcement actions supported by the input of federal agencies involved in international relations;288 however, a large number of competition disputes are brought in private actions without government participation.289 In this context, a judiciary using the Hartford Fire true conflicts comity test could do the most harm to future trade relations.290 Thus, some form of jurisdictional rule of reason followed by all federal courts is needed to foster consistent results in public and private enforcement actions. Such consistency would allow trading partners of the United States to predict how and when American antitrust law will be applied.291

#### The counterplan is mutually exclusive, so the perm is impossible. It’s impossible to expand the scope and reduce the scope, and the counterplan precludes the existence of a “balancing test” by denying claims

Barrera 96 – J.D., Wayne State University Law School Lise A. Barrera, “Is the Courtroom the New Front for the Resolution of Publishing Disputes?,” The Wayne Law Review, Vol. 42, Summer 1996, LexisNexis

It is important to note the distinction between the expansion of the scope of section 43(a) and the standard that courts apply in granting relief to claims under this section. The scope of section 43(a) allows plaintiffs to claim the section provides them with protection and thus should grant them relief. The expansion of the scope allows a much broader range of claims to be brought legitimately under section 43(a). Once the scope of the statute allows the claim to be brought, the courts apply a standard to the claim in order to determine whether a plaintiff should be granted relief.22 The standard applied is also the product of years of judicial interpretation. While the scope of section 43(a) is expanding, however, the standard for relief seems to be becoming higher and harder to meet.

#### Increase and decrease are opposites

North Carolina Court of Appeals 18, Stroud, Judge decision (City of Charlotte v. UNIVERSITY FINANCIAL, 818 S.E.2d 116 (N.C. Ct. App. 2018). Google scholar caselaw, Accessed 7-18-2021)

The language in the statute is clear — the condemnor may amend its complaint and notice of taking and may increase the deposit, but it may not amend a deposit to decrease the amount. We cannot read the word "increase" to mean "change" since a change could include a "decrease." Increase is the opposite of decrease. We construe the statute using its plain meaning. See Wilkie, \_\_\_ N.C. at \_\_\_, 809 S.E.2d at 858. And the statute plainly allows the condemnor only to increase its deposit "at any time while the proceeding is pending[.]" See N.C. Gen. Stat. § 136-103(d). In addition, the next phrase gives the landowner "the same rights of withdrawal of this additional amount" as it had for the initial deposit. Id. The statute contemplates only an increase in the deposit and provides for the landowner to withdraw the additional amount. Id. There is no provision for a decrease in the deposit while the action is pending. And as discussed above, the action is no longer "pending" after defendant's filing of a voluntary dismissal under Rule 41(a). Thus, the existence of a deposit does not change the result under Rule 41(a) in this case. Even if we assume that a deposit could be increased after a landowner takes a voluntary dismissal — although we cannot imagine why that would ever happen — the statute does not allow an amendment to decrease the deposit at all, so plaintiff's motion here to decrease the deposit does not change our analysis of the Rule 41(a) dismissal issue.

#### Even if they work the counterplan into the balance, that’s impossible to work and proves it’s easily manipulated. That still links to the DA.

Murray 19, JD, Loyola. (Allison, May 2019, “Given Today's New Wave of Protectionism, is Antitrust Law the Last Hope for Preserving a Free Global Economy or Another Nail in Free Trade's Coffin?”, 42 Loy. L.A. Int'l & Comp. L. Rev. 117, pg. 146, Available at: <https://digitalcommons.lmu.edu/ilr/vol42/iss1/3>)

Antitrust law, like medicine, must be used appropriately to be effective. While antitrust laws generally should encourage free trade, as promoting competition is the aim of their enforcement, they are also at risk of being used to thwart free trade. That risk is further exacerbated by perceptions of unfair enforcement and the divisive rhetoric of world leaders. In this way, antitrust law has the potential to weaken the already delicate international cooperative framework that exists to foster free trade. Absent a change in perceptions and the protectionist rhetoric fueling the current political landscape, antitrust law is likely to be manipulated to serve protectionist viewpoints, making it increasingly likely to become a nail in free trade’s coffin, instead of the key to its preservation. It may be a nail that nations are able to ignore for the sake of its benefit, or it may be the one that finally puts an end to the pursuit of truly international free trade. Only time will tell, but one thing is clear: anti-trust law is a field that will impact the international economic community significantly for years to come.

## Advantage 1

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

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

Map

Description automatically generated

#### The grid could survive a nuke.

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

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

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

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

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

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

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

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

#### Countries turn inward---prefer post-COVID evidence.

Walt 20, Robert and Renée Belfer professor of international relations at Harvard University. (Stephen M., 5/13/20, “Will a Global Depression Trigger Another World War?”, *Foreign Policy*, https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/)

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.

#### Empirics prove---downturn causes threat deflation.

Clary 15, PhD, Assistant Professor of Political Science @ the U of Albany. (Christopher, 04/21/15, “Economic Stress and International Cooperation: Evidence from International Rivalries”, *Massachusetts Institute of Technology Political Science Department*, Research Paper No. 2015-8; pg. 4)

Why Might Economic Crisis Cause Rivalry Termination?

Economic crises lead to conciliatory behavior through five primary channels. (1) Economic crises lead to austerity pressures, which in turn incent leaders to search for ways to cut defense expenditures. (2) Economic crises also encourage strategic reassessment, so that leaders can argue to their peers and their publics that defense spending can be arrested without endangering the state. This can lead to threat deflation, where elites attempt to downplay the seriousness of the threat posed by a former rival. (3) If a state faces multiple threats, economic crises provoke elites to consider threat prioritization, a process that is postponed during periods of economic normalcy. (4) Economic crises increase the political and economic benefit from international economic cooperation. Leaders seek foreign aid, enhanced trade, and increased investment from abroad during periods of economic trouble. This search is made easier if tensions are reduced with historic rivals. (5) Finally, during crises, elites are more prone to select leaders who are perceived as capable of resolving economic difficulties, permitting the emergence of leaders who hold heterodox foreign policy views. Collectively, these mechanisms make it much more likely that a leader will prefer conciliatory policies compared to during periods of economic normalcy. This section reviews this causal logic in greater detail, while also providing historical examples that these mechanisms recur in practice.

## Advantage 2

#### No warming impact.

Shellenberger 19, Founder of the Breakthrough Institute, Time Magazine “Hero of the Environment,” Green Book Award Winner, and author; citing the IPCC. (Michael, 11/25/19, "Why Apocalyptic Claims About Climate Change Are Wrong", *Forbes*, <https://www.forbes.com/sites/michaelshellenberger/2019/11/25/why-everything-they-say-about-climate-change-is-wrong/#226a30e612d6>)

With that out of the way, let’s look whether the science supports what’s being said.

First, no credible scientific body has ever said climate change threatens the collapse of civilization much less the extinction of the human species. “‘Our children are going to die in the next 10 to 20 years.’ What’s the scientific basis for these claims?” BBC’s Andrew Neil asked a visibly uncomfortable XR spokesperson last month.

“These claims have been disputed, admittedly,” she said. “There are some scientists who are agreeing and some who are saying it’s not true. But the overall issue is that these deaths are going to happen.”

“But most scientists don’t agree with this,” said Neil. “I looked through IPCC reports and see no reference to billions of people going to die, or children in 20 years. How would they die?”

“Mass migration around the world already taking place due to prolonged drought in countries, particularly in South Asia. There are wildfires in Indonesia, the Amazon rainforest, Siberia, the Arctic,” she said. But in saying so, the XR spokesperson had grossly misrepresented the science. “There is robust evidence of disasters displacing people worldwide,” notes IPCC, “but limited evidence that climate change or sea-level rise is the direct cause” What about “mass migration”? “The majority of resultant population movements tend to occur within the borders of affected countries," says IPCC.

It’s not like climate doesn’t matter. It’s that climate change is outweighed by other factors. Earlier this year, researchers found that climate “has affected organized armed conflict within countries. However, other drivers, such as low socioeconomic development and low capabilities of the state, are judged to be substantially more influential.”

Last January, after climate scientists criticized Rep. Ocasio-Cortez for saying the world would end in 12 years, her spokesperson said "We can quibble about the phraseology, whether it's existential or cataclysmic.” He added, “We're seeing lots of [climate change-related] problems that are already impacting lives."

That last part may be true, but it’s also true that economic development has made us less vulnerable, which is why there was a 99.7% decline in the death toll from natural disasters since its peak in 1931.

In 1931, 3.7 million people died from natural disasters. In 2018, just 11,000 did. And that decline occurred over a period when the global population quadrupled.

What about sea level rise? IPCC estimates sea level could rise two feet (0.6 meters) by 2100. Does that sound apocalyptic or even “unmanageable”?

Consider that one-third of the Netherlands is below sea level, and some areas are seven meters below sea level. You might object that Netherlands is rich while Bangladesh is poor. But the Netherlands adapted to living below sea level 400 years ago. Technology has improved a bit since then.

What about claims of crop failure, famine, and mass death? That’s science fiction, not science. Humans today produce enough food for 10 billion people, or 25% more than we need, and scientific bodies predict increases in that share, not declines.

The United Nations Food and Agriculture Organization (FAO) forecasts crop yields increasing 30% by 2050. And the poorest parts of the world, like sub-Saharan Africa, are expected to see increases of 80 to 90%.

Nobody is suggesting climate change won’t negatively impact crop yields. It could. But such declines should be put in perspective. Wheat yields increased 100 to 300% around the world since the 1960s, while a study of 30 models found that yields would decline by 6% for every one degree Celsius increase in temperature.

Rates of future yield growth depend far more on whether poor nations get access to tractors, irrigation, and fertilizer than on climate change, says FAO.

#### Their models are wrong, and innovation and adaptation solve

O'Brien 19, professor of economics, emeritus, at Lehigh University. (Anthony Patrick, 10-19-2019, "Your View by Lehigh professor: ‘Climate change is not going to kill us’", *The Morning Call*, https://www.mcall.com/opinion/mc-opi-climate-change-existential-threat-20191019-kdluxxt45vfdhkfavdppz2yjaa-story.html)

Some scientists take issue with the National Climate Assessment and argue that the cost of climate change will eventually run into the trillions of dollars. They could be right, but there are three reasons to question any long-range forecast of the climate (or the economy, or anything else):

1) the unavoidable imprecision in the models used; 2) the neglect of market adjustments; and 3) the neglect of technological change.

First, if you’ll pardon a little geek speak, the world is nonlinear (straight-line projections don’t work) and stochastic (or uncertain). So assumptions about initial conditions and the estimated parameters of models matter a lot. Years ago, economist Paul Samuelson of MIT showed that in building nonlinear models of the business cycle, small changes in a model’s parameters would result in forecasts that the economy would either grow smoothly with mild recessions (great) or would experience increasingly severe recessions (uh-oh).

Edward Lorenz, also of MIT, applied similar reasoning to climate models, concluding: “In view of the inevitable inaccuracy and incompleteness of weather observations, precise very long-range forecasting would seem to be non-existent.”

These insights into the nature of nonlinear, stochastic models became the foundation for a branch of math called chaos theory. In short, there are good reasons that economists can’t accurately forecast when the next recession will begin and meteorologists can’t accurately forecast whether the coming winter will be snowy or dry. And the further in the future the forecast, the more skeptical you should be.

Forecasts of conditions 70 years in the future? Whether rosy or gloomy, there’s no good reason to believe them.

Models of climate change also ignore the role of the market adjustments that are already occurring. Consumers worried about climate change have been eating less beef, buying more products made from recycled materials, and buying more from companies that are operating in an environmentally friendly way. As always in a market system, companies are more than happy to adapt to changing consumer preferences.

Finally, the National Climate Assessment and similar forecasts assume essentially no technological progress in energy efficiency, sequestering carbon or other ways of lessening climate change. No technological progress over 70 years in an area attracting as much research attention from business, government and universities as climate change does? Not likely.

# 1NR

## DA — Russia

#### Failure to check Russia leads to Chinese takeover of Taiwan

Walsh 2-26-2022 (Bryan, “The war in Ukraine could portend the end of the “long peace”,” Vox, <https://www.vox.com/2022/2/26/22951016/russia-ukraine-long-peace-nuclear-weapons-global-development>)

That was implicit in Russia’s decision to exercise its strategic nuclear forces in the leadup to the invasion, in Putin’s absurd casus belli claim that Ukraine was going to develop its own nuclear weapons, in his threat that countries that interfered with Russian actions would face “consequences you have never seen.” As Roger Cohen pointed out in the New York Times, Putin’s speech “seemed to come closer to threatening nuclear war than any statement from a major world leader in recent decades.” The irony is that one of the reasons Ukraine was vulnerable to a Russian invasion is that it does not possess nuclear weapons. It agreed in 1994 to give up Soviet nukes that had been left in its territory after the USSR’s breakup in exchange for an agreement that the US, the UK, and Russia would guarantee its security. And one of the reasons that Putin could invade knowing that international opposition would be largely limited to diplomatic and financial tools was that Russia still possesses the world’s largest nuclear arsenal. It has also retained strategic ambiguity about just when and why it would use those weapons, including the possibility it would threaten a nuclear strike if it were on the losing side of a conventional conflict with NATO. As Vox’s Zack Beauchamp writes, what we’re seeing is an illustration of the “stability-instability paradox” of nuclear weapons. As the chance of nuclear conflict declines, the theory holds, the risk of conventional war increases, and as the likelihood of nuclear conflict increases, the risk of conventional war declines. That in turn helps explain another paradox: why the decades following the introduction of nuclear weapons — weapons that, in their most maximalist effect, could conceivably bring an end to human civilization — also saw a historic fall in the number of war-related deaths around the world. These decades go by another name: “the long peace.” The name can be a bit misleading — for much of the world, these years have been anything but peaceful, with the number of discrete conflicts beginning to rise in the 1960s and staying high ever since. These ranged from large conflicts like America’s decade in Vietnam and the 1980s Iran-Iraq war to countless small skirmishes, often conflicts within countries, that barely penetrated the international media. But compared to the blood-stained decades that marked the first half of the 20th century — which saw more than 100 million deaths in World Wars I and II combined — let alone humanity’s tremendously violent past, these years have indeed been a holiday from history. And if the invasion of Ukraine marks a decisive end to that holiday, as some experts have suggested, we risk losing far more than peace. The wages of peace When Future Perfect was launched in 2018, Vox’s Dylan Matthews laid out a founding question: “What topics would we write about if our only instruction was to write about the most important stuff in the world?” The years that followed provided some of the answers: the battle against global poverty and the common diseases that still kill too many of the world’s poorest; the growth of effective altruism and the rigorous movement to do the most good per dollar; the expansion of moral concern from tribe and nation to all of humanity and even non-human species; and yes, occasionally, the existential threat of superintelligent AI. What these topics have in common is that they all flourish best in peace. The last half-century or more hasn’t just seen a historic reduction in the casualties of war. It’s also witnessed an unprecedented expansion in human prosperity, as measured in health, wealth, and education. It’s an expansion that is far from perfect and far from complete, but one that has opened the door, even just a crack, to a future that truly could be perfect. That progress, I would argue, depends on peace. Unchecked war is the great destroyer of human value. One estimate from 2019 put the economic impact of violence and conflict at $14.4 trillion that year, equivalent to more than 10 percent of gross global GDP. But dollar figures are only one way of counting the destruction. A world where borders can once again be remade with force, where countries and their citizens no longer feel secure from better-armed neighbors, is one where the broader goals Future Perfect covers (and values) will be harder to achieve, where the circle of moral concern could shrink rather than grow. It is a return to barbarity. Fighting back Understanding the value of peace doesn’t mean the world should do nothing as Russian troops and arms pour into Ukraine — far from it. A Russian takeover of Ukraine at the point of a gun doesn’t merely destabilize its European neighbors; it potentially opens the door for other increasingly authoritarian countries to take what they can by force. Today Kyiv, tomorrow Taipei.

#### 1 — Putting placing nukes on high alert raises the risk of miscalc [KU reads Yellow]

2AC Bokat-Lindell '3/2 [Spencer, 3/2/22, "Putin Is Brandishing the Nuclear Option. How Serious Is the Threat?," https://www.nytimes.com/2022/03/02/opinion/ukraine-putin-nuclear-war.html]

History is full of instances in which nuclear powers publicly threatened to use their arsenals. Matthew Kroenig, a professor of government and foreign service at Georgetown, pointed to the Cuban missile crisis of 1962, the 1969 border war between the Soviet Union and China, and the 1999 war between India and Pakistan, among other examples. (More recently, President Donald Trump threatened North Korea with “fire and fury like the world has never seen” after it conducted long-range missile tests.)

Perhaps one of the closest precedents to the current moment occurred during the Yom Kippur War of 1973, when Arab states, then allied with the Soviet Union, launched attacks on Israel. As Nichols recounts, the Nixon administration responded by raising the United States’ nuclear alert level, albeit with no formal announcement.

From a strategic standpoint, many experts say that there is no reason for Putin to use nuclear weapons: His goal, according to Paul Hare, a senior lecturer in global studies at Boston University, is to “swallow Ukraine” and restore the historical power of imperial Russia — not to instigate a nuclear exchange, which, if it did not bring about civilization’s end, would make him a pariah not just to the world’s democracies but also to China.

Among those who see Putin’s order as incongruous with that goal, the move has raised questions about his state of mind. “It makes no sense,” said Graham Allison, a Harvard political scientist who worked on the project to decommission thousands of nuclear weapons that once belonged to the Soviet Union. He noted that the incident is “adding to the worry that Putin’s grasp on reality may be loosening.”

Other experts, though, are skeptical of such conjecture. “I don’t fully subscribe to this view that Putin’s lost it completely,” Stephen Walt, a professor of international affairs at Harvard, told Yahoo News. “I always like to remind people, and occasionally remind my students, that plenty of leaders that we regarded as fairly smart and fairly sensible did dumb things in the past.”

It’s also possible to see the alert as an attempt by Putin to guard against the threat of overthrow that he may see as the ultimate goal of the countries issuing sanctions. In the view of Pavel Podvig, an expert on Russia’s nuclear forces at the United Nations Institute for Disarmament Research, Putin’s announcement could make his government less vulnerable to decapitation.

Still, some experts and military officials warn that the risk for mistakes in a heightened state of alert is worrisome. “What would happen if the Russian warning system had a false alarm in the middle of a crisis like this?” Jeffrey Lewis, a senior scholar at the Middlebury Institute of International Studies, said on NPR. “Would Putin know it was a false alarm? Or would he jump to the wrong conclusion?”

“I don’t think we should look at this as a threat by Putin to use nuclear weapons against the United States, against Europe, against NATO,” said Kimball. But, he added, “it’s a point in which both sides need to back down and move the word ‘nuclear’ from this equation.”

The United States seems to be doing just that. The Biden administration could have countered Putin’s order by putting its bombers, nuclear silos and submarines on a higher alert level. Instead, the White House made clear that it had not changed. The U.S. ambassador to the United Nations also told the Security Council on Sunday that Russia was “under no threat” and chided Putin for “another escalatory and unnecessary step that threatens us all.”

#### Russia’s on the brink of a nuclear war

Hill 2-28-2022, senior fellow @ Brookings, former official at the U.S. National Security Council specializing in Russian and European affairs. She was a witness in the November 2019 House hearings regarding the impeachment inquiry during the first impeachment of Donald Trump (Fiona, “‘Yes, He Would’: Fiona Hill on Putin and Nukes,” interviewed by Maura Reynolds, a senior editor @ Politico, *Politico Magazine*, <https://www.politico.com/news/magazine/2022/02/28/world-war-iii-already-there-00012340>)

Reynolds: And then there’s the nuclear element. Many people have thought that we’d never see a large ground war in Europe or a direct confrontation between NATO and Russia, because it could quickly escalate into a nuclear conflict. How close are we getting to that? Hill: Well, we’re right there. Basically, what President Putin has said quite explicitly in recent days is that if anybody interferes in Ukraine, they will be met with a response that they’ve “never had in [their] history.” And he has put Russia’s nuclear forces on high alert. So he’s making it very clear that nuclear is on the table. Putin tried to warn Trump about this, but I don’t think Trump figured out what he was saying. In one of the last meetings between Putin and Trump when I was there, Putin was making the point that: “Well you know, Donald, we have these hypersonic missiles.” And Trump was saying, “Well, we will get them too.” Putin was saying, “Well, yes, you will get them eventually, but we’ve got them first.” There was a menace in this exchange. Putin was putting us on notice that if push came to shove in some confrontational environment that the nuclear option would be on the table. Reynolds: Do you really think he’ll use a nuclear weapon? Hill: The thing about Putin is, if he has an instrument, he wants to use it. Why have it if you can’t? He’s already used a nuclear weapon in some respects. Russian operatives poisoned Alexander Litvinenko with radioactive polonium and turned him into a human dirty bomb and polonium was spread all around London at every spot that poor man visited. He died a horrible death as a result. The Russians have already used a weapons-grade nerve agent, Novichok. They’ve used it possibly several times, but for certain twice. Once in Salisbury, England, where it was rubbed all over the doorknob of Sergei Skripal and his daughter Yulia, who actually didn’t die; but the nerve agent contaminated the city of Salisbury, and anybody else who came into contact with it got sickened. Novichok killed a British citizen, Dawn Sturgess, because the assassins stored it in a perfume bottle which was discarded into a charity donation box where it was found by Sturgess and her partner. There was enough nerve agent in that bottle to kill several thousand people. The second time was in Alexander Navalny’s underpants. So if anybody thinks that Putin wouldn’t use something that he’s got that is unusual and cruel, think again. Every time you think, “No, he wouldn’t, would he?” Well, yes, he would. And he wants us to know that, of course. It’s not that we should be intimidated and scared. That’s exactly what he wants us to be. We have to prepare for those contingencies and figure out what is it that we’re going to do to head them off.

#### Absent resolution, Ukraine-Russia war goes nuclear

Nichols 2-24-2022, contributing writer at The Atlantic and the author of its newsletter Peacefield (Tom, “How Ukraine Could Become a Nuclear Crisis,” The Atlantic, <https://www.theatlantic.com/ideas/archive/2022/02/how-ukraine-could-become-nuclear-crisis/622915/>)

There are countless opportunities for such errors in the chaos now overtaking Ukraine. The Russians might shoot at NATO aircraft after misidentifying them. Or they might incorrectly believe that Russian aircraft have been attacked by NATO forces. They might suffer a misfire or a targeting error of some kind that puts Russian ordnance on NATO territory. Europe’s a crowded continent, and no place for a jumpy trigger finger, but accidents are an unavoidable part of warfare. Any one of these mishaps could lead the Russians, or the United States, or both, to increase the alert status of their nuclear arsenals. This would mean that nuclear weapons and their crews—in some cases, with missiles that are already capable of being launched in 15 or 20 minutes—would heighten their vigilance and readiness to proceed with their missions. Such alerts are rare, and for good reason: They move us one step closer to nuclear conflict. Finally, there is the frightening possibility that Putin will increase the alert status of his nuclear forces for his own reasons, leaving the Americans no choice but to raise their alert status. The invasion of Ukraine was preceded by the Russian Grom (meaning “thunder”) drills, a regular exercise held by Russia’s strategic nuclear forces. The timing was no accident; Putin relies on Russia’s nuclear deterrent as one of its last claims to superpower status, and he could activate another such exercise, or call for a heightened alert condition, if he thinks things are going poorly for Russia. Perhaps Russian forces, for example, end up taking more casualties than Putin expected, and he wants to blame the West rather than admit the incompetence or errors of his own commanders. He might then use nuclear signaling as a way of creating a narrative for his people that the West is somehow threatening Russia and that he is determined to stand up to Washington. Or he may be paranoid enough to believe that the U.S. and NATO are planning to send forces in to aid the Ukrainians. Or he may simply decide on such an alert merely to bare his teeth if he thinks it might stop the supply of arms and aid to Ukraine. Such tit-for-tat signaling has happened before. In 1973, when the Soviet Union threatened to send troops into the middle of the Yom Kippur War to save Egyptian forces from destruction by the Israelis, the United States raised its level of nuclear preparedness, its DEFCON, or “defense condition,” as a way of indicating American resolve to prevent a Soviet intervention. The Soviets and the Americans for decades poisoned the air and oceans with nuclear tests that were meant to show strength and determination. In an escalating-alert-level scenario, each side will start watching the other intensely for evidence of an impending attack. All of the gremlins of error and miscalculation that are already on the loose in Ukraine now will become existential hazards until the crisis—which at that point will be about the United States and Russia, instead of Ukraine—is somehow sorted out.

#### 4 — Russian victory in Ukraine leads to nuclear war in Europe

Fix 2-18-2022, Resident Fellow at the German Marshall Fund, in Washington, D.C. MICHAEL KIMMAGE is Professor of History at the Catholic University of America and a Visiting Fellow at the German Marshall Fund. From 2014 to 2016, he served on the Policy Planning Staff at the U.S. Department of State, where he held the Russia/Ukraine portfolio. (Liana and Michael Kimmage, “What if Russia Wins?,” *Foreign Affairs*, <https://www.foreignaffairs.com/articles/ukraine/2022-02-18/what-if-russia-wins>)

Nevertheless, Putin’s cost-benefit analysis seems to favor upending the European status quo. The Russian leadership is taking on more risks, and above the fray of day-to-day politics, Putin is on a historic mission to solidify Russia’s leverage in Ukraine (as he has recently in Belarus and Kazakhstan). And as Moscow sees it, a victory in Ukraine might well be within reach. Of course, Russia might simply prolong the current crisis without invading or find some palatable way to disengage. But if the Kremlin’s calculus is right, as in the end it was in Syria, then the United States and Europe should also be prepared for an eventuality other than quagmire. What if Russia wins in Ukraine?

If Russia gains control of Ukraine or manages to destabilize it on a major scale, a new era for the United States and for Europe will begin. U.S. and European leaders would face the dual challenge of rethinking European security and of not being drawn into a larger war with Russia. All sides would have to consider the potential of nuclear-armed adversaries in direct confrontation. These two responsibilities—robustly defending European peace and prudently avoiding military escalation with Russia—will not necessarily be compatible. The United States and its allies could find themselves deeply unprepared for the task of having to create a new European security order as a result of Russia’s military actions in Ukraine.

#### Courts prioritizing comity now

Masingill ‘18 [Megan; 2018; Senior Staff Member, American University Law Review, J.D. Candidate at American University Washington College of Law; American University Law Review; “Extraterritoriality of Antitrust Law: Applying the Supreme Court's Analysis in RJR Nabisco to Foreign Component Cartels,” vol. 68, iss. 2, https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2083&context=aulr]

The RJR Nabisco decision is analogous to, and instructive on, the analysis of extraterritoriality of U.S. antitrust law relating to the FTAIA. The Seventh Circuit’s interpretation of the scope of the FTAIA, as it relates to component cartels, is in line with this recent Supreme Court decision. Though non-binding, the Court’s interpretation of the federal RICO statute provides insight into the proper way to interpret the FTAIA.175

A. Analogizing RICO and the FTAIA

Drawing the analogy between RICO and the FTAIA is possible because the Supreme Court does so itself in RJR Nabisco by relying on antitrust law and previous decisions it has made regarding the extraterritorial reach of federal statutes.176 The Court saw a similarity between the two issues—racketeering and antitrust law—in the RJR Nabisco case and relied on antitrust law and its precedent to determine the extraterritoriality of another federal statute (RICO).177 Though the Court declined to apply the broad application found in the Clayton Act regarding a private right of action, it did so to balance against strong concerns of “international friction” and to rule in accordance with more recent congressional decisions to “reign in” the reach of such laws.178 By not prescribing the scope of the Clayton Act, the Court acknowledged that the purpose of enacting laws like the FTAIA was to narrow the scope of U.S. antitrust law, and that to allow a foreign plaintiff’s recovery would go against current extraterritoriality jurisprudence.179 Accordingly, the Court found that the enactment of the FTAIA, while not independently limiting on RICO, nonetheless discouraged using Sherman Act principles to discern the scope of RICO.180 The Court’s holding to deny a private action for foreign injury from racketeering activity in RJR Nabisco reflects this analysis.181

Additionally, the similarities between RICO and the Sherman Act, to which the FTAIA limits, are apparent—both are federal statutes aimed at counteracting corrupt activity at home and abroad having significant impacts on the commerce of the United States. Further, the relevant discussion surrounding both these statutes centers around the extraterritoriality of a federal U.S. law regarding corrupt practices, whether it be racketeering or price-fixing.182 It is true that the two statutes pertain to separate issues—the RICO statute deals with racketeering activity and the FTAIA with antitrust violations.183 Reducing the laws to their differences, however, is an oversimplified comparison. When reviewing the extraterritoriality of U.S. law, the analysis is the same in every situation, requiring the court to run through the same two-steps outlined in RJR Nabisco.184 Further, in both statutes, the conduct at issue is not the focus of that analysis, but rather the impact of the conduct—the effect on U.S. commerce.185 In fact, the laws do prohibit overlapping conduct, such as conspiracy, and both require a substantive showing that the conduct at issue had a requisite effect on domestic commerce.186

#### *RJR Nabisco* is reigning in extraterritoriality in antitrust to maintain comity

Masingill 18 [Megan L. Masingill; 2019; J.D. Candidate, Senior Staff Member, American University Law Review, American University Washington College of Law; American University Law Review; “Extraterritoriality of Antitrust Law: Applying the Supreme Court's Analysis in RJR Nabisco to Foreign Component Cartels,” vol. 68, iss. 2, https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2083&context=aulr]

Current law cautions against the extraterritorial application of federal statutes as reflected in the recent Supreme Court decision, RJR Nabisco, which is instructive on the extraterritoriality and scope of other federal laws, including U.S. antitrust laws. To bring jurisprudence inline with this reasoning, courts should look to the decision in Motorola when deciding whether the arm of antitrust law extends to reach certain foreign injuries from component cartel price-fixing schemes.

In making the analogy to antitrust law, the Court stressed that the analysis of extraterritoriality applies to all federal statutes and therefore, determining the scope of one law (RICO) will be relevant to the scope of another (FTAIA). Courts must look to the same twostep analysis outlined in RJR Nabisco, to determine the statute’s reach when the claim is a private right of action by a foreign plaintiff for recovery from foreign injury. To do otherwise would be against current extraterritoriality doctrine, which advises the “reigning in” of foreign application of U.S. laws out of a concern for international comity.250

#### Extra-territorial application causes global backlash and uncertainty

Kava 19, JD/MBA Candidate @ JU (Samuel, “The Extraterritorial Application of the Sherman Anti-Trust Act in the Age of Globalization,” *15 J. Bus. & Tech. L. 135*, Lexis)

Before the FTAIA was enacted, in 1982, many of the United States’ closest allies were disgruntled by the U.S. courts’ expansive extraterritorial application of the Sherman Anti-Trust Act.152 These nations confided in the territorial principle, and believed it “axiomatic that in anti-trust matters the policy of one state may be to defend what it is the policy of another state to attack.”153 The United Kingdom, one of the most outspoken allies against the United States’ “attempt[] to impose [its] domestic laws on persons and corporations who are not U.S. nationals and who are acting outside the territory of the United States,” viewed the extraterritorial application of the Sherman Anti-Trust Act as ironic given the fact “the United States was founded by those who took exception to little matters of taxation being imposed extraterritorially.”154 Thus, in an attempt to “protect their nationals from criminal [and civil] proceedings in foreign courts where the claims to jurisdiction [were] excessive and constitute[d] an invasion of sovereignty,” foreign nations enacted blocking statutes to resist the extraterritorial application of the Sherman Act.155 The blocking statutes of each nation varied, but all served to “block the discovery of documents located in their countries and bar the enforcement of foreign judgements.”156 The United Kingdom achieved these goals with the Protection of Trading Interests Act, France with the French Blocking Law, Canada with the Foreign Extraterritorial Measures Act, and Australia with the Foreign Proceedings Act.157 The conflicting laws between the United States and its foreign counterparts created tremendous uncertainty regarding what nation’s laws would be applied in the event of a cross-border dispute. According to Nuno Limáo and Giovanni Maggi, economists from the University of Maryland and Yale University, “as the world becomes more integrated, the gains from decreasing trade-policy uncertainty should tend to become more important relative to the gains from reducing the levels of trade barriers.”158

#### Specifically---the plan will be used as a justification for sovereignty violations

Murray 17, J.D., 2017, and Stein Scholar, Fordham University School of Law; B.A., 2010, Vassar College (Sean, “With a Little Help from my Friends: How a US Judicial International Comity Balancing Test Can Foster Global Antitrust Redress,” <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2690&context=ilj>)

With nowhere else to go, private litigants have naturally flocked to the United States for remedial assistance, creating an issue for developing antitrust regimes.12 Several implications attend foreign plaintiffs seeking recovery in the United States. American courts have recognized the importance of allowing foreign plaintiffs to bring claims in the United States under the Sherman Act.13 Before 2004, there was a significant chance that parties injured abroad by global cartels that directly harmed the United States would be able to sue in US courts to recover their losses.14 But, as illustrated above, private litigants applying US antitrust law for redressing harm that occurred abroad create tensions over sovereignty with other countries.

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15. See, e.g., Joseph P. Griffin, Extraterritoriality in U.S. and EU Antitrust Enforcement, 67 ANTITRUST L.J. 159, 160-61 (1999) (discussing that aggressive extraterritorial application of the Sherman Act brought “considerable backlash from foreign governments”); Mark S. Popofsky, Extraterritoriality in U.S. Jurisprudence, in 3 ISSUES IN COMPETITION LAW AND POLICY 2417, 2423 (2008) (describing the controversy associated with US antitrust law extraterritoriality with US trading partners). See also infra § III

End FN 15

#### Blocking statutes wreck global economic coordination

Kava 19, JD/MBA Candidate @ JU (Samuel, “The Extraterritorial Application of the Sherman Anti-Trust Act in the Age of Globalization,” 15 J. Bus. & Tech. L. 135, Lexis)

Overall, there is a significant risk that foreign nations will look towards blocking statutes to limit the extraterritorial application of the Act. The conflicting laws of the United States and international community will lead to judicial uncertainty, which will have an adverse impact on the global economy. Businesses will spend more time and money to avoid disputes; thus, undermining corporate profits, a customer’s ability to purchase low cost goods, and the overall health of the global economy. The only certainty is that trade will slow down as a result of trade policy uncertainty. To avoid these adverse economic effects, it would be advantageous for the United States Congress to amend the FTAIA in a way that limits the effects of the extraterritorial application of the Sherman Anti-Trust Act. Specifically, Congress should limit the effects of the extraterritorial application of the Sherman Anti-Trust Act by expressly providing courts with a robust international comity analysis.

#### Their mechanism of rating foreign countries’ antitrust systems causes global backlash

Wurmnest ‘5 [Wolfgang; Winter 2005; Research Fellow, Max Planck Institute for Foreign Private and Private International Law, Hamburg, Germany; Hastings International and Comparative Law Review; “Foreign Private Plaintiffs, Global Conspiracies and the Extraterritorial Application of U.S. Antitrust Law,” vol. 28, p. 205-228]

It is difficult to see how a judge shall proceed when confronted with such a situation. The problems of assessing the "adequacy" and "efficiency" of foreign regulatory policy and practice respectively are manifold. First, setting a threshold for "adequacy" of foreign legal norms is already a thorny problem. It is hard to see how U.S. courts can rate foreign antitrust enforcement schemes which are, as pointed out above,' °5 often very distinct from U.S. law. Second, with regard to the "efficiency" of foreign enforcement practices the question arises whether U.S. courts should consider only the foreign "law in the books", or whether they have to investigate the "law in action" and determine whether there is a steady practice by foreign courts or competition authorities respectively to enforce their antitrust rules.

These troubles have led U.S. courts in forum non conveniens cases to refrain from engaging in a detailed analysis comparing U.S. and foreign law' 0 6 for good reasons: any rating of foreign legal systems inevitably leads to diplomatic friction. Even though developing countries have not yet raised objections against the extraterritorial application of U.S. antitrust law, it is likely that a state having enacted antirust laws would protest against U.S. court decisions openly labeling enforcement mechanisms of that state as "non-efficient." To avoid such clashes, U.S. courts have generally been very cautious to pronounce judgment on the "quality" of foreign sovereigns' policy choices. For example, in the Bhopal case' 0 7 concerning tort claims of victims from a disastrous gas leak at a chemical plant in Bhopal, India, Judge Keenan was very hesitant to evaluate whether Indian courts were able to manage such a complex mass tort case. He dismissed the action brought by Indian plaintiffs against the American tortfeasor, despite the fact that a litigation before Indian courts would be more burdensome, emphasizing that to retain litigation in this forum "would be yet another example of imperialism, another situation in which an established sovereign inflicted its rules on a developing nation."',0 8 The underlying rationale of this prudent jurisprudence must also apply when assessing the international reach of U.S. antitrust law. Therefore, judges should not take into account the state of antitrust enforcement in foreign jurisdictions.

#### It'll be perceived as non-reciprocal

Connolly ‘15 [Robert; Jan. 2015; partner in the Washington, D.C. office of GeyerGorey, LLP; CPI Antitrust Chronicle; “Why the Motorola Mobility Decision was Good for Cartel Enforcement and Deterrence,” https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2559149]

It’s most certainly not good economics that one court jurisdiction gets to fine companies from all over the world on fairly tenuous grounds. Who would really like it if Russia’s legal system extended all the way around the world? Or North Korea’s? And I’m pretty sure that the non-reciprocity isn’t good public policy either. Eventually it’s going to start getting up peoples’ noses and they’ll be looking for ways to punish American companies in their own jurisdictions under their own laws. And there won’t be all that much that the U.S. can honestly do to complain about it, given their previous actions.17

#### The aff causes retaliation, blocking statutes and anti-suit injunctions

Greenfield et al ’15 [Leon Greenfield; Steven Cherry; Perry Lange; Jacquelyn; Spring 2015; Partner at WilmerHale; Partner at Wilmerhale; Counsel at Wilmerhale; Asscoiate at WilmerHale; Antitrust; “Foreign Component Cartels and the U.S. Antitrust Laws: A First Principle Approach,” vol. 29, no. 2]

Most U.S. cartel enforcement actions in the last two decades have involved some element of international coordination among enforcement agencies. 50 Overreaching by the United States could easily threaten foreign political support for cooperation with U.S. antitrust authorities—or for robust antitrust enforcement of any sort—if foreign countries come to believe the United States will intrude on their authority to sanction anticompetitive conduct affecting the operation of their own markets and affecting U.S. markets only indirectly and derivatively. 51 Concern about perceived overreaching by U.S. courts and antitrust agencies has provoked strong protests and opposition from foreign nations, resulting in measures such as blocking statutes, anti-suit injunctions, and other retaliatory conduct. 52 The last two decades have brought about a more cooperative approach by both the United States and its major trading partners abroad, and it would be counterproductive to allow overreach of U.S. antitrust laws in component cartel cases to jeopardize this cooperation. A rational and harmonious system of global competition enforcement should leave each nation the exclusive authority to use competition law to safeguard the process of competition in its own markets, not in the markets of other nations.